
Site Address:	Land rear of 70-76 West Street, Havant, PO9 1LN		
Proposal:	Outline application for backland development of 4 No. One bedroom cottages.		
Application No:	APP/19/00542	Expiry Date:	16/07/2019
Applicant:	Mr Harris Harris & Kane Ltd.		
Agent:	Mr Critchley Critchley Architecture and Design Ltd	Case Officer:	David Eaves
Ward:	St Faiths		

Recommendation: **GRANT OUTLINE CONSENT**

1 Site Description

The application site is sited to the rear of 70-76 West Street within Havant Town Centre and the Black Dog Conservation Area.

The frontage buildings have been converted to residential use (formerly Retail and Public House). To the north of the site are retail units and to the south-east a tea room and beauty centre. To the south-west are residential properties. Access is taken via an access through the frontage building with parking proposed on site. The site is currently covered with rubble and other items partly from buildings previously demolished and there is a Eucalyptus Tree close to the eastern boundary.

2 Planning History

Adjacent site

APP/16/01278 - Replacement single storey rear extension, alterations to fenestration and replacement front wall.
, PERM,06/02/2017

APP/17/00326 - Change of use of ground floor of No. 72 from A1 to C3 and replacement single storey rear extension. Removal of chimney from rear of No.70. Alterations to fenestration on both properties. (Approved 10.07.2017) Request to Discharge Condition No's 2 & 3 (16.05.2018)., PERM,10/07/2017

Application site

APP/18/00713 - Outline Application for erection of 2No. two bed dwellings.
PERM, 21/12/2018

3 Proposal

Outline application for backland development of 4 No. One bedroom cottages. The outline application has all matters reserved although it is noted that drawings and information have been submitted to demonstrate how four number one bedroom bungalows could be provided on the site with access and parking.

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Local Plan 2036 Pre-Submission version with changes

DR1 Delivering Sustainable Development in Havant Borough

KP1 Havant Town Centre

IN3 Transport and Parking

E1 High Quality Design

E12 Efficient use of Resources and Low Carbon Design

E13 Historic Environment and Heritage Assets

E14 The Local Ecological Network

E16 Recreation impact on the Solent European Sites

EX1 Water Quality Impact on the Solent European Sites

E18 Trees, Hedgerows and Woodland

E19 Managing Flood Risk in New Development

E24 Contamination

H1 High Quality New Houses

H3 Housing Density

Listed Building Grade: Not applicable.

Conservation Area: Black Dog

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection. Prior to the commencement of development protective fencing must be installed and remain in situ for the duration of development in accordance with the submitted Arboricultural method statement and Tree Protection Plan. A 'no dig' porous surface should be used in proximity to the Eucalyptus which is being retained.

Community Infrastructure, Planning Policy & Urban Design

This is an outline application so CIL is not chargeable. A liability notice will be issued at Reserved Matters Stage or if a replacement full application is subsequently received. This response includes further information on CIL for reference purposes only.

CIL

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued.

A reserved matters or full application would need to be accompanied by:

- . CIL Form 1: Assumption of Liability and
- . The form titled 'Community Infrastructure levy (CIL) - Determining whether a Development may be CIL Liable Planning Application Additional Information Requirement Form'.

Further information on CIL can be found on the Planning Portal:

https://lcms.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy

Please note that the Charging Schedule is currently under review, more information can be found on our website:

<http://www.havant.gov.uk/community-infrastructure-charging-schedule-review>

Solent Recreation Mitigation Strategy

Instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy (SRMS) Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Conservation Officer

Policy

The revised National Planning Policy Framework (NPPF) which was published in July 2018 sets down the policies that the Council must take into account when determining planning applications.

Paragraph 127 seeks to achieve well designed places that are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Paragraph 193 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 196 of the National Planning Policy states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant

Assessment

The north side of West Street still retains the character of the almost continuous street frontage which once lined West Street. The buildings are essentially two storey and the individual building plots identified on early maps are reflected in property boundaries today.

