
Site Address:	13-15 Park Parade, Havant, PO9 5AA		
Proposal:	Erection of 1No. 2-bedroom dwelling and 1 No 1 bedroom dwelling on the land rear of 13-15 Park Parade. (Resubmission).		
Application No:	APP/20/00853	Expiry Date:	11/11/2020
Applicant:	Mr I Knight Malik Properties Limited		
Agent:	Mr Knight Knight Architectural Design	Case Officer:	Daphney Haywood
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located in Park Parade which is a pedestrian mixed use development of ground floor commercial units and first floor residential units, purpose built in the 1950s. Rear access to the existing upper floor flats and the commercial units for deliveries is provided from the rear service road (Tidworth Road). There are eight maisonettes (1a to 15a) above the parade of shops 1-15 and this site includes their secondary escape external stair.

Tidworth Road serves the rear of the units south of Park Parade but also this route leads to gyms, a dance studio, snooker hall and is illuminated with a footpath. Directly opposite is the rear of a garage / car lot and beyond Tidworth Road is a large public car park (pay and display). Park Parade includes convenience stores, a post office, food & drink establishments and various retailers. Also within 5 minutes walk from the site is the community centre, employment sites, and playgrounds.

2 Planning History

APP/16/00630 - Redevelopment, extension and change of use to form 4No. 2bed flats and re-siting of external staircase.

, REF, 14/09/2016 Appeal dismissed

APP/20/00362 - Erection of 2No. new build 2 bedroom flats on land to rear of 13-15 Park Parade., REF, 14/07/2020

The reasons that the appeal (APP/16/00630) was dismissed are summarised below:

1) Due to the site location and from being right up to the rear boundary with Tidworth Road the units would look out onto the retained yard at No 15 which is approx 5m wide and enclosed partly by the two storey building and fence. The future occupiers would therefore have a very restricted, enclosed and hash environment to look out onto.

2) The yard onto which the houses would look out onto would not be solely for access for future occupiers rather it would include parking for delivery vehicles and the storage of waste to be used in conjunction with other users at the appeal site. This would therefore have an unacceptable impact on future occupiers living conditions in terms of noise and disturbance given the close proximity of these areas to the proposed dwellings.

3) No garden space would be provided for the proposed dwellings. This matter, therefore, although not determinative, further weighs against the development in respect of living conditions.

4) The proposed dwellings would have a single aspect with all the windows facing west which would seriously restrict light to the properties which would be further limited by the close proximity of the surrounding built forms.

3 Proposal

Erection of 1No. new build 2-bedroom dwelling and 1 No 1 bedroom dwelling on the land rear of 13-15 Park Parade. (Resubmission).

APP/20/00362 - Erection of 2No. new build 2 bedroom flats on land to rear of 13-15 Park Parade, which was refused 14/07/2020 was submitted to address the matters raised by the appeal Inspector, however, a number of relevant considerations were not satisfactorily addressed and was refused for the following reasons:

1 The proposed development owing to its proximity to the service road and poor outlook and environment for future residents would not provide an acceptable level of amenity for residential development, and as such is unsuitable for residential development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

2 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory living conditions for the occupants. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012.

3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012

Under the current application the proposed development has been set back from Tidworth Road at ground floor to provide separation with Tidworth Road. The first floor has not been set back and would overhang the ground floor which has been reduced in size to a 1 bedroom dwelling. The submitted plans indicate one parking space for visitors/deliveries and a covered bin/cycle area (3 hoops for 6 bikes) to serve the proposed development with access off Tidworth Road. Roof terraces with mesh balustrade would be provided above the ground and first floor flat roofs to serve the occupants of the proposed dwellings. The development would be constructed in white textured render at ground floor with vertical engineered timber cladding above.

