
Site Address:	Fernwood House, 45-47 London Road, Cowplain, Waterlooville		
Proposal:	Second floor extension to form 2 x 2 bedroom and 6 x 1 bedroom flats with associated refuse and cycle stores, landscaping and parking. (Resubmission).		
Application No:	APP/20/00314	Expiry Date:	27/07/2020
Applicant:	Mr Blackburn		
Agent:	Chris Flint	Case Officer:	Tina Pickup
	Chris Flint Ass Ltd		
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a mixed use flat roofed two storey building located on the corner of London Road with Kings Road, known as Fernwood House. The red lined application site relates to the whole of the site ie all units 1- 6 including first floor areas above, rear service and parking area and frontage forecourt. The applicant owns most of this area, with the exception of first floor flats 1A, 2A and 3A, and Notice has been served on these accordingly. Vehicular access is taken off Kings Road. A right of access exists to the adjacent funeral directors across the rear service/parking area to the rear of number 43.
- 1.2 The ground floor of the site is in commercial use, with a mix of users including A3 restaurant Koop+Kraft, A1 double glazing showroom, A2 financial advisers. In the updated 2020 Use Classes Order these would all be Class E uses. The first floor originally comprised the 3 flats and above units 4 to 6 were offices.
- 1.3 Following a complex planning history, retrospective planning permission was granted in March 2020 under ref APP/19/01230 for the conversion of the first floor to form 8 x 1 bedroom flats with associated refuse and cycle stores and parking. That scheme has now been implemented but was subject to various conditions regarding noise mitigation, parking and refuse provision, as well as a Grampian condition to ensure the development was nutrient neutral, meaning that the flats could not initially be occupied. Following the Council's updated Position Statement with nutrient mitigation solution in August 2020, the appropriate mitigation to make the development nutrient neutral has since been secured and the relevant condition was discharged on 11/11/2020. All other conditions have been complied with and hence the first floor flats can now lawfully be occupied.
- 1.4 The site is located within the Cowplain District Centre and within the Secondary Frontage.

2 Planning History

90/54268/000 - Retention of 2 free standing 4 sheet double sided advertisement display units, PERM,19/03/1990

02/54268/002 - Installation of bollards to forecourt area adjacent to London Road., REF,12/11/2002

99/54268/001 - Provision of permanent roof handrail system, PERM,23/03/2000

09/73832/000 - Change of use of ground floor premises from Class A2 (financial and professional services) to Class A3 (restaurant)., PERM,31/07/2009

10/73832/001 - Discharge of Condition No/s 2, 3 and 7 of Planning Permission 09/73832/000., PERM,03/08/2011

APP/11/01118 - Change of use from Class A1 (Retail) to mixed use of A1 (Retail) and A5 (Hot Food Takeaways). (Retrospective application.) , PERM,16/12/2011

APP/12/00140 - Discharge of Condition No. 1 of Planning Permission APP/11/01118. , PERM,06/06/2012

APP/14/00336 - Prior notification for change of use from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination., PAYA,22/05/2014

APP/14/00338 - Erection of second floor extension to provide 4No apartments comprising of 1No. 3 bed, 2No. 2 bed and 1No. 1 bed apartment and external alterations. Planning Permission 23 May 2014

APP/19/00533 - Prior notification for change of use of first floor from class B1(a) office use to C3 residential use (8No 1 bed flats) subject to prior approval covering flooding, highways and transport issues and contamination., PAYA,02/12/2019 11:54:45

APP/19/00975 - Replacement windows, doors and associated cladding, fascia and soffits., PERM,22/11/2019

APP/14/00338 - Erection of second floor extension to provide 4No. apartments comprising of 1No. 3 bed, 2No. 2 bed and 1No. 1 bed apartment and external alterations to first floor., PERM,23/05/2014

APP/19/01230 - Retrospective application for conversion of first floor to form 8 x 1 bedroom flats with associated refuse and cycle stores and parking. (9.3.20). Request to discharge condition 2 (Ref 25.9.20). Request to discharge condition 2 (30.9.20) [Note: Grampian Condition applies, contact LPA for details], PERM,09/03/2020

3 Proposal

- 3.1 Second floor extension to form 2 x 2 bedroom and 6 x 1 bedroom flats with associated refuse and cycle stores, landscaping and parking. (Resubmission).