Despite a mixture of residential and commercial uses on the north side of West Street many of the gardens behind these properties still survive. They can be seen from the public car park to the north where they provide a natural and pleasant contrast to the surrounding urban fabric. Where garden have been lost to other uses such as storage and car parking there has been an obvious deterioration to the general character of this back-land area. It is also clear from historic mapping that, a range of outbuildings existed on the site previously and as I understand it two outbuildings were only recently knocked down as part of works undertaken in 2015.

The design of the proposed dwellings takes cues from these Public House outbuildings that previously existed. This is a very similar scheme in terms of scale, massing and design to a recently approved application (ref:18/00713). In terms of design I am generally satisfied with the scheme. The construction OF FOUR SMALLER UNITS will now not over develop the plot or have an adverse relationship with the existing building. Landscaping that greens the plot and the quality material details will be crucial for the scheme moving forward.

I am therefore of the view that four small dwellings as designed would preserve the character of the conservation area.

If the development is deemed acceptable then the following points should be either met by reserved matters or conditions.

- Sample materials.
- Details of the siting and design of any proposed external meter boxes/metal ducting/flues, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: To ensure, where provided, a location is chosen which minimises the visual impact, so as not to detract from the character and appearance of the conservation area.
- Landscaping details of plots - **Officer Comment:** Landscaping is a Reserved Matter
- Removal of permitted development rights for extensions and outbuildings

Officer Comment: Other requirements added as conditions.

County Archaeologist

The site is located within the historic core of Havant in an Area of High Archaeological Potential (AHAP). It is also located immediately to the north of the projected line of the Bitterne to Chichester Roman road, while traces of Roman activity were recorded around 90 metres to the east of the site during an archaeological evaluation on land to the rear of 44-54 West Street in 2008. Fragments of Roman material have also been recorded at 31-33 West Street around 65 metres to the south east of the site.

Having reviewed the plans that have been attached to the above application on your website it appears that nearly all of the proposed new development will be located within the footprints of existing modern buildings; the construction of which will have had a severe impact upon any sub-surface deposits and features. Only a very small part of the development is located within currently open ground and this is in an area well to the rear of the former Roman street frontage.

In my opinion it would be highly unlikely for ground works associated with the construction of the new buildings to expose any interpretable archaeological features that would add to our understanding of the Roman settlement. I would therefore not wish to raise any archaeological issues in this instance.

However, as my comments are based on the proposed locations of the cottages and this is an outline application with all matters reserved, there is a need to add a condition to any planning permission issued that the layout of the buildings will be as shown on the submitted plans unless otherwise agreed in writing by the LPA. This would avoid the new cottages potentially being positioned away from the footprints of the former buildings and therefore having a possible impact upon as yet unrecorded archaeological deposits. **Officer Comment:** Condition added.

Southern Water

The applicant has not stated details of means for disposal of foul drainage from the site. Southern Water requires a formal application for connections to the public foul and surface water sewers to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link
<https://beta.southernwater.co.uk/infrastructure-charges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Officer Comment: A condition is recommended in relation to foul and surface water drainage.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.

Engineering/Drainage

No comments received

Environment Agency

We have reviewed the information as submitted and have the following comments.

Environment Agency Position

We have no objection to the proposed development as submitted.

Advice to Applicant

In addition to any other permission(s) that the applicant may have already obtained, the applicant will require an Environmental Permit for Flood Risk Activities as the proposed development lies within the 8 metre byelaw width of the Brockhampton Stream "main river" to the northern boundary of the development site.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environmental Health

Environmental Control

I note that the current application is constrained within the building footprint of the previously consented scheme, seeking to re-arrange the accommodation (only). With reference to the APP/18/00713 consent, the conditions list as it relates to environmental matters is comprehensive. I do not consider that the revised proposals are material to environmental policies.

Colleagues who specialise in noise and amenity are also due to review this application - further advice may be provided under separate cover in due course; however, I have no adverse comments to make subject to any revised consent being made subject to an equivalent list of environmental conditions to those imposed upon the previously consented scheme. **Officer Comment:** Environmental Conditions added.

Regulatory

Observations / Comments:

I hereby re-iterate my previous comments dated 16 August 2018, in relation to the application:APP/18/00713,

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have perused the documentation provided by the applicant. I have no objection to this application in principle. I would however ask that the following Conditions and

informatives be added to any potential approval of this particular application:

Condition 1:

No bonfires to take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

Reason: This is in order to protect the occupants of nearby residential properties from smoke pollution.

