
Site Address:	30 North Street, Havant, PO9 1PT		
Proposal:	Conversion of the existing ground floor Six Bells public house to a one-bedroom flat and a two-bedroom flat.		
Application No:	APP/19/00807	Expiry Date:	15/10/2019
Applicant:	Mr Cockram		
Agent:	Mr J Spivey	Case Officer:	Lesley Wells
	PWP Architects Ltd		
Ward:	St Faiths		

Recommendation: **REFUSE PERMISSION**

1 Site Description

Six Bells PH, is located on North Street, part of the main thoroughfare that runs through Havant. The site and North Street are part of the St Faiths Conservation area. The site is part of a group of buildings that form the collected mass of North Street; a series of two-storey buildings which a newer development of three-storey mix-use further down North Street. The site is opposite Havant United Reform Church a significant local landmark. The front of the site consists of render on the ground floor and painted brick on the first floor with painted timber windows and a slate roof. Although brick is prevalent on quite a few elevations, treatments including render and paint are also utilised; the church utilises an applied stone façade, and timber style cladding is also used on the three-storey mixed use development.

The front two-storey building has a gable roof which lowers to a hipped roof at the rear of the site. There are also some single-storey flat roof additions at the rear of the site; these house the WCs and cellar.

The site falls within Havant Town Centre

Pedestrian access to the site is off North Street.

The building is currently a vacant public house. The ground floor comprises the public house and the first floor is two existing flats.

2 Planning History

APP/15/00567 - Proposed extension and conversion of an existing first floor flat of the Six Bells public house to two one-bedroom flats., PERM,17/07/2015

3 Proposal

Conversion of the existing ground floor of the public house to a one-bedroom flat and a two-bedroom flat.

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)
CS4	()
CS6	(Regeneration of the Borough)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
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Listed Building Grade: Not applicable.
Conservation Area: St Faiths

5 **Statutory and Non Statutory Consultations**

Building Control

Building Regulation application will be required for this work

Location of bin store should not affect means of escape from rear flat 2
(enclose bin store in fire proof construction)

Flat 1 bedroom window need to be suitable for means of escape and be 1.8m from escape route from flat 2 as inner room

Flat 2 bedrooms need means of escape windows as inner rooms

Flat 1 kitchen should be located remote from flat entrance

Flat 1 entrance door should be fire rated as on escape route

Additional issues may arise when full plan check undertaken

Officer comment. These matters would be dealt with at the Building Regulation stage.

Conservation Officer

Site Description

The site comprises a (now closed) public house – ‘The Six Bells’, located in the St Faiths Conservation Area in Havant Town Centre. It is a two-storey building with the first floor in residential use. The frontage features a black fascia sign with the ‘SIX BELLS’ and 6no. bells symbols in gold lettering. There is also a projecting sign of historic appearance.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The ‘Historic Environment Good Practice Advice in Planning Note 2’, states at paragraph 4:

‘The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest’ and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential

to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy CS11 of the Core Strategy 2011 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 2011 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 2014 states that development proposals must conserve and enhance the historic assets of Havant'.

Assessment

The proposal is to convert the now closed public house into 2 no. residential

flats at ground floor. No changes are proposed to the external frontage of the building, but the proposed elevations show the existing signage as being removed.

The St Faiths Conservation Area Appraisal 2008 (Para 7.5.5 Part II), identifies North Street as containing a number of public houses of architectural and historic interest:

'A number of public houses are located within the commercial core and along North Street. These are generally buildings of architectural and historic interest and their use is important to both the continued occupation of these buildings in their most appropriate use and the contribution they make to the overall character and ambience of the conservation area'.

A change to residential use in this town centre location, may affect the vitality and viability of this section of North Street, however this would ultimately be a planning consideration. Since the adoption of the St Faiths CA appraisal, the Star Public House has been demolished and both the Perseverance and the White Hart have changed from pubs to other uses.

Therefore, whilst I raise no objection to the change of use on heritage grounds, I am of the view that the existing fascia sign which includes the 'SIX BELLS' lettering and 6no. bell symbols, along with the projecting to sign are to be retained. This could be achieved without any impact on the proposal for the change of use and would retain an interesting feature, which provides some clues of the building's history as a town centre public house.

Conclusion – No objection subject to submission of amended elevation showing the retention of the existing signage.

Councillor D Guest - St Faith's

No comment.

Councillor J Branson - St Faiths

No comment.

Councillor T Pike - St Faith's - Red Card

If permission is recommended, the application to be determined by the Development Management Committee

Crime Prevention -Minor Apps

No comment.