- 3.2 This application proposes an additional 8 flats through the erection of a new storey on top of the existing flat roof. This structure would also be flat roofed and recessed back from the side elevations by between 1 and 2m. It would be constructed of vertical grey cladding with a soffit and fascia overhang and would add about 2.6m to the height of the building, above existing small coping stone/parapet. The elevation treatment includes regular spaced fenestration and Juliette openings. Pedestrian access to the flats would be either from an entrance and stairwell on the Kings Road frontage or via a second entrance and stairwell from the first floor rear of the building ie after first going up the existing rear external stairs.
- 3.3 To the rear, the cycle store provided under APP/19/01230 has capacity for 22 bikes and the over provision was provided in anticipation of also meeting the demand for this development. The proposed car parking layout to the rear also reflects the works undertaken to date in implementing APP/19/01230 and shows an additional 9 spaces to serve this development.
- 3.4 During the course of determining this application a landscape plan has also been provided for the front of the site, which proposes an upgrade to the public area through the replacement of old paving slabs with resin based surfacing, 3 raised planters with public seating, and planting beds adjacent the London Road. Additionally a Noise Impact Assessment has been submitted.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
C3*	(Cowplain District Centre)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)

EX1 (EX1 | Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/a

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

1) Adequate fire service access should be provided - as per the guidance given in Approved Document B volume 1 2019 edition. It is unclear from the plans provided how this will be achieved.

2) Solid waste storage should be provided and be within the travel distance as per the guidance given in Approved Document H 2015 edition and Requirement H6.

3) Adequate guarding should be provided the full height windows/doors shown on the elevations.

Response from Agent:

1) the max internal travel is limited to 45m with access from Queens Road 2) The waste point has a travel distance of 25m not exceeding the 30m allowance. 3) Guarding to be provided to the Juliet style balconies and doors.

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Southern Water

Plan provided of public surface sewer approximate positions

The 225mm public surface water sewer requires a clearance of 3m on either side of the gravity sewers to protect it from construction works and allow for maintenance; no development or tree planting within 3m of the external edge of sewer without consent from SW; no soakaway, swales, ponds, watercourses within 5m of a public sewer; all existing infrastructure should be protected during construction works.

Note the properties are already built over an existing public sewer and if the works alter the existing foundation line or depth or structural load applied on the sewer it will require SW approval.

If any other sewer fund during construction works then investigation will be required

Formal application for any connection to the public foul and surface water sewer required. Informative requested.

Disposal of surface water should follow Part H3 Building regs hierarchy

Response from agent

We note the comments from southern water with an application to be made for the final connections. The additional structural load from the roof development has been assessed as not adding any overhaul load on the building/sewer due to the difference from the designed office load at 2.5KN/M2 first floor and the proposed residential load of 1.5KN/M2.

Economic Development

None received

Environmental Health - Contamination/Air Quality

Risks from Land Contamination - as first floor development contamination risk negligible

Urban Drainage - no anticipated pollution issues arising, expect connections to public system

Exposure to Pollution - kerbside exceedance of NO2 not unlikely but specifics of case such that road sources of air pollutants should not prejudice development; flue serving restaurant terminates below a corridor window, no habitable room windows in this elevation - no objection to it being either an opening window or fitted with trickle vents on emission/pollutant exposure grounds, but from an amenity perspective ie odours, would be beneficial to be non-opening

Air Quality - note lack of environmental provisions to achieve sustainable development but emerging policy status such that currently raise no formal objection; cycle provision welcome to help make sustainable travel choices; agree with need for landscaping - roadside planting can be very effective in encouraging air mixing, capture of particles, absorption of gases etc

Environmental Health - Amenity

I have reviewed the second acoustic report by airtight & noise check limited job number 17352B, detailing the site, there has been improvements in the assessment on the noise from the plant and the noise from the road noise. The conclusion of the report is that noise will be a factor and a range of Measures are required to be installed, to ensure that an adequate noise environment can be built for the flats. The acoustic report provides options however, it has not confirmed the full scheme that is going to be installed. Therefore, I recommend that the following condition is attached to the planning permission:

Before construction commences, a detailed written scheme shall be provided, to the planning authority confirming the noise protection measures to be installed in the flat,. The scheme must show compliances with BS8223:2014. Before first occupation occurs, post validations testing must be submitted in writing, for written approval by the local planning authority.