Condition 2:

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 ensure the residential amenity of the property is not impacted upon by any internal or external noise levels.

Condition 3: No flood lighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance I pollution.

Officer Comment: Conditions added.

Informative regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank I Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 - 18.00 and Saturday: 8:00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Officer Comment: Informatives added

The above does not in any way prejudice any comments that may still be made by Jonathan Driver, Environmental Control Officer

Hampshire Highways

Further Comments:

Thank you for advising me of the history of this site. The difference between the traffic generated by two 2 bed dwellings and four 1 bed dwellings is insignificant. That said, the same traffic control method previously required should also be required with the current proposal. I therefore confirm the Highway Authority have no objection subject to condition numbered 18 on the permission for two 2 bed dwellings.

I apologise for any inconvenience caused.

Officer Comment: Condition added

Original Comments

I understand this level of development has previously been approved using the same existing access. The amount of on site parking is a matter for the Borough Council and therefore I confirm the Highway Authority have no objection to this proposal.

Natural England

Summary of our advice: No objection subject to mitigation being secured.

The appropriate assessment (15th October 2020) outlines that this proposal will adhere to the Solent Recreation and Mitigation Strategy and that a legal agreement has been secured with the applicant to provide the mitigation package. The applicant has furthermore committed to providing mitigation of the development's impact on water quality within the Solent area as per Havant Borough Council's position statement on Nutrient neutral development. As long as the Council are satisfied that this provision is secured then Natural England have no objection.

Additional Advice

Previous comments in our letter of 6th December 2018 (attached) regarding use of a biodiversity mitigation and enhancement plan and a comprehensive drainage strategy, are still current.

Previous Comments

Biodiversity Mitigation and Enhancement Plan (BMEP)

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist.

This will ensure the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8,170,174 and 175d. The scope of the BMEP should be agreed with the HCC Ecologist and will need to consider great crested newts, reptiles, bats, hazel dormice, and nesting birds.

The application should include a consideration of what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Examples might include:

- . Providing a new footpath through the new development to link into existing rights of way.
- . Creating a new pond as an attractive feature on the site.
- . Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- . Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- . Incorporating swift boxes or bat boxes into the design of new buildings.
- . Designing lighting to encourage wildlife.
- . Adding a green roof to new buildings.

We recommend the applicants make use of the Defra biodiversity metric, which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals.

Water Environment

Natural England recommends that the planning application includes a comprehensive drainage strategy during the construction work and post-construction in line with best practice.

Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres /head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

Portsmouth Water Company

No comments received

Hampshire Biodiversity Information Centre:

Adjacent Inland Water

Adjacent Stream used by notable and/or protected species - Pipistrelle Roost, Brown Long-eared Bat roost.

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: 22

Number of site notices: 1

Statutory advertisement: 14/06/2019

Number of representations received: 4 objections/comments

Comment	Officer Comment
I have no objections to developing this site but I do have a couple of concerns with statements made. In the Design Access & Heritage Statement, Page 14, para 9.1 "No's 70-76 West Street are also under the control of the applicants" is incorrect! No 74-76 is privately owned by the 5 tenants owning the Freehold and a Management Company in place. Para 12.9 IN3 Transport and Parking in New Development - sub-Para e) adequate provision is made for varying sizes of vehicles, including refuse and emergency vehicles, to access all parts of the site, park, unload and turn safely is also rather ridiculous - you can barely get a car through the tunnel. h) Pedestrian and cycle routes are provided which conveniently reach all parts of the site - that is not the case through the tunnel and therefore with four parking spaces, visitor parking mentioned plus two cars already using the tunnel this is not exactly sensible. Bearing in mind that side of West Street is always busy with disabled parking on double yellow lines, and consequently less able pedestrians on the path, how is the proposed traffic light system and even more cars using the tunnel going to impact on them? Not enough consideration for pedestrians in these plans and it would be appreciated if they were remembered.	Noted The blue land is outside the application site and the recommended conditions do not impose requirements on this land. The agent states that the applicants no longer own 74-76 whereas they did at the start of the application process. Considered in part 7 The highway authority have raised no objections to the proposed development. Further comments are provided in part 7
I have no objections to developing this site. I do have concerns with the entrance the tunnel is already very narrow originally designed for a horse drawn carriage! The existing area behind flat 71 is open in the new plans it will be a bin area. On the opposite side behind flat 70 the existing parking area disappears.	Noted Considered in part 7 Relationship to adjoining flats considered in part 7 Parking considered in part 7