**Environmental Health Manager - Objection
Pollution**

I have reviewed the above application and have some concerns with respect to this development being in a mixed use area with a hot food takeaway on one side and a café /restaurant the other. There is the potential for cooking odour and noise associated with these adjacent uses affecting the proposed

residential use here. On the opposite side of the road are a Chinese and Indian takeaway restaurant as well, which could increase noise and disturbance associated with their customers during the later evening when traffic subsides. We already have several complaints relating to cooking odour from Sophie's takeaway affecting the flat above, although they have not been substantiated. If complaints are received, and substantiated, we might require expensive works to be carried out by the business premises, and this could be very detrimental to these businesses in the current trading climate.

My concerns remain. I am minded to recommend refusal on the basis of potential for odour and or noise nuisance impacting on this development, arising from the commercial uses either side of the premises.

Environmental Health Manager - Objection

I have concerns with respect to noise and odour potentially impacting on the proposed flats.

Each unit is single aspect ie each only has one facade with openable windows. The flat facing onto North Street will be subjected to road traffic noise and fumes and noise from patrons using the takeaways up until closing time and beyond, and there is the potential for odour to both the front and rear of the proposed premises. The flat to the rear is potentially exposed to odour from the food preparation taking place at both of the premises each side. Neither of these flats have an alternative façade opening they can use to ventilate the properties without potentially being exposed to noise and/or odour or both.

I am therefore minded to recommend refusal to this application.

Environmental Health Manager - Contamination - No Objection

Contamination

I have reviewed the proposals and context of this development, with a view to considering the risk from contamination which arises by converting a low-sensitivity commercial property to a moderate* sensitivity private dwellings (*without private garden areas or significant soft landscaping).

A property has been present at the site of the Six Bells Public House since the earliest available mapping (1861). It is not clear whether the existing building is of this age, or whether the original building may have been replaced at some point between 1897 & 1909 (whereupon there was an apparent change coincident with the construction of new property at the current 36 & 38 North Street, and which may represent a replacement of no's 28-34).

Small scale contamination sources may occur at town centre locations which are capable of being significant to individual developments or residential units. These may arise from retail sale activities involving coal, paraffin, or other liquid fuels which were often sold by manual dispensing into customers own containers. Such uses are often not identified on maps and examples have

been identified elsewhere within Havant Town Centre.

Redevelopment of other public houses in the district have identified significant deposits of made ground associated with former middens, which represents a further potential source at this site. Middens are however not typically located adjacent to the building, and I note that the available space on the plot would make the presence of a feature that could be significant to this development unlikely.

The greatest concern for this development would probably arise from previously unidentified below-ground bulk storage tanks located on adjacent property, and the associated risk from vapour &/or the penetration of potable supply pipework by hydrocarbons. There is no specific indication that this may be likely, other than it's 'historic town centre' location.

I regard it to be possible that soils at the site could be affected to some degree by contamination arising either from prior uses of the building (it was first identified on maps as a public house in 1960, prior uses unknown), or from the use of adjacent buildings (prior uses unknown). However, it is recognised that the proposal does not involve any significant groundworks, that there is no significant unpaved garden area proposed, and that vapour risks are unlikely to be significant for inhalation pathways unless apparent by olfactory means.

In this way, whilst risks exist, they are considered likely to be acceptably low, and I am minded to conclude that requiring a proactive site investigation to confirm soil quality is probably disproportionate in this case.

I therefore offer no objections, and propose no conditions. I would however remind the applicant of the provisions of paragraph 178 of the current NPPF (that responsibility for a safe development rests with the developer), and that the Council expects the developer to appropriately investigate and address any suspicious ground conditions that may become apparent during the course of development (e.g. fuel or solvent odours associated with excavations or in the sub-floor void).

Hampshire Highways - No Objection

The change is likely to generate less traffic and therefore no objection to the proposed development.

Waste Services Manager

Natural England - No objection, subject to mitigation

Solent Recreation Management Strategy – No objection subject to mitigation

This application is within 5.6km of Chester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from

recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy and the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended 2017), Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Nutrient Neutrality – No objection, subject to mitigation

Natural England do not agree with the conclusions of the Nutrient Neutrality statement, dated September 2019, and advise your authority that mitigation is required for the impact of increased nutrients on the Solent European designated sites.

It is appreciated that the existing use of the pub generated waste water, however it is reasonable to assume that the people using the pub already live in the catchment. With the closure of the facility, these people are likely to remain living in the catchment and are likely to use alternative pubs in the catchment and continue to generate waste water. The provision of new residential development will bring more people into the catchment. It is therefore our view that the baseline use of the pub should not be included in the nutrient assessment.