I would highlight that the proposed noise control measures will include limited ventilation on the front façade of the flats. The fresh air is provided by Trickle Ventilation or Force ventilation system (with a summer bypass facility). In providing ventilation in this way, these are the least desirable solutions for future occupiers.

The assessment of the noise environmental at the rear of the development (western Façade) is currently satisfactory with only noise coming from Koop & Craft restaurant plant. Please be mindful that with Planning class E adjacent sites these can be converted to restaurant or cafes without requiring change of use of planning permission, this may lead to more noise and odour issues impacting the proposed flats

Hampshire Constabulary

None received

HCC Highways

HBC will need to determine that the level of parking provision proposed falls in line with adopted standards

The existing access is considered to be acceptable for the level of use proposed

In line with the above, no objection

Landscape Team

From a landscape perspective we have the following comments:

- We have concerns with the condition of the hard surfacing to the frontage of Fernwood house. The lack of investment to improve hard landscaping is deemed to be detrimental to the landscape character of Cowplain. We would want to see some improvement works that introduce new hard and soft landscaping as part of this scheme. The site plan suggests 2 no. planters to the frontage of Fernwood house, which is deemed a step in the right direction, however this alone is not deemed acceptable. We would wish to see a comprehensive and well-designed landscape scheme which includes new hard surfacing, soft landscaping and the introduction of some seating. With a preference of the seating being incorporated into the raised bed planters.

- There is a lack on the specification of the development including building dimensions and material pallet we will require this information for comment. This should include product name, manufacturer, colour and an example of the proposed material.

Officer Note:

A subsequent more detailed landscape plan has been submitted - see section 7 in consultation with the Landscape Officer. This sets out the principal layout, to be subject to a more detailed landscape condition, covering both hard and soft landscaping.

Natural England Government Team

Initial consultation before updated Position Statement on Nutrient Neutral Development

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Nutrient Neutrality – no objection subject to mitigation secured through Grampian condition and provided prior to occupation. Please consult on discharge of Grampian condition

Natural England Government Team

Following updated Position Statement and availability of Warblington Farm nutrient mitigation scheme

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted a position statement, to ensure that development achieves nutrient neutrality through the agreed site specific nutrient budget. Specifically, mitigation measures for this development involve the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure.

The nutrient budget calculated for this development, with a net increase of 8 self-enclosed dwellings, discharging to Budds Farm wastewater treatment works, is **6.20 kg/TN/yr**. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be **£7,680**.

Provided that the applicant is complying with the requirements of the Interim Strategy for **6.20 kg/TN/yr** and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Nutrient Team

Confirmation that adequate capacity at Warblington for the mitigation for this development

Traffic Management

The Traffic Team have no adverse comment to make.

Waste Strategy Team Leader

None received

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 33

Number of site notices: 1 - placed by applicant/agent due to Covid restrictions

Statutory advertisement: Not applicable.

Number of representations received: 8 letters of objection have been received, from 4 different authors

Comment	Officer Comment
<u>Parking/highway safety</u> Insufficient for all proposed residents and businesses; Not enough and will overflow into Kings Road; currently parking is on double yellow lines, pavements within 10m of road junction; frontage being used by businesses to park their vehicles causing damage to paving slabs; since phase 1 started been an average of at least 3 Surefix vans parked to rear; total demand for parking will create severe highway safety, traffic parking, noise, smells and fumes; Kings Road already used as a car park by Dominos vehicles; extra flats will aggravate an already dangerous situation; only one allocated space for business use shown on plan; but business vehicles regularly in rear parking spaces; Doesn't meet parking requirements - would be a total of 11 x 1 bed flats on first floor and 6 x 1 bed and 2 x 2 bed on second - so 21 spaces needed; realistically single flats could be occupied by couples, each with cars, so this not enough spaces. Area to rear not big enough for 21 spaces of standard size; spaces overhang funeral directors route and insufficient room for limousines and Hearses; plans show articulated lorries could navigate but doubt could turn corners; no disabled parking provision; is	 see section 7 re parking issues SPD factors in couples and no car users as an average standard size of each parking space set in SPD as 2.4 x 4.8m Emergency access checked by Building Regs but building could be accessed from London & Kings Road Parking SPD does not require disabled