This will only extend the narrowness of the tunnel.	
Making it dangerous for the tenants using the four bike sheds provided and dangerous for pedestrians	Considered in part 7
With the added traffic from Dominos would make it harder to enter and exit the tunnel on a very busy street	The Highways authority have raised no objections. A light system is to be conditioned in relation to vehicles entering and leaving the site.
There are already issues with access for residence to take bins through the tunnel as cars block the tunnel, I believe that with 4 extra residencies this tunnel will not provide suitable access as cars will need to reverse into west street to allow other cars out, this seems particularly dangerous given that with the new dominoes this area of west street is even busier than it used to be.	Turning is provided on site, further comments are provided in part 7
The developer still hasn't built our bike store and the roof is failing!!!!	Concern noted

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 Conservation Area and Town Centre
- (iii) Impact upon residential amenity
- (iv) Flood Risk
- (v) Ecological impacts
- (vi) Highway impacts
- (vii) Contamination issues
- (viii) Impact on Trees
- (ix) Developer Contributions / nutrient neutrality

(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. Outline planning permission has previously been granted for two no. 2 bed dwellings on the site.

The site is also located in Havant Town Centre and within the Black Dog Conservation Area which raises other issues considered below.

(ii) Impact upon the character and appearance of the conservation area and Town Centre

The site is to the rear of converted buildings fronting West Street now in residential use. The site is located in the town centre and is therefore within a sustainable location. The provision of additional residential properties to the rear of the site and outside of any primary frontage is considered acceptable in principle and would make a modest contribution to the Councils Housing needs.

The developments impact on the Conservation Area has been carefully assessed. The previous layout of outbuildings on the site has influenced the design of the proposed four units shown on the submitted plans.

The Conservation Officer has provided comments on the proposed development and has confirmed that:

The design of the proposed dwellings takes cues from these Public House outbuildings that previously existed. This is a very similar scheme in terms of scale, massing and design to a recently approved application (ref:18/00713). In terms of design I am generally satisfied with the scheme. The construction OF FOUR SMALLER UNITS will now not over develop the plot or have an adverse relationship with the existing building. Landscaping that greens the plot and the quality material details will be crucial for the scheme moving forward.

The development has been considered against the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires *that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*. In that regard the Conservation Officer concludes:

I am therefore of the view that four small dwellings as designed would preserve the character of the conservation area.

In relation to potential archaeological interests, it is noted that the County Archaeologist raises no objections based on the buildings currently shown location which is on the site of previous buildings on the site. If the buildings footprint were to be altered at the Reserved Matters stage this could result in addition archaeological impacts. A condition is recommended to address this potential concern.

(iii) Impact upon residential amenity

The proposed dwellings are sited to the rear of buildings on the West Street frontage which back onto the application site. Whilst the application is in outline with all matters reserved, it is considered appropriate to ensure that the proposed dwellings are designed as single storey with limited accommodation within the first floor roof space and no more than one bedroom. The proposed dwellings shown on the submitted drawings would be designed with the main accommodation at ground floor level with one bedroom in the first floor roofspace. There would be four windows (two ground floor lounge and two first floor bedroom) facing back towards the frontage units. The drawings show a separation of approximately 15m could be provided. It is considered that this would prove appropriate amenity in terms of the impact on the existing properties in this relatively high density town centre location.

The proposals would result in a reduction to the amenity area available to the rear of 72-76 West Street. However, access to the rear of these properties would remain as would bin and cycle storage areas originally approved. On balance, it is not considered that the reduction of external amenity areas would warrant a refusal of the current planning application and the principle has been accepted in the outline consent for two units.

The layout to the rear of No.72 provides an amended external area, however this is increased to 72A and relatively unaltered to 72. The rear amenity area to No.70 is shown as being slightly increased.

