
Site Address: Garage blocks, Willowdene Close, Havant
Proposal: Proposed change of use, conversion and extensions, including first floor addition to block B, of existing garage blocks to create 2No. three bedroom detached dwellings with associated car parking, bin and bike storage, reconfiguration of existing vehicular access, new gate and new fencing and boundary treatments.
Application No: APP/20/00276 Expiry Date: 02/06/2020
Applicant: Mr Shaw
Agent: Mr Jenkins Case Officer: Tina Pickup
 Wildern Architecture Ltd
Ward: Bedhampton

Recommendation: **GRANT PERMISSION**

1 Site Description

Note - Due to Coronavirus a new site visit was not possible in connection with this application - reliance has been made on the previous, recent site visits and meetings in October and November 2019 in connection with the withdrawn application APP/19/00950, to inform this decision.

The application site relates to two separate garage blocks, located in Willowdene Close, to the rear of the Sparshatts Garage on the Hulbert Road. The site is long and thin, with the northern garage block fronting Willowdene Close, but the second being in a backland position, accessed between the first and the side of number 8 Willowdene Close. Each block comprises 8 single storey garages, in single private ownership and previously used for storage - they do not provide the parking for the dwellings in Willowdene Close. Most are currently vacant.

The two blocks are constructed of buff brick with false pitch roof above, with white metal garage doors. The surface of the remainder of the site is concrete.

Willowdene Close is a small cul-de-sac, made up of 8 detached bungalows, of similar, but not identical design and appearance. Number 8 is located adjacent the site and has first floor accommodation in the roof space with dormer windows. All are set back from the road with on site parking and mature gardens. The area is characterised by both residential and commercial development, with the Sparshatts second hand car showroom immediately abutting the eastern site boundary, and the Asda superstore, McDonalds etc located directly to the west, behind a bank of mature TPO'd woodland trees. The site lies within flood zone 1.

2 Planning History

APP/19/00950 - Proposed change of use and conversion and extension of existing garage block A to create 1No. 3 bedroom detached dwelling with associated car parking and bike and bin storage, reconfiguration of existing vehicular access, new gate and boundary wall, and associated works to garage block B.,
Withdrawn - 18/11/2019

3 Proposal

Proposed change of use, conversion and extensions, including first floor addition to block B, of existing garage blocks to create 2No. three bedroom detached dwellings with associated car parking, bin and bike storage, reconfiguration of existing vehicular access, new gate and new fencing and boundary treatments.

The application proposes the conversion (not demolition and rebuild) and extension of the existing garage blocks to form 2 separate detached dwellings.

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

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

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
E24	(Contamination)
DR1	(Delivery of Sustainable Development)
E20	(Drainage infrastructure in new development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Compliance with Approved Document B5 with regards to Fire Authority access to property beyond gated access (Dwelling A)

Ground floor bedroom 1 is an inner room and suitable means of escape provisions put in place as required by Approved Document B (Dwelling A)

First floor bedrooms 1, 2 & 3 are inner rooms due to open staircase at ground floor
Means of escape provisions to be put in place as required by Approved Document B (Dwelling B)

Building Regulation consent require for this work

Officer Note - Noted but compliance with these regulations unlikely to alter external layout

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.
CIL Form 1: Additional Information Form is incomplete and has been returned for completion. The Additional Information Form states that a self-build exemption is being claimed. This can only be claimed for one dwelling, and details of the applicable gross internal floor area have been requested. For self-build exemption to be granted, a completed Form 7 Part 1 will be required prior to commencement of works.

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

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

Crime Prevention

None received

Southern Water

The attached plan shows that the proposed development will lie over an existing public Surface water sewer which will not be acceptable to Southern Water. The exact position of the public surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The public surface water sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No new soakaways should be located within 5 metres of a public sewer.

- All existing infrastructure should be protected during the course of construction works.

Please note: There is decommissioned public surface water sewer within the site

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

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

Southern Water requires a formal application for a connection to the public sewer 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:

southernwater.co.uk/infrastructure-charges

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

Southern Water on revised site plan

The amended plans submitted indicates abandonment of public sewer. Any public sewers abandonment proposals shall be agreed and approved by Southern Water under Section 185 of Water Industry Act 1991 application process. All other comments in our response dated 28/04/2020 remain unchanged and valid for the amended details

Following further discussions with SW - No holding objection - applicant needs to apply via the Southern Water website for the following:

1. S185 application to remove the abandoned surface water sewer; and
2. S106 application to connect to the active nearby surface water sewer.