The application is accompanied by a nitrate nutrient calculator which has now been revised in accordance with the updated Natural England calculation requirements.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
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)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

EX1	(EX1 Water Quality impact on the Solent European Sites)
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Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

officer note- The application forms and Planning Statement (in parts) incorrectly described the development as 2 no 2 bed dwellings, this has now been rectified to 1 no 2 bed and 1 no 1 bed.

Building Control, Havant Borough Council

Bedrooms 1 and 2 in each flat are inner rooms and will need to comply with Approved Document B window means of escape size

External means of escape routes affected by doors and windows along and below routes of escape. Approved Document B requires these to be taken into consideration. Existing windows will need to be fire rated and fixed shut and door made self closing with smoke seals See AD B 1.8m rule

Mechanical ventilation of kitchenette and bathrooms should take into account surrounding areas and Approved Document F requirements

Building Regulation consent will be required for this works

Community Infrastructure, Planning Policy & Urban Design

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

Councillor Jo Lowe

No comments received

Councillor Malc Carpenter

No comments received

Crime Prevention -Minor Apps

No comments received

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk by email at:
SouthernWaterPlanning@southernwater.co.uk

Environmental Health Manager, Community Group

Pollution

We have no objection to the proposal as described, but if Planning are minded to approve this application, we would ask that the following condition is attached to any permission granted:

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

Reason: To protect the amenities of the future occupants of the proposed dwellings, and to ensure the residential amenity of the properties is not impacted upon by any internal or external noise levels, especially road traffic noise and deliveries to businesses from Tidworth Road.

Contamination

I note that section 6 of the application form indicates that the applicant is not aware of any possible contamination issues and does not regard the development to be 'particularly vulnerable to contamination.

I might agree that the development is not 'particularly sensitive within the residential use class, but contamination could potentially be relevant nevertheless. It is acknowledged in particular that;

- The terrace areas are to be provided at first floor level & above
- All amenity space surrounding the proposed building at ground floor level will be hard-landscaped, comprising shared access, bin & cycle storage only (not private space) [*]
- One unit only will be located at ground floor level, and
- That the applicant proposes an off-site manufactured building installed using a 'no-dig' system.
- *** - the reason for shortening of the ground floor unit is unclear, and this creates an additional covered amenity area. Comments here assume that this is likely to be hard-surfaced / utility area, given it's size & degree of shading.**

The above factors all represent reduced contamination sensitivity relative to a traditional housing with soft-landscaped private gardens.

In terms of contamination sources, there is a former petrol retail garage 8m to the South, and a former Steam Laundry and at no. 7 Park Parade which the planning archive appears to confirm as operating as a Dry Cleaners from around 1963 with an oil-fired boiler and associated Gasoil storage. Both uses are potential sources of fuel-range hydrocarbons, and the dry-cleaning use is (in addition) a potential source of chlorinated hydrocarbons (cleaning solvents).

The Laundry is within 15m of relevant parts of the proposed development, and the closest garage tank is present within 15m. The main fuel tank farm (again, from around 1961) within 20m. Tanks of this age are likely to be of steel construction, and area prone to internal corrosion. The status of the tanks is unknown.

The local geology is made-ground over sand - so permeable and permissive of contaminant migration. Chlorinated solvents associated with the laundry represent the greatest risk, and risk relevant to this development is likely to be closely linked to the depth to groundwater (within the general seasonal range).

It is considered that residential development within 25m of credible sources such as these should be required to demonstrate either;

- • That soil quality is suitable, and does not place occupants of the proposed development are not placed at unacceptable risk of harm, or;
- • That the construction detailing is likely to mean that future occupants would not be placed at any unacceptable risk, if we assume a significant contamination source.

The submitted detail does not include certain relevant particulars of the construction – e.g. how support for the structure is to be provided, whether it will be founded on a solid raft, or have a suspended floor, how any clear void beneath the dwelling will be ventilated, and whether there is opportunity with the envisaged construction method to provide a hydrocarbon-vapour resistant barrier.