The proposal would result in an increase in the use of the access between the buildings (70/72) although it was noted at the site visit that parking is currently taking place to the rear of the frontage buildings. On balance and given the town centre location it is considered that the additional use of the access would not result in an impact on residential amenity sufficient to warrant a reason for refusal.

With regard to the proposed dwellings and their own amenities, as shown on the outline plans, the four 1 bed dwellings can be provided with shared amenity space to the rear and side of the properties. This would be overlooked to some extent by the frontage development but would not be overlooked from the north or east. The view from the south west would be oblique. Overall and taking account of the town centre location, it is considered that suitable amenity areas can be provided for the properties. The internal floorspace is shown as 45sqm which would exceed the minimum space standard indicated for a single storey 1 bed 1 person dwelling (39sqm). A two storey 2 person dwelling would require 58sqm. At this time the Council has not adopted internal space standards. Internal space is on balance considered to be acceptable.

Cycle storage, car parking, turning and bin storage is shown on the submitted plans.

(iv) Flood Risk

The site is located adjacent to a main river which runs to the rear (north) of the site. A small area to the rear of the site is also shown in Flood Zones 2 / 3. However the indicative layout of the dwellings, the accesses and parking thereto and the majority of the garden areas all fall within Flood Zone 1 (the zone of least risk where development is preferred in sequential terms). A flood risk assessment has been submitted with the application. The Environment Agency have raised no objection to the proposed development. It is noted that the applicant will require an Environmental Permit for Flood Risk activities as the proposed development lies within the 8 metre byelaw width of the Lavant Stream "main river".

(v) Ecological impacts

With regard to the impacts of the development on the European sites, the Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of

mitigation in the Solent Recreation Mitigation Strategy, as follows:

From 1 April 2018, the ('Definitive') Solent Recreation Mitigation Strategy SRMS applies to new residential development as approved by Havant Borough Councils Cabinet on the 7th February 2018. The Strategy uses a sliding scale to calculate the SRMS contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. In this case, the proposal is for 4 No. one bedroom dwellings. This would require a financial contribution of:

Total £356 x 4 plus 5% monitoring fee of £71.20 + Admin fee of £23 such that the total contribution required is £1,518.20. The unilateral agreement and contribution have now been secured.

In relation to water quality, as set out in the HRA/AA the project being assessed would result in an increase in population in the catchment of several European Sites. As advised by Natural England, a permanent significant effect on the Solent SPAs due to the decrease in water quality as a result of new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures to address the likely significant effect on water quality. Havant Borough Council's Cabinet approved the Position Statement on Nutrient Neutral Development on 26 June 2019. This sets out how mitigation can be provided to enable development to take place within Havant Borough whilst avoiding any likelihood of a significant effect on the European Sites identified in stage 2.

The Position Statement sets out that mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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. The applicant indicated a willingness to enter into a legal agreement to secure the mitigation package, and this contribution has been paid with the appropriate unilateral undertaking. A Grampian Condition in relation to a nutrient mitigation package and water use will also be imposed.

Natural England have confirmed that they have no objection to the proposals subject to appropriate mitigation in relation to potential recreational impacts on the SPA (now secured).

The outline proposals have not included an ecological assessment or mitigation. It is noted that the site is adjacent to a stream (partly culverted) and has been covered with rubble in recent times. A condition is recommended in relation to securing biodiversity enhancements at the Reserved Matters stage.

(vi) Highway impacts

With regard to highway matters, Hampshire Highways have considered the proposals and confirmed that there are no objections subject to a condition to secure that the use of the narrow tunnel is controlled by signalling. A condition is recommended.

Whilst the proposed development is within Havant Town Centre, car parking is shown on the proposed layout for one car per one bed dwelling. This would accord with the Councils Parking Standards SPD which requires a maximum of 1 space per one bed dwelling. Cycle parking is also indicated within proposed sheds which would meet the requirements of the parking SPD.

(vii) Contamination issues

Given the historic town centre location and potential contamination issues at the site, the Councils Environmental Control Officer has stated:

I have no adverse comments to make subject to any revised consent being made subject to an equivalent list of environmental conditions to those imposed upon the previously consented scheme.