If the applicant confirms through a European Site Avoidance and Mitigation Checklist that they commit to providing a mitigation package, Natural England would have no objection to this aspect of the application.

Officer comment. The applicant has confirmed through a European Site Avoidance and Mitigation Checklist that they are committed to providing the mitigation packages, which removes Natural England's objection. This has been confirmed by Natural England.

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: 11

Number of site notices: Not applicable.

Statutory advertisement: 30/08/2019

Number of representations received: 1

Comment	Officer Comment
Site should remain in commercial use - still has potential for such use. At street level, North Street is mainly in commercial use. Unappealing and cramped residential units.	See Section 7 below

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) Loss of Public House
- (ii) Impact upon the character and appearance of the St Faith's Conservation Area
- (iii) Impact upon residential amenity (neighbouring properties and future occupants)
- (iv) 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. It is recognised that the development would make a modest contribution towards housing need in the Borough which weighs in favour of this re-development, however, this must also be assessed against the site specific impacts of the proposed development.

(ii) Loss of Public House

The proposal would result in the loss of a public house, which is recognised as a form of community facility in the NPPF (paragraph 83). Policy DM2 of Havant Borough Local Plan (Core Strategy) 2011 considers the protection of existing community facilities, which states:

"Development proposing the change of use or loss of any premises or land currently or last used as community services and facilities, including local shops, will only be permitted where both the following criteria can be met:

1. It has been demonstrated, through an active marketing process that the premises or land are no longer viable for their authorised use or any other use which would

provide a beneficial facility to the local community.

2. The facility is no longer required for a community use or that there is an easily accessible existing or new facility for the community it is intended to serve."

In the explanatory text to the above policy the marketing should cover:

"i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.

ii) Dated photographs of marketing board/s on the premises of an appropriate quality, size, scale, location and number during this time.

iii) An enquiry log, how it was followed up and why it was unsuccessful.

iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements, spread across a six month period)."

vi) Evidence of marketing via the internet.

As to Policy DM2.1 the public house was the subject of a closure notice by the Police on 17 February 2019, "... due to non compliance of specific premises licence conditions and has been closed since 1st April 2019." The public house has been on the market for rent since 1 February 2019. Flude Commercial , who have been responsible for marketing the property since May 2019 have advised that they have undertaken a proactive marketing campaign, with a quoting rent of £16,000 per annum exclusive. This included.

Provided interested parties with the designed and printed colour marketing details, which are regularly emailed to targeted occupiers, together with active commercial property agents within the South East of England and London.

A prominent marketing board affixed to the building since the 14 May 2019.

Information for the premises has also been available on the following websites: Estates Gazette Property Line, Perfect Information Property, CoStar (Focus), Rightmove, Realis, Shop Property, Eastates Agents clearing House.

Periodically, undertaken telephone promotion to both occupiers and agents.

Since the premises were marketed, Flude Commercial have carried out viewings with a number of commercial occupiers, a brief summary of which were: Micro Pub, Coffee Shop, Public House, Private Gentleman's Club, Breakfast Cafe. Flude Commercial also received a number of enquires which did not result in a viewing.

Flude Commercial states

"Feedback from applicants suggests the premises was too astray from the main local shopping area on West Street and that the premises did not lend itself well as a public house drinking establishment due to its small open bar area and inability to add hot food produce. This is due to a poor structural layout and lack of net internal area for alteration."

Flude go on to state about the difficulties being experienced by the retail sector and that "...it is apparent in the current market that due to a number of empty premises on local high streets the supply of available premises is growing for every willing applicant." (The LPA recognise the difficulties being experienced by the retail sector and that the premises are small and do not necessarily lend themselves to expanding into hot food sales.)

Flude further state:

"In spite of the proactive and targeted marketing campaign that has been undertaken by both agents, which has exposed the property to a local, regional and national network of potential applicants, we have been limited in our ability to attract interest from tenants.

The landlord has also been flexible on the lease terms and has been willing to agree a shorter lease term, reduced rent and incentives in order to let the property. To date this has still not helped with securing an occupier. "

Flude's summary is that "...the landlord will need to consider alternative uses such as residential in order to secure the long term use of the premises."