Realistically, the only exposure pathways material to this scheme are likely to be;

- a a) indoor inhalation of vapours from contaminants transported to the site from off-site sources (e.g. by groundwater movements & volatisation), and
- b b) penetration of potable water supply pipes by dissolved-, free-, or vapour-phase hydrocarbons (fuel range, and chlorinated/volatile, or poly-aromatic from made soils); and ingestion of supplied water.

It is not expected that the applicant / developer be made responsible for cleaning up contamination originating from an off-site source. It is appropriate however for the applicant to ensure that the development (and it's future occupants) is not placed at unacceptable risk as a result of contamination which originates from an off-site source, but materially affects the site.

It is considered likely that breaking any pollutant linkages that might be proven to be active is likely to be relatively simple / inexpensive using construction-implemented measures. For this reason, I would consider it unlikely that requiring a proportionate intrusive site investigation & appropriate mitigation of identified risks as a condition of consent would prejudice delivery of the scheme.

Recommended wording is suggested below. For the benefit of the applicant, I would anticipate that a limited window-sampling exercise comprising 2-3 sample locations would be sufficient. Seeking to identify the depth to groundwater would be helpful, as would groundwater sampling, and in-situ PID screening of sample cores (providing a generic measure of 'total volatiles'). It is not considered necessary to undertake an environmental desk study to support the scope of works.

Contamination (Standard – omitting EDS) [1]

Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report. The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.*
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: *Contamination may be present at the site as a result nearby adjacent land uses that could pose a risk to future occupants of the dwellings. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."*

Verification Reporting (Bespoke) [2]

Prior to the occupation of the permitted development, any verification report required under [Condition 1] shall be submitted to and approved in writing by the Local Planning Authority. The report must;

- i) adequately demonstrate that works outlined in the scheme of contamination remediation or risk mitigation have been implemented,*
- ii) that the scheme is likely to achieve it's design criteria and will provide the expected degree of protection to the dwelling and it's future occupants, and*
- iii) provide EITHER a written statement confirming that no suspected contamination was identified during development, OR summary of actions taken under the contamination watching brief & discovery strategy demonstrating that the risk from suspected contaminated material has been appropriately managed.*

Reason: Contamination may be present at the site as a result nearby adjacent land uses that could pose a risk to future occupants of the dwellings. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Air Quality

I have no concerns in respect of the development as a new 'air quality sensitive' receptor. I would also note that the quantum of development falls below that which would be 'captured' by emerging Air Quality policy E23.

I note that other consultees have highlighted the <SPD vehicular parking provision. Given the accessibility of the development by active and sustainable modes of transport, and the available range of local amenities – I would raise no objection to the level of unallocated vehicular parking proposed.

I welcome the generous cycle parking provision (**based upon 6 no covered spaces referred to in the planning statement submitted under APP/20/00362**), alongside it's location at the ground floor level, affording convenience of use. **Comments of Hampshire Constabulary are noted, and I would support the recommendation for provision of secure storage, again in the interests of making cycling a convenient, cost effective & low risk transport choice.**

Taken together, these features are considered to be positive measures which encourage active travel (and so minimise private vehicle use, and as a result, minimise local transport emissions growth).

Sustainability / SuDS

I would highlight Policy CS15, which states that '*priority should be given to incorporating Sustainable Urban Drainage Systems to manage surface water drainage*'. Urban centres are typically poor in relation to runoff rates, and developments such as this present an opportunity to provide efficient and low maintenance rainwater harvesting solution which delivers a financial benefit to future occupants, and achieves a net reduction in downstream flooding risk.

Given the construction method, there would appear to be the potential opportunity to locate harvesting infrastructure within the development footprint (parking & access), to serve one or both dwellings, as potential yield allows.

Conclusions

Raise no objections, subject to conditions proposed above.

Hampshire Highways

This site was subject to a previous planning application (reference APP/20/00362) for the erection of 2 new 2 bedroom flats. No objection was raised by the Highway Authority to the proposal. The updated proposal would see the erection 2 new dwellings instead. This will not substantially change the highway impact of the application. The Highway Authority therefore raise no objection to the application.