emergency access adequate?	bays for small residential schemes
<u>Cycle storage</u> Not shown on plan	Shown on all submissions
<u>Overdevelopment</u> will over crowd already stretched amenities at the site; site not big enough for proposed housing	see section 7
<u>Height of Building</u> Object to added height - Cowplain area is low level residential with some businesses which is mainly 2 storeys high; addition of a large 3 story building would detract from the area.	noted -see section 7
<u>Refuse bins</u> Currently 6 for 3 flats ie 3 x waste & 3 recycling; insufficient room for bins to serve every flat and not shown on plan	yes shown on plans as central shared commercial bins - see section 7
<u>Amenity</u> my right to "quiet enjoyment" has been infringed for the worse since works started and will get worse with this addition	Noted
<u>Disruption during construction</u> scaffolding up will invade privacy and cause unruly behaviour; workmen, litter, work traffic; scaffolding will need policing;	Unfortunately temporary disruption during construction process inevitable from development and not a valid consideration; Informative's can be added
<u>Owners permission</u> As a freehold owner of part of site not given my permission to build above; and not received Notice 1	Noted - see section 7
<u>Drainage</u> Site suffers - will make worse	Noted
<u>Frontage</u> slabs damaged by vehicles becoming hazardous to pedestrians; don't allow public areas to be fixed with cheapest methods	Noted- landscape scheme proposed - see section 7

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity, including noise
- (iv) Parking, Cycle storage and Refuse
- (v) Compliance with Habitats Regulations
- (vi) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The application site is located within the defined Cowplain District Centre and it is noted that the NPPF recognises that residential development plays an important role in supporting the vitality of centres. Adopted policy CS4 encourages high quality mixed use development in designated centres that retain active ground floor frontages and achieve a suitable density for its location. The supporting text to this policy notes residential development on upper floors can make efficient use of town centre land while adding to the mix of dwelling types and tenures available. Furthermore emerging policy H3 requires residential development to maximise its contribution to addressing housing need by stipulating minimum densities. Emerging policy C3 also notes that proposals should maximise opportunities for residential C3 and office (B1a) development above ground floor units.

7.3 This site currently has 11 existing flats on the first floor and with the additional 8 proposed would result in a density of 79 dph. This is a relatively high density typical of flat schemes. Given the sites location within the Cowplain District Centre with easy access to shops and services, and on a main bus route, this density is considered appropriate to the location. It must further be noted that planning permission has previously been granted for a similar addition of a second floor under APP/14/00338 and the direction of travel of central government advice is to encourage upwards development. Accordingly the addition of a further floor for residential flats is supported in principle, subject to detailed matters as follows:

(ii) Impact upon the character and appearance of the area

7.4 It is noted that the predominant character of surrounding buildings on the London Road comprises two stories, with a mix of flat and pitched roofs. Silvester House at the southern end of the District Centre is three stories high, but being flat roofed it is not disproportionate in overall height to the adjacent pitched roof two storey built form. The current proposal would result in a recessive third floor that would be similar in total height to the pitched roof building of number 49 London Road on the opposite corner of Kings Road. Overall it is considered that the addition of some 2.6m in height and increased roof profile would be appropriate in local context to the skyline and streetscape and would not be visually intrusive.

- 7.5 Externally the existing first floor has been re-clad and UPVC windows installed in a palette of grey and whites, under permission APP/19/00975. This has resulted in a visual improvement to the appearance of the street scene and a resultant uplift to the character of the area. The proposed external finish of the new development would blend with this palette of colours and materials and continue to be visually appropriate.
- 7.6 It is noted that the frontage area is in a relatively poor state of repair and although in private ownership is perceived and used by the public as part of the public highway. As part of the negotiations landscape improvements have been sought and a landscape plan submitted providing an uplift to the site. This includes 3 raised planters located centrally with seating on either side, together with 3 planting beds adjacent the highway edge. These have taken into account pedestrian access and movements to the phone box and cycle stands in the highway verge and propose re-siting the notice board. The Landscape officer is supportive of the symmetry of the proposal, but notes that the more detailed design, to be subject to condition, should include the introduction of SUDs to capture surface water in the planting beds and needs to take into account underground services. This can be conditioned.