As set out the explanatory text to Policy DM2 of the Core Strategy "A marketing period of at least 6 months is required..." and the premises have been marketed in excess of 12 months, as a public house for rent. Whilst it is considered that there are some deficiencies in the marketing when assessed against policy DM2.1, on balance, it is accepted that marketing has not resulted in the premises being rented as a public house, and continues to remain empty and on the market. Therefore , on balance, the marketing is considered sufficient to satisfy Policy DM2.1 of the Core Strategy

As to Policy DM2.2 of the Core Strategy the only information before the Local Planning Authority(LPA) is that the premises have been marketed for its lawful use as a public house. The LPA is not aware, nor has the agent indicated, that the premises have been marketed for any other community facility in this town centre location, which is easily accessible to the community, or any evidence produced to suggest that there is no longer any need for such facilities as required by DM2.2 of the Core Strategy. Therefore, there is no information before the LPA, that the premises are no longer required for an alternative community use and in that regard, the proposal is considered to be contrary to Policy DM2. 2 of Havant Borough Local Plan (Core Strategy) 2011.

The site falls within Havant Town Centre, where Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011, seeks to enhance the evening economy of the town and district centres through the grant of planning

permission and encourages high quality, mixed-use development that retain active ground floor frontages. The proposal would result in the loss of a ground floor commercial use, albeit currently not in use. The permanent loss of this commercial frontage has the potential to adversely affect the vitality and viability of this section of the town centre and the evening economy. Whilst it is recognised that retailing and public houses are experiencing trading difficulties, in the overall planning balance, the harm to the town centre outweighs the change of use to resident, which would be contrary to the aims and objectives of Policy CS4 Policy of the Havant Borough Local Plan (Core Strategy) 2011 and Government advice in the National Planning Policy Framework.

(ii) Impact upon the character and appearance of the St Faith's Conservation Area

The proposal would not change the exterior of the building, with the exception of the public house signs, which are referred to in the next paragraph.

The Council's Conservation Officer (CO) has been consulted over the proposal as the site lies within the St Faith's Conservation Area and raises no objection to the principal of the scheme on heritage grounds. However, the CO is of the view that the existing fascia signs which relate to the 'Six Bells' lettering and 6no. bell symbols, along with the projecting sign should be retained, as they provide interesting features, whilst at the same time provide some clues of the building's history as a town centre public house. Amended plans have not been submitted to show the retention of these features. If, however, permission was forthcoming the retention of these features could be the subject of a condition. Therefore, in conservation terms there are no objections, subject to a condition relating to the retention of the signs. In these circumstances, the proposal would accord with Policy CS11 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(iii) Impact upon residential amenity (neighbouring properties and future occupants)

The size of the 2 flats are 37 m sq for the 1 bed flat and 64.5 m sq for the 2 bed flat. The Government's 'Technical housing standards – nationally described space standard' for a 1 person, 1 bed flat is 39 ms q, 37 ms q where there is a shower room instead of a bathroom, which is the case with this proposal. For a 2 bed flat the national standard for 3 persons is 61 sqm. Both of these flats fall within national space standards. The communal amenity space, is an enclosed area to the north, which is limited in size and would include the recycling, waste and cycle storage areas.

Policy DM10 Pollution of the Havant Borough Local Plan (Core Strategy) 2011 states, amongst other matters, that:

"Development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where all of the following relevant criteria can be met:

1. The health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk."

It is acknowledged in Policy DM10 that "Some forms of development which can result in pollutants are necessary to the economic and social needs of the borough." and that "Only in instances where the risk is appropriately managed will development be permitted.

The Council's Environmental Health Officer (EHO) has raised concerns about the proposal due to it being located within a mixed use area with a hot food takeaway on one side (south) and a cafe/restaurant on the other side (north), with a Chinese and Indian takeaways/restaurants on the other side of the road. The EHO has also expressed concerns that " Each unit is single aspect ie each only has one facade with openable windows. The flat facing onto North Street will be subjected to road traffic noise and fumes and noise from patrons using the takeaways up until closing time and beyond, and there is the potential for odour to both the front and rear of the proposed premises. The flat to the rear is potentially exposed to odour from the food preparation taking place at both of the premises each side. Neither of these flats have an alternative façade opening they can use to ventilate the properties without potentially being exposed to noise and/or odour or both." As to the adjoining takeaway to the south, the EHO has advised this use has already given rise to several complaints from a close neighbour.

The EHO's comments have to be balanced against the lawful use of the premises as a public house, which has the potential, which no doubt in the past gave rise to noise and disturbance to the locality. Having due regard to the lawful use of the premises, in the overall planning balance, the Local Planning Authority (LPA) is of the view that the conversion of this public house to flats, would be incompatible with the adjoining commercial uses and those within the locality, which if permitted, may adversely impact on these businesses in the future. The proposal also has the potential to be adversely impacted by an unacceptable level of noise, disturbance and odour from adjoining properties (and the takeaways/restaurants on the other side of the road), to the serious detriment of future occupiers of the development, which on information before the LPA cannot be managed or mitigated. The proposal is therefore contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and Government advice in the National Planning Policy Framework.