Environment Agency

None received

Environmental Health Manager

Environmental Protection. I have noted during the previous consultation relevant to this site (APP/19/00950) my colleague Lisa Duffy commented that should there be any proposal to build above ground floor level "it is likely that an acoustic report would be required by Environmental Protection".

I have looked at this amended application for the site which involves building two properties for domestic residential use, one of which is intended to be ground floor & first floor. The siting of the properties places both back to back with a large commercial site (Sparshatts of Havant) and I am concerned that future residents may be affected by noise arising from this established commercial site. The house which has a first floor bedroom which directly overlooks the site shows two small obscured glazed windows in that facade. Both properties may be affected internally or externally (outdoor amenity space) by noise arising at the commercial site adjoining and yet there is no mention of noise as part of this application process.

There is insufficient information provided in the documentation submitted in support of this application with respect to the noise impact on future residents from nearby existing commercial premises. I would therefore object to the application until such time as sufficient information is provided by the applicants to enable an informed judgement to be made in respect of the above mentioned matters.

Revised comment following discussions

I have been advised and have confirmed that the Sparshatt's site is used exclusively for the display and sale of car/vans and that none of the buildings on site are used for any mechanical or valeting services. The two occupied buildings on the site, which back onto the boundary fence, are used as an internal car showroom and offices respectively.

Given the difficulties with obtaining a meaningful noise report when the business is closed, due to the Covid-19 restrictions and with no indication if and when the premises will once again be fully operational, I have evaluated the information provided and would advise as a result that Environmental Protection is withdrawing its objection to this application.

Contamination: conclusions of detailed technical assessment:

I am concerned that such a limited sampling was undertaken in the soft-landscaped areas of the site, that the provision of clean growing medium in garden areas is so loosely defined, and that above ground oil stores have not been targeted where the investigation has indicated that groundwater levels may seasonally be within 1.0m of the finished ground surface (relevant to vapour and plant uptake pathways).

It is understood that there is some ambiguity as to whether the proposal represents a conversion of existing structures, or a demolition & re-build. The geotechnical work would suggest that a conversion will ultimately prove uneconomic relative to construction of new structures. Irrespective, it is anticipated that access will be available to the footprint of those structures at some point during the construction process.

I would consider that the level of sampling submitted is insufficient to justify the revisions to the conceptual site model, and I that in order to support consent for a residential land use at the site, it would be necessary to better characterise the made soils within the CLEA relevant depth-range (1.0m depth). This is essentially in line with the recommendation at 6.1.1 and could be undertaken concurrently with the additional Geotechnical Site Investigation which section 3.1 indicates is necessary.

The scope of work should ideally;

- . Include machine excavated trial pits to permit a broader visual inspection of the composition of made soils,
- . aim to collect sufficient samples to support a statistical characterisation of material that is relevant to either the source materials or the exposure scenarios at the completed development (or both).
- . include PID screening (e.g. of dynamic probe holes close to the boundary with Sparshatts, or otherwise within the footprint of proposed dwellings) to lend greater certainty to the vapour risk assessment
- . Consider targeting the former fuel storage tank adjacent to the eastern boundary of the site (near no. 115 Hulbert Rd.)
- . assess groundwater samples for light-non-aqueous phase / volatile liquids, especially where encountered at shallow levels.
- . Include additional asbestos screening on made soils to lend greater weight to the presumption of ACM presence being an outlier, and not representative of the probability of inclusion.

Probably the greatest perceived risk is within the soft landscaped private garden area to the two-storey dwelling, as this is thought to be adjacent to the approximate position of multiple DERV & Gasoil tanks, close to dispensing pumps, and an internal 'oil store'. Made soils are an equivalent risk here as they are to the soft-landscaped areas to the single storey dwelling (as yet not inspected).

Indoor risks should not be ignored, as it is known that automotive service and repair activities were consented for some garage units on the Sparshatts site (precise location not known), though it is acknowledged that a risk assessment might reasonably be pragmatic in respect of the probability of occupants becoming exposed to contaminants beneath the footprint of buildings. It should be noted that NHBC guidelines do not regard a building to be a sufficiently robust barrier as to prevent exposure to pollutants which represent an acute exposure risk (e.g. asbestos).