(iii) Impact upon residential amenity, including noise

- 7.7 In terms of impact on existing neighbouring residents, it is noted that the letters of objection primarily relate to parking and refuse, to be considered below. Right to quiet enjoyment and disturbance during construction are also raised, but any disruption during construction is only temporary and a consequence of all development. Should any disturbance be excessive then Environmental Health under their Environmental Protection legislation can intervene if necessary, and Informative's can be added to the decision notice. The 3 existing flat owners on the first floor also note that they have not given their consent for works to take place above their flats. This however is a private matter - planning permission can be granted on land that is not within the applicants control provided the correct Notices have been served. In this case they have, so whether the scheme can ever be implemented will depend on the ownership issue being successfully resolved outside of the planning process.
- 7.8 In terms of amenity for future occupiers of the proposed flats, during the course of determining this application an amended noise report has been submitted considering both noise from the plant and the noise from the road on future occupiers. This concludes that noise will be a factor and mitigation is necessary in order to achieve a suitable living environment for future occupiers, including the encasing of the remaining extractor duct to the rear. The report suggests a range of possible measures to provide the necessary mitigation but does not conclude on a specific single option and does not make a final recommendation. Environmental Health have been consulted and concur that it would be possible to achieve the appropriate mitigation and suggest a pre-commencement condition to allow the final detailed scheme to be worked up. They note however that reliance on mechanical ventilation creates the least desirable living environment and use of opening windows where the layout allows or trickle vents are more desirable in general.
- 7.9 In terms of private amenity space for future residents this is not achieved other than via Juliette openings. The internal layout does however comply with the Nationally Described Space standards, as required by emerging policy H1.

- 7.10 On balance it is considered that the amenity of both existing and future residents would be satisfactorily retained and accounted for, creating an 8 additional flats that would provide a reasonable standard of accommodation in accordance with policies CS16, DM10 and DM18 and emerging policies E22 and H1.

(iv) Parking, Cycle storage and Refuse

- 7.11 This is the key area of concern for local residents and during the course of determining this application revised details have been submitted. In terms of parking the proposal relates to 6 No 1 bed flats and 2 No 2 bed flats which would trigger the need for 10 on site spaces to accord with the Parking SPD if the spaces were allocated, as well as 10 cycle storage spaces. However it has been confirmed that the spaces, once marked out, will not be allocated to individual flats and would remain communal. In these circumstances the Parking SPD has a lesser requirement of 8 spaces to serve the proposed configuration of flats. These additional 8 spaces would need to be provided in addition to the 8 spaces required for the first floor conversion under APP/19/01230 as well as 3 spaces for the existing flats, and 1 space that the owner is required to provide for one of the retail units. Therefore, in total, to fully comply with the Parking SPD there should be 20 spaces on site.
- 7.12 The revised plans show provision of 19 spaces ie a shortfall of 1 space. The site is however located within a District Centre where shops and services are available; and on a main bus route enabling alternative convenient access. Additionally there are two public car parks very close and these could provide visitor parking provision. Kings Road has double yellow lines at the junction with London Road and close to the site, and as such any illegal parking would be a matter for the Police or parking enforcement team. The double yellow lines would prevent any parking in these areas and associated inconvenience/loss of amenity to residents. The third party comments also refer to the fact that the site is already parked up, particularly at night by customers of the restaurant, domino's drivers etc. It must be noted that as a private rear parking area any unauthorised parking of this area is a private matter for the owner to enforce. It is noted that neither Hampshire Highways or the Traffic Team object to the proposal on highway safety grounds or traffic, provided the LPA is satisfied with the parking provision.
- 7.13 Overall, given the context of the site it is considered that a shortfall of just 1 space would be unlikely to result in material harm to amenity from increased pressure to park locally. It should be noted that full cycle provision is however provided in accordance with the SPD - the cycle store is already erected in the north western corner of the site has capacity for 22 bikes and an additional 5 Sheffield style hoops for short stay cycle parking are to be provided adjacent the Kings Road entrance.
- 7.14 With respect to refuse provision this would be provided via two commercial sized bins - one for refuse and one for recycling. To meet Building Regulations standards the combined capacity of recycling & refuse per flat should be 0.25 cubic metres. The proposed bins would each have a capacity of 1100 litres which meets these requirements. These additional bins would be sited at the rear of unit 4 adjacent to the existing 6 wheelie bins that provide the refuse and recycling for the original 3 flats.