(iv) Parking .

The Highway Authority has raised no objection to the proposal.

Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 in respect of car and cycle parking on Residential Development states:

"Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document."

The proposal does not include any on site car parking provision, but provides 3 cycle storage lockers for the flats. In support of the lack of on-site car parking the applicant states that "Public car parking provision in Havant is widely available. In North Street, there are marked parking bays, which are restricted between Monday – Saturday, 8.00am – 6.00pm to 30 minutes – at other times there are no restrictions. Nearby in Prince George Street and East Pallant there are pay-and-display car parks available, which are free after 6 pm." The applicant also refers to regular bus services to the local area, with the town centre benefiting from a bus station that operates regularly throughout the day and to the local railway station which has regular train services to Chester, Portsmouth, Southampton, London and Brighton. Reference is also made to the fact that the site is within Havant town centre and within easy walking distance of local facilities and that the flats above that have no parking provision.

The site falls within the Havant Town Centre, which is recognised as the most accessible part of the Borough with the widest choice of shops, services and public transport options. The Havant Borough Car Parking Supplementary Planning Document recognises that "The Town Centre provides a wide range of shops and services, including supermarkets, which lessen the need for individual travel." The local bus and train services within the Town Centre also provide alternatives to the use of the motor vehicle, to access shops and services elsewhere.

The Havant Borough Car Parking Supplementary Planning Document would normally require two on-site car parking spaces for these two flats, which is a reduction over that required in other areas of the Borough. However, as stated at paragraph 3.05 "Proposals within Havant and Waterlooville Town Centres may be suitable for a lower level of car parking provision (or zero) compared to the rest of the Borough." to discourage the use of private motor vehicles, which "... must not result in displacement of parking pressure into nearby residential areas." Utilising near-site parking in designated car parks is recognised as a way of providing car parking for developments within town centres with "...accessibility to shops and services, accessibility to public transport and the site's relation to the relative accessibility of different areas". Access to alternative means of transport is recognised as a way to "...discourage the use of private motor vehicles.", which is promoted by adopted policy and Government advice. In the overall planning balance and having regard to the site's location, which should encourage alternative transport modes, the lack of on-site car parking is considered to be justified and in accordance with the objectives of the Havant Car Parking CPD and Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and national advice.

(v) Developer Contributions and Nutrient Neutrality

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 Hayling Island.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross existing internal floor space has been calculated by the agent as 112.3sqm This would generate a total CIL liability of £13,395.79.

Initially, the applicant was of the view that due to the use of the premises as a public house, that produced its own wastewater, further mitigation measures to achieve nutrient neutrality were not required. This was not the view of Natural England (NE) who advised, "It is appreciated that the existing use of the pub generated waste water, however it is reasonable to assume that the people using the pub already live in the catchment. With the closure of the facility, these people are likely to remain living in the catchment and are likely to use alternative pubs in the catchment and continue to generate waste water. The provision of new residential development will bring more people into the catchment. It is therefore our view that the baseline use of the pub should not be included in the nutrient assessment." Natural England went on to state, that subject to mitigation measures being agreed, that they would have no objection to the proposal. Following on from this the applicant completed the European Site Avoidance and Mitigation Checklist, entered into a Unilateral Undertaking and paid the relevant fees for the Solent Recreation Mitigation Strategy and agreed a Grampian Condition for the nutrient neutrality. Therefore the mitigation packages required by NE have been secured.

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. 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 European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy (SRMS). The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The mitigation packages in the assessment were found to be acceptable as they have addressed Natural England's objection, which has been confirmed by this body.

As to the mitigation fee for the Solent Recreation Mitigation Strategy this is £908.30, which has been paid and the Unilateral Undertaking signed and

returned.

8 Conclusion

It is recognised that the proposal would make a modest contribution to the Council's housing stock. However, this has to be balanced against the permanent loss of this community use in a ground floor frontage in the Town Centre and its impact on its viability and vitality and the incompatibility of residential accommodation with the adjoining commercial uses and those within the locality. The proposal is therefore contrary to Policies CS4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and Government advice in the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00807 refused for the following reasons:

- 1 The proposed conversion of the premises into flats would be incompatible with the adjoining commercial uses and those in the vicinity, whose associated activities has the potential to give rise to an unacceptable level of noise, disturbance and odour to the detriment of future occupiers of the development, which may leave these businesses vulnerable to action being taken to curb such activities, to the likely detriment of these businesses and Havant Town Centre, contrary to policies CS4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.
- 3 The proposal would result in the loss of a community facility and a ground floor commercial frontage in Havant Town Centre, contrary to policies D2.1 and CS4 Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.