Conditions are recommended to ensure appropriate environmental protections are secured.

(viii) Impact on Trees

In relation to trees, the main issue relates to a Eucalyptus tree on the eastern side of the site. The Councils Arboricultural officer has commented:

No objection. Prior to the commencement of development protective fencing must be installed and remain in situ for the duration of development in accordance with the submitted Arboricultural method statement and Tree Protection Plan. A 'no dig' porous surface should be used in proximity to the Eucalyptus which is being retained.

A condition is required in order to ensure that the development would have an acceptable relationship to the tree. The development offers the mechanism for removing rubble and other items from the site that have been accumulating. The final layout will need to provide suitable landscaping to improve the character and appearance of the site and the new development, landscaping is a reserved matter. Overall the development holds the potential to deliver an improvement to the amount and quality of tree cover on the site.

(ix) Developer Contributions

The proposed development will be liable to CIL contributions at the Reserved Matters Stage and an informative is recommended.

As mentioned above a contribution to SRMS has been secured. A contribution to ensure nutrient neutrality will also be secured via the Grampian Conditions.

8 **Conclusion**

In conclusion, the development of the site for four, one bed units based on the outline submission is considered acceptable in principle and would preserve the character and appearance of the Black Dog Conservation Area. The proposal would have an acceptable impact on residential amenities of both existing and proposed residents.

Flood risk issues are considered to have been appropriately addressed and conditions are proposed to ensure appropriate drainage and to prevent impacts on the water environment. Ecological impacts are addressed by the SRMS contribution, by nutrient contribution and by condition.

Highway impacts are acceptable subject to details of signalling being approved.

Contamination issues are to be addressed by the imposition of an appropriate condition as can the impact on trees.

Planning permission can therefore be recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT OUTLINE CONSENT** for application APP/19/00542 subject to the following conditions

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of three years from the date of this permission; or (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The approval of the Local Planning Authority shall be obtained in respect of the following reserved matters before the development first takes place - the access; appearance; landscaping; layout; and scale.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

- 3 The development shall be for four No. one bedroom dwellings with any first floor accommodation provided within the roofspace only.

Reason: To ensure that the development has an acceptable impact on the Conservation Area and on neighbouring residents' amenities, and that the development's impact on the Chichester and Langstone Harbours SPA has been appropriately addressed, and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 4 The dwellings hereby permitted shall be sited broadly in the position shown on drawing No. 17023-151 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and heritage assets (including archaeology), to ensure that appropriate external amenity space can be provided for future residents, and having due regard to policies CS11 and CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No bonfires shall take place on the site during any phase of the development i.e. demolition, excavation, clearance and construction works.

Reason: In order to protect the occupants of nearby residential properties from smoke pollution and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No piling shall be undertaken on the site unless a detailed piling method statement has first been submitted to and approved in writing by the Local Planning Authority.

Such method statement shall include as a minimum:

- a) the methods to be used;
- b) the design depths of the various structures involved and rationale;
- c) the density of piling; and
- d) details of materials to be removed or imported to site.

The development shall thereafter be undertaken strictly in accordance with the terms of the approved piling method statement.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply, having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall cover:-
- (a) Procedures & logistics for managing deliveries at the site, including parking, loading, materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel and other materials capable of causing harm to health or the environment;
 - (b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site;
 - (c) Measures to ensure safe pedestrian movement on the public highway & footpaths;
 - (d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste from the site;
 - (e) The means of preventing track-out of mud & spoil on to the highway, and preventing runoff from the site adversely impacting adjacent surface waters;
 - (f) The means of minimising noise and vibration arising from construction processes;
 - (g) Details of the training of site operatives to follow the Construction Management Plan requirements; and
 - (h) Details in relation to measures for surface water management during development.

Reason: To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use - or safety - of the public highway. This condition is imposed having due regard to policies DM10 (Havant Borough Local Plan (Core Strategy) 2011), and the general environmental principles embodied within the National Planning Policy Framework.

- 8 Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority and notwithstanding any assessment provided with the planning application), 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) A site walk-over survey & / or sufficient desk-based research to identify;
 - All relevant previous uses of the site
 - Potentially significant contaminants associated with those uses
 - Uncertainties relating to previous use or associated potential contaminants
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;
 - A summary of potentially unacceptable risks arising from contamination at the site.