- 7.15 It is considered, that given the sites location the parking, cycle and refuse provision is adequate to meet the demand from this development in accordance with policies CS16 and DM13.

(v) Compliance with Habitats Regulations

- 7.16 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of eight new residential units.
- 7.17 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.18 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £3345.20 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Councils updated Position Statement, August 2020, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £7680.00 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.19 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no further objection.

(vi) CIL

- 7.20 The development is CIL liable for the net additional internal floor space, which amounts to 505 sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2020 - 49.107%.

- 7.21 The levy to be charged for this development would be £80 + indexation per square metre on new floor space and calculates as £60,239.29. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 The proposed addition of a second storey providing 8 additional flats in this District Centre is supported in principle by national and local policies, making a small contribution to the housing need in the Borough. Given the sites location the shortfall of just 1 parking space is considered acceptable; full cycle parking and refuse collection provision meet current standards. Amenity for future occupiers can be suitably addressed through noise mitigation measures. The proposal also meets the Habitats Regulations with both recreational and water quality pressures adequately mitigated against. The landscaping at the front of the site would enhance the visual appearance of the site to the benefit of the District Centre providing an uplift for the area. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00314 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Location Plan Drawing Number R3
Proposed Elevations & Site Plan Drawing Number R1 Rev 02
Ground Floor Plan Drawing Number R5
First Floor Plan Drawing Number R4
Proposed Floor Plan Drawing Number R2 Rev 02
Proposed Landscaping Drawing Number R6 Rev 02
Refuse & Cycle Stores Drawing Number R7
Airtight & Noisecheck Ltd Noise Impact Assessment dated 18th September 2020.

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development hereby permitted shall be commenced until a more detailed soft and hard landscaping scheme for the frontage of the site, that accords with hereby approved "Proposed Landscaping" Drawing No R6 Rev 02, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include:
- a) details of SUDS to capture surface water in the planting beds;
 - b) provide details of and take into account any underground services, in conjunction with Southern Water
 - c) provide samples and or a full specification of all materials to be used in the hard landscaping for the surface materials (including construction/base details), formation of the planting beds, raised planters and seating
 - d) provide elevations and cross sections at a suitable scale showing full details of the raised planters and seating
 - e) specify the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted,
 - f) details of the re-positioned notice board and method of fixing
 - g) a programme for the timing provisions for completion of the implementation of all such landscaping works and future maintenance arrangements.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development shall commence on the site until precise details of the noise protection measures to be installed in each flat has been submitted to and approved in writing by the Local Planning Authority. The scheme must show compliance with BS8223:2014.
- Once the approved scheme has been installed on site, and prior to first occupation, post validation testing must be carried out by a qualified noise consultant and results submitted to the Local Planning Authority for verification. Should the measures not achieve adequate noise protection levels, then further remedial works must be agreed in writing and subsequently adjusted on site to the satisfaction of the Local Planning Authority.

No occupation shall occur until all agreed noise protection measures and validation testing has been agreed in writing by the Local Planning Authority, installed and maintained thereafter on site.

Reason: To adequately protect future occupiers from noise nuisance having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 6 The existing extractor duct to be retained at the rear shall, as shown as T1 on the hereby approved plans, shall be enclosed with acoustic casing in accordance with details in Airtight Noisecheck Ltd Noise Impact Assessment dated 18th September 2020 and Drawing number R2 Rev 02, prior to the first occupation of any hereby approved flat. The existing extractor no longer required shall be dismantled and removed from site prior to the first occupation of any hereby approved flat.

Reason: To safeguard against undue noise and vibration and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 7 The hereby approved window in the west elevation serving the hallway shall be non-opening, and shall be maintained in that condition at all times.

Reason: To protect future residents from odour pollution, in the interests of amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 8 The car parking spaces shown on the hereby approved plans shall be provided and marked out with contrasting paint or other suitable marking, prior to the first occupation of any flat and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The refuse store shown on the approved plans to serve the development hereby permitted shall be provided and be made fully available for use prior to the first occupation of any flat and shall be retained thereafter for its intended purpose.

Reason: To provide a satisfactory standard of development, in the interests of the amenity of future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission with changes Havant Borough Local Plan.

11 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission with changes Havant Borough Local Plan.