Similarly, I'd highlight the potential for significant PAH contamination in the largely untested made soils at 'utilities installation depth' (0.4-0.75m), where penetration of potable water supply pipes (and subsequent human consumption of drinking water) represents a principal mode of chronic exposure. I note from logs to WS4 that 'pockets of tarmac' may be present in made soils, and that PAH's from such sources may be mobilised by the presence of elevated fuel-derived hydrocarbons in the soil matrix (or within/on perched groundwater) - evidence of 'staining around' clasts of macadam in the available log suggests that this may be happening.

Recommendations

It is considered that there is a reasonable prospect that additional site investigation & worst case remedial or risk mitigation measures would not prejudice economic development of a high quality two-dwelling scheme, based upon the submitted investigation, the proposed scheme, and the available additional desk-based information - most notably ruling out a significant controlled waters risk and suggesting that exposures to vapours might not be a particularly significant concern.

Based upon the above, I am reasonably comfortable to raise no objection to the proposed scheme, subject to a suitable suite of conditions to secure further human health risk assessment & where necessary, the implementation of a remediation & risk mitigation scheme.

Conditions [1] & [2] are considered to be essential to support a positive determination of this application. Condition [3] is suggested wording to lend weight to consideration of the surface water disposal system - it may be omitted if other drainage conditions are to be applied which require approval of drainage layout, or if the planning service consider that an informative is a more appropriate means of communicating a presumption against infiltration drainage (pending more comprehensive site characterisation).

I have omitted an informative in respect of unexpected contamination, as the Soils Ltd. Report proposes that a watching brief is to be observed during development (albeit in loosely defined terms). I recommend that the Soils Ltd. Report is listed as an approved document on the decision notice, in order to secure this in principle as a 'formalisation' of the liability conferred to the developer & landowner under paragraph 179 of the NPPF 2019.

suggested conditions - see full response - 1. Contamination (bespoke - omitting EDS & long term); 2. Verification (bespoke, omitting & long term); 3. Restriction on Infiltration Drainage

Hampshire Highways

Whilst the application includes an additional dwelling to that of the previously withdrawn application, the comments made upon the previous application remain valid and are re-iterated as follows:

"I refer to your consultation in respect of the above planning application. This proposal could potentially decrease the amount of traffic using the access and local highway network. I therefore confirm the Highway Authority have no objection to the proposal."

Natural England

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

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

Solent Recreation Mitigation Strategy - no objection subject to mitigation

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

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

Nutrient Neutrality - no objection subject to mitigation

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the 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.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the

interim strategy, with measures to ensure this approach can be adequately secured and accounted for. For completeness, Natural England advise your authority to detail the nitrogen budget requiring mitigation within the HRA.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please consult Natural England on the discharge of the Grampian condition.

Portsmouth Water Company

Portsmouth Water do not object to the proposed development in principle, however if deep subterranean activities such as deep drainage solutions and/or piling are to be undertaken on site we would wish to be further consulted at the detailed design stage. The site is located within the Source Protection Zone 1c (SPZ1c) for an essential Public Water Supply Source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source.

Drainage

The proposed surface water strategy is disposal by sustainable drainage system; this is acceptable to Portsmouth Water in relation to groundwater protection. The proposed foul water drainage strategy is currently unknown, Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage.

Piling & Foundations

Portsmouth Water would have no objection to piling at this location if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover we would expect a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

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.

Public Spaces

None received

Traffic Management

The Traffic Team have no adverse comment to make

Waste Services Manager

None received

6 **Community Involvement**

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

Number of neighbour notification letters sent: 10

Number of site notices: **1** - Displayed *by applicant due to Covid 19 restrictions*

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
2 letters have been received, both essentially in support, but noting points:	
Willowdene Close consists of 8 bungalows whereas the block B proposal is for a two storey dwelling and this would take time to get used to; well thought out design for the space available; have lived in cul-de-sac for 58 years and with all the various problems with the garages, feel this is ideal solution	Noted - see section 7
I fully support this application as the conversion of the two existing garage blocks to two detached dwellings will greatly enhance Willowdene Close by making it a purely residential Close with two aesthetically attractive dwellings replacing garage blocks which can only be described as an eyesore. The changes will undoubtedly improve the security of the Close and prevent any further fly tipping, both of which have been a problem in the recent past.	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 area
- (iii) Impact upon residential amenity
- (iv) Highways, Sewers and drainage
- (v) Contamination
- (vi) Compliance with Habitats Regs
- (vii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable, subject to the usual development control criteria. The NPPF sets out a presumption in favour of sustainable development and the proposed conversion and extension of the existing garage blocks would result in their re-use in a sustainable way to make effective use of the site. In principle a residential re-use is considered compatible with the immediate surroundings of Willowdene Close, subject to the following detailed considerations.

