

Recommendation: **REFUSE PERMISSION**

96/57351/001 - Outline application for demolition of existing warehouse and erection of detached house and garage (previous approval 92/57351), REF.22/08/1996

92/57351/000 - Outline application for demolition of existing warehouse and erection of detached house and garage., PERM,
06/57351/005 - Demolition of existing warehouse and erection of one 4 bed dwelling utilising the existing access to London Road., PERM,27/04/2006- Not implemented

3 Proposal

The proposal is for the demolition of existing single storey building; construction of 2No. three bed semi-detached dwellings and 2No. semi-detached bungalows (1No. two bed and 1No. one bed); retention of existing property at 177 London Road; with associated access, parking and landscaping.

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)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
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)

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

IN1 - Effective Provision of Infrastructure

IN3 & 5 - Transport and New development

E12 - Low Carbon Design

E15 - Protected Species

E16 and E17 - SRMS and SPA

E22 - Amenity

H1- High Quality Homes

H3 - Housing Density

H4 - Housing mix

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No adverse comments on plans, subject to the site entrance being at least 3.1m wide and the private road being suitable to support at least 12.5 tonne vehicles, to allow fire service access.

Community Infrastructure, Planning Policy & Urban Design

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

The Additional Information Form is incomplete, and the Case Officer may wish to ask the applicant/agent to complete the totals in Q6c) and the number of buildings at Q7a).

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/unilateral-undertaking-solent-recreation-mitigation-strategy>

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

Crime Prevention -Minor Apps

No response

Hampshire Highways

No Objection - The vehicular access arrangement will remain and therefore the Highway Authority have no objection subject to a condition to ensure that the proposed parking is retained

Planning Policy, PPUD

Original response

The above development proposes the demolition of an employment site. Under policy DM3 (Protection of Existing Employment and Tourism Sites) of the adopted local plan. Criterion 1) of the policy states that only if another type of economic development cannot be found which would provide a similar quality and quantity of employment opportunity, then other uses (such as residential) will be considered. No information has been submitted to suggest that economic development has been duly considered. In order to satisfy this policy a marketing process of a minimum of 12 months covering points i) – v) would be required.

Under policy C1 (Protection of existing employment sites) of the emerging Havant Borough Local Plan 2036 the redevelopment of an employment site outside of the established employment areas but within the settlement boundary to a non-employment use will only be permitted where criterion a) is met. Criterion a) states that a non-employment use will only be permitted where 'there are available and suitable alternative premises within a reasonable distance of the employment site which enable the occupier(s) to relocate.

Conclusion

The application has not provided sufficient evidence to show that economic development has been duly considered, therefore there is an objection based on the loss of the employment site.

Updated response

Following further investigations in relation to the single storey building which will be demolished and our policy comments dated 24 October 2019, we are satisfied that Policies DM2 (Core Strategy) and Policy C1 (HBLP 2036) do not apply. The lawful use of the site is sui generis and does not fall within Class B of the Use Classes Order. As such a policy objection based on the loss of employment would not arise.

Public Spaces

No response

Waste Services Manager

No response

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: 7

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Concerns regarding adequate parking provision for the development, as the area suffers from parking congestion from the Tesco express to the north	Addressed in section (iv) Impact on highways and parking
Concerns regarding maintenance of shared boundary with Tesco to the north	This is a civil matter between the applicants and neighbouring landowners

Request that the existing land drain from rear of properties in Rowlands Avenue to main road via application site needs to be maintained.	Matters such as drainage for a development of this scale would be secured through the Building regulation process
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7 Planning Considerations

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA) of the proposed development.

Recreational Pressure

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the 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.
- 7.3 The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. However, this has not been secured by binding arrangements.

Water Quality

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.
- 7.5 The applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality.
- 7.6 There remains a likely significant effect from the proposed development on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA. As such, it would not be lawful for the Local Planning Authority to grant planning permission for the proposed development.

7.7 In other respects, having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on highways and parking
- (v) Developer Contributions

(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. The addition of four new dwellings in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. That said, the Council can currently demonstrate a 5-year housing land supply and therefore there is no 'tilted balance' relating to residential proposals, as set out in the NPPF. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

It should also be noted that the Council has its emerging Pre-Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

Concerns were raised from the Planning Policy team that the development would, through the demolition of the bedroom and bathroom display showroom, result in the loss of an employment site. However following investigation the lawful use of the site is sui generis, which was permitted under application 02/57351/004. As such the use of part of this site does not fall within Class B of the Use Classes Order. As such this proposal would not result in the loss of employment based on the loss of employment as defined by policy DM2 of the Core Strategy.