Natural England Government Team

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.

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 all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

Solent Recreation Mitigation Strategy

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.

In accordance with the Solent Recreation Mitigation Strategy, the mitigation contribution has been calculated as **£1028**:

2 x 2 bed dwellings (contribution £1028).

Solent Recreation Mitigation charges effective from 1st April 2020:

1 bedroom £356

2 bedroom £514

3 bedroom £671

4 bedroom £789

5 bedroom or more £927

Deterioration of the water environment

We note the application is supported by a nitrogen budget, we advise the calculation should be updated in line with latest version of the Solent nutrient neutrality guidance (v5June 2020). We have the following additional comments to make:

- we note the calculation uses a water use figure of 64L/ we advise that the calculation uses 110L figure set out in the guidance as this figure needs to be suitably precautionary in terms of the Habitats Regulations.
- We note that the wastewater will discharge to Budds Farm WwTW but has used a figure of 27mg/L, we advise the nitrogen permit for Budds Farm is 9.7mg/L and this figure should be used in the calculation.
- As the proposals are located in an existing urban setting there would be no change in land use and therefore no requirement to complete stages 2 and 3 of the calculation as both uses fall within the urban load category.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with. This results in **1.6kg/N/yr**.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00853

Traffic Management, East Hampshire District Council

The Traffic Team would be concerned that there appears to be insufficient vehicular parking for this development, with no car park space available.

Waste Services Manager

No comments 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: 16

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Having looked at the old plans, for the old one that was put in first there seems to be no different from the new ones also it will be blocking me in?	see section 7
Looking at the plans it seems to me that they will be taking away my stairway also putting up a mesh balustrading this will take away most of my view.	see section 7

7 **Appropriate Assessment**

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 Regulations 2017 (as amended). 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 (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be results of the proposed development.

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. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement, 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. While the applicant has indicated a willingness to enter into a legal agreements to secure the mitigation packages these have not been received and as such, it is necessary to include the non-provision of the avoidance and mitigation packages as reasons for refusal.

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 streetscene
- (iii) Impact upon residential amenity
- (iv) Parking provision
- (iv) Contributions and CIL

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Policies CS9, and CS17 of the Core Strategy together with Policies AL1 and AL2 support residential development within the built up area and the need to provide small units to meet housing demand, which is also identified in the Annual Monitoring report.

Policy CS16 of the Havant Borough Core Strategy Local Development Framework 2011 seeks to reflect the requirements of the NPPF at a local level. It and the local plan policies encourages the principle of development within the settlement area, provided that any new development pays proper regard to the character and appearance of the area, design and neighbour amenity.

The premises do not front onto a retail parade being located to the rear of the site, and as such there is considered to be no adverse impact on the viability of the retail centre from loss of retail floorspace. Residential use is supported in principle subject to the considerations below.

(ii) Impact upon the streetscene

The development would back onto Tidworth Road which is a service road for the units fronting Park Parade. The proposed 2 storey development would be of flat roofed design in keeping with nearby properties and the character of the area and as such is not considered to adversely impact the street scene.

(iii) Impact upon residential amenity

Policy CS16 of the Havant Borough Core Strategy Local Development Framework 2011 requires development to not result in harm through smell, the loss of privacy, outlook, noise and overlooking. The two flats would be 61m2 (for up to 3 people), which would comply with the Government's Technical housing standards - nationally described space standard.

The proposed site lies to the rear of first and second floor flats which front but are well set back from the service road. The separation is such that the proposal is not considered to adversely impact the existing flats.

In respect to the ground floor flat at 13c, the proposed building would be located directly to the front of the kitchen window serving that property at a distance of only one metre. No 13c has a very limited number of windows providing outlook, although there are 2 obscure glazed roof lights to provide daylight, as such there would be an adverse impact to outlook on any occupiers of a flat in this location.