2) Site investigation based on (1), 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 all receptors that may be affected, including those off site.

3) The results of an appropriate risk assessment based upon (1) & (2), 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.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework. Contamination may be present at the site as a result of both previous land uses, activities and multiple prior phases of construction and demolition. Contamination could pose a risk to future occupiers, and to local surface waters.

- 9 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 8 shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan"). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework. Contamination may be present at the site as a result of both previous land uses, activities and multiple prior phases of construction and demolition. Contamination could pose a risk to future occupiers, and to local surface waters.

- 10 Prior to the commencement of development hereby permitted protective fencing shall be installed and remain in situ for the duration of development in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan unless otherwise agreed in writing by the Local Planning Authority. A 'no dig' porous surface shall be used in proximity to the Eucalyptus Tree which is being retained.

Reason: To ensure that the development has a limited and acceptable impact on trees in the interests of the character and amenities of the area having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Proposals shall be in general accordance with the principles of CIRIA C753 (SUDS Manual 2015) inclusive of section 26.7 (Managing pollution risks). Where appropriate, the scheme shall include a schedule of operational and preventative maintenance for surface water drainage structures, flow control devices, pumps or separators required either for the proper operation of the system to its design flow rates or for the effective retention of pollutants to prevent downstream release. Parties responsible for observing the maintenance schedule shall be clearly identified.
All details submitted in accordance with this condition shall be implemented as approved.

Reason: Observing the drainage hierarchy disfavours disposal of surface water to public sewer, and favours a sustainable drainage solution. Appropriate system design is required to prevent surface water drainage functioning as a pathway for pollutants to affect downstream receptors, or increasing downstream flooding risk. This condition is imposed having due regard to policies DM10 & CS15 of Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 12 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and residential amenities of adjoining residents having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Prior to the commencement of any above ground development details of the siting and design of any proposed external meter boxes / metal ducting / flues, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure, where provided, a location is chosen which minimises the visual impact so as not to detract from the character and appearance of the Conservation Area having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 No above ground development shall commence unless and until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the dwellings and maintained in accordance with the approved details.

Reason: In the interests of biodiversity and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 17 The development hereby permitted shall not be occupied unless and until details have been submitted to and approved in writing by the Local Planning Authority to confirm that the acoustic mitigation measures 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 ensure the residential amenity of the property is not impacted upon by any internal or external noise levels in the interests of the amenities of residents having due regard to policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 18 The development hereby permitted shall not be occupied prior to the submission of details to and their approval in writing by the Local Planning Authority in relation to traffic control measures with regard to the 'tunnel' through the existing building. The traffic control system shall thereafter be carried out prior to occupation and maintained in accordance with the approved details thereafter.

Reason: To ensure safe access to the site having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD July 2016 and the National Planning Policy Framework.

- 19 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 20 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include the location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance / pollution having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 21 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, outbuildings or roof alterations including provision of windows or other openings shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and the residential amenities of nearby residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 22 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; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
b) A mitigation package addressing the additional nutrient input arising from

the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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 for 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 of the Pre-Submission Havant Borough Local Plan 2036.

- 23 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 Havant Borough Local Plan.

- 24 The development hereby permitted shall be carried out in accordance with the following approved plans as may be amended at the Reserved Matters Stage:

Location and Block Plans Drawing No. 17023-141 (Block Plan indicative only)
Design and Access Statement 20/05/2019
Flood Risk Assessment 20/05/2019 - Prepared in relation to previous outline consent but relevant to current proposal
Landscape Method Statement 20/05/2019
Tree Protection Plan Drawing No. 17023-144 - Prepared in relation to previous outline consent but relevant to current proposal

The following Plans are indicative only with all matters reserved and are not approved, and are listed for information only:

Proposed Site Plan Drawing No. 17023-151
Proposed Plans and Elevations Drawing No. 17023-450
Proposed Context Elevations Drawing No. 17023-550
Proposed Preliminary Section A-A Drawing No. 17023-601
Proposed Preliminary Section B-B Drawing No. 17023-602

Reason: - To ensure provision of a satisfactory development.