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

The site is located within a largely established residential area. The immediate and surrounding properties located on the other side of the road and along Rowlands Avenue predominantly retain their original characteristics which consist of plots one deep that front the road and many retain their substantial rear gardens creating a spacious environment. The trees and mature vegetation in the gardens of these properties also combine with the space to the rear of the houses to provide a soft edge.

The proposed development would remove the single storey showroom building and replace them with dwellings, which vary in size, scale, massing, bulk and design but feature two storey elements at the front of the site. It is considered that the proposed development of this site and the garden of 177 London Road marks a significant change to the existing characteristics of this part of area, introducing a much more intensely developed built form that is distinct from the prevailing spacious character of the area and does not achieve an effective transition between the respective patterns of development to the north, south or west.

The plot sizes and resulting garden areas are uncharacteristically smaller than the surrounding dwellings and will appear so from views between buildings along this part of London Road. This proposal contains little or no open space and is heavily engineered, through extensive additional hardstanding, above and beyond the existing hardstanding in front of the showroom. The public realm should be designed first, however the layout proposed would result in hardsurfacing and parking dominating the development, which would be highly visible from London Road. In addition the number of dwellings and their proposed siting and layout are such that the development would appear cramped and contrived which would have an adverse effect on the amenities of the area.

On the above basis, it is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. The harm that would be caused to the character and appearance of the area would outweigh the benefits of providing 4 dwellings. As such it is considered that this proposal would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework 2019.

(iii) Impact upon residential amenity

The proposed development results in the removal of the single storey building, which runs alongside the boundary with 173 London Road. The application proposes plot 1 to be largely in line with this neighbouring property and would not project beyond the rear elevation of this property. As such the proposed development, with regard to this element is not considered to have a significant adverse impact on the amenities of this property with regard to loss of sunlight/daylight, overlooking or overbearing impact to justify a reason for refusal on this matter.

The application proposes a pair of semi detached single storey dwellings adjacent to the boundary with 1 Rowlands Avenue. Plot 4 is the closest property to this boundary and would be set beyond the rear elevation of 1 Rowlands Avenue to the north. As outlined above, plot 4 is proposed to be single storey in nature, and features a hipped roof. As such given the size, scale and massing of the proposal, together with the existing 1.8 metre high close boarded boundary fencing, it is considered that the development would not have a significant adverse impact on the amenities of 1 Rowlands Avenue. If permission were to be granted, conditions regarding removal of permitted development rights regarding roof alterations could be applied to control the impact on this neighbouring property.

Overall on this matter it is considered that the development by virtue of its layout, size and scale would not result in a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact to justify a reason for refusal on this matter.

(iv) Impact on highways and parking

The submitted layout makes acceptable provision for car parking for new development - each dwelling meeting the Council's standards. As such the proposal is not considered to have a significant adverse impact on highway safety. This proposal would utilise the existing crossover and also create a further access, next to the existing hardstanding area to the site from the highway. This section of London Road has double yellow lines in front of the site, therefore the proposed development will not decrease the amount of on street parking in area.

Overall it is not considered that this proposal would have a significant adverse impact on the safety or free flow of the highway network to justify a reason for refusal of this matter.

(v) Developer Contributions

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20 February 2013. This 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 levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in this part of the borough.

8 Conclusion

It is considered that the proposed development would have a harmful effect on the character and appearance of the surrounding area, as it would seriously and unacceptably undermine the prevailing character and appearance of the wider surrounding area. Furthermore, when viewed alongside the adjoining properties on all sides of the site, the proposed development would not integrate with or respond positively to the character and appearance of the surrounding area in terms of layout and scale.

Furthermore, essential mitigation measures in relation to the development's impact upon the Solent SPA sites have also not been secured and the applicant has not been able to provide information in order to undertake the necessary assessment regarding the impact of the proposed development on water quality.

These matters are considered to outweigh the limited benefits that would arise from the addition of four new dwellings, which would make only a very modest contribution to the Council's housing requirements, and in respect of which a 'tilted balance' cannot be said to apply. The recommendation is therefore to refuse this application.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00922 for the following reasons:

- 1 The proposed development would have a harmful effect on the character and appearance of the surrounding area as it would introduce a more intensive form of development into an area that is defined by its spacious character. Furthermore when viewed alongside the adjoining dwellings on all sides of the site, the proposed development would not integrate with, or respond positively to, the character and appearance of the surrounding area in terms of design, layout or scale and in that respect it would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.
- 2 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of the development, and so is 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, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.
- 3 The proposal, in the absence of an assessment of nutrient discharge and without completion of the appropriate binding arrangements in relation to off setting any increase, is likely to have a significant effect on internationally designated ecological sites (Special Protection Areas, Special Area of Conservation and potential SPA designations). The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.