The layout of the proposal is such that the development would restrict the access to the fire escape, the bin and bike access and the stairway to upper levels to a 1m wide access with 2 right angle bends passing in front of the kitchen window to No. 13c. Additionally the staircase to the upper flats would extend over this area exacerbating the loss of light, outlook and disturbance. Whilst, the flat does not appear on a planning history search and may be unauthorised, the impact whilst not determinative, adds further weighs against the development in respect of impact on living conditions.

In respect to the amenities of the proposed dwellings, whilst they would have a double aspect this would either be directly onto the Tidworth Road with little or no separation or looking towards the parking and service area. The angling of the bedroom windows helps increase the separation to the boundary and the small planters would provide some defensible space, however, the outlook would be extremely poor, and on bin day part of this area would be used for bin collection. The impact from the yard which provides for deliveries and parking and access to facilities for refuse and cycles, together with maintaining rear access for the existing residential units on the upper floors, would be disruptive and detrimental. Additionally the only windows to the open plan living rooms are facing the boundary with Tidworth Road and whilst the ground floor would be set back behind low hedging, the proximity to the service road would result in loss of privacy and noise disturbance to this flat , and also to a lesser extent the first floor flat. Overall there would be little or no privacy as the yard onto which the proposed units have a further aspect provides access for the exiting flats as well as visitor/delivery area.

In respect to the amenity areas, the proposal provides for 2 roof terraces, however, these would be poorly related to the proposed flats, accessed up external communal stairways and overlooked by the existing flats to the rear. As such they would be unattractive to occupiers and provide very little amenity value.

Given this restricted siting, the outlook for the proposed flats, one of which would be 2 bedroom and hence could accommodate a family, would be severely impacted by the proximity to the existing development and Tidworth Road.

The poor environment does not provide a suitable location for residential development and the amenities provided for future occupants would be so substandard as to be unacceptable.

(iv) Parking provision

Adopted standards require 2 on site parking spaces for the 2 bed flat and one space for the one bed flat , although this can be relaxed in sustainable locations. The site is well served by local facilities and located in proximity to a public car park, for which permits can be purchased. As such it is considered that in this particular case the absence of on site parking provision is acceptable .

(iv) CIL

The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 122sqm. 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%.

8 Conclusion

The current form of the proposal is considered to address only part of point 3 of the appeal decision in that it now provides roof terraces. However it is noted that these are poorly located and depending on the screening proposed would not necessarily provide the required private space. Points 1, 2 and 4 of the original appeal are considered to have not been addressed. The units would only have windows facing east onto the service/parking/access area or in proximity to the boundary with the service road (Tidworth Road), as such the living standard for future occupiers would be detrimentally impacted, significantly harmful to the amenities of any future occupiers.

Additionally while the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages these have not been received and as such it is necessary to include the non-provision of the avoidance and mitigation packages as reasons for refusal.

Whilst in economic and social terms the provision of additional dwellings within the urban area would accord with the objectives of the NPPF and make a contribution to the Council's housing requirements as set out in the development plan, satisfying a growing need to provide small dwellings, it is considered that the very poor environment that would be provided for existing and future residents would be contrary to the provisions of the NPPF and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide which, require development of poor design to be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00853 for the following reasons

- 1 The proposed development owing to its proximity to the service road and poor outlook and environment for future residents would not provide an acceptable level of amenity for residential development, and as such is unsuitable for residential development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 2 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory living conditions for the occupants. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, emerging Policy E16 of the Pre-Submission version with changes Havant Borough Local Plan 2036 and the National Planning Policy Framework.
- 4 In the absence of a suitable agreement to secure appropriate mitigation measures in respect to water quality, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in detriment to water quality and as such, it is contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, emerging Policies E16 and EX1 of the Pre-Submission version with changes Havant Borough Local Plan 2036, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.