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

7.3 The submitted D&A statement and third party representations allude to past nuisance from vehicles parked in the road, fly tipping and noise associated with the garage blocks. The removal of this possible source of anti social activity would likely result in a net gain to residential amenity by taking the garages out of commercial use and into residential use. The site is physically related to Willowdene Close with its access taken from within the Close, and as such residential conversion would be in keeping with the character of the Close.

7.4 In street scene terms the proposed development includes the addition of a first floor above the northern block and modest single storey extensions to both blocks, creating a modern, contemporary, flat roof development with deep overhanging fascias, using render and timber cladding. This would be a unique design for the cul-de-sac which is otherwise made up of traditional hipped roofed bungalows. However the existing buff brick flat roofed garages are not attractive and do not visually contribute to the appearance of the Close. Their reconfiguration into two contemporary dwellings would be likely to enhance the visual appearance of the cul-de-sac and make a statement development. Their variance in external appearance would create a focal point. The use of some render would provide a link to the bungalows in the Close, which do feature significant areas of render. Since the development would not be visible from the wider public domain of Hulbert Road, but just from within this small close, then on balance the contemporary design solution is considered acceptable.

7.5 In terms of height, the addition of the first floor is comparable to the roof space accommodation and dormers at Number 8. Whilst the properties in the Close are traditional bungalows, with single storey eaves line, nevertheless their ridge heights vary slightly. The proposed development at block B, would have a maximum height of 6m, which is considered similar to the ridge heights of the bungalows. The proposed first floor element has also been partially set back with stepped roof, such that the silhouette and profile would appear subservient and recessive when viewed from

within the Close. Overall, whilst acknowledged as being different to the remainder of the Close, nevertheless the overall height and design is considered appropriate to the context of the site, and compliant with policy CS16 of the adopted Core Strategy.

(iii) Impact upon residential amenity

- 7.6 The conversion of Block A, in the backland position would likely reduce vehicle movements previously associated with 8 garages from passing immediately adjacent the side of No. 8. Therefore the comings and goings and disturbance would be likely to be less, representing improved levels of quiet amenity for the occupiers of No 8.
- 7.7 No 8 is set at a slightly higher level than the site, and has dormers in its rear and northern roof slopes, a rear fully glazed conservatory and the shared boundary comprises a brick wall with trellis above. The proposed rear conversion and extensions to form a dwelling would be entirely single storey and the layout has carefully respected the outlook from No 8. The footprint has been staggered with non-habitable windows closest to number 8 with the sitting out area and useable garden at the eastern end of the site, farthest from No 8. The staggered footprint acts as a buffer protecting any cross visibility from No 8 to the private sitting out area for the proposed dwelling. The design and layout with resultant separation is considered appropriate to adequately protect the private amenity areas of No 8 from any undue loss of outlook, privacy or disturbance.
- 7.8 Number 115 Hulbert Road is a two storey dwelling whose rear garden abuts the rear of the site with a standard height close boarded fence with trellis above on the shared boundary line. The layout would result in the garden area of the proposed dwelling lying adjacent the garden area of 115 - but this is considered a compatible use that would not be harmful to neighbouring residential amenity. There would be no overlooking to No 115 from the single storey development.
- 7.9 The proposed front dwelling in Block B, would be 2 storey and as such have some first floor windows. These have been carefully sited to avoid any overlooking - the only window facing the Close and potentially across to the frontages of No 1 and 2, would be a landing window over the entrance hall void. There would be 2 bedroom windows in the north-west elevation, facing the entrance road and tree belt, and also a larger window in the south-east elevation - this would potentially look towards the side elevation of No 8, but the separation distances would be over 10m. Additionally 2 small obscure glazed high level windows are proposed in the north-east elevation, directly over the Sparshatts garage site. Overall the fenestration layout is such that the private amenity of surrounding properties would be adequately protected.
- 7.10 In terms of amenity for future occupiers, the site is located next to the Sparshatts garage and initially concern was raised by Environmental Health over possible noise nuisance from this existing commercial site affecting future residents. However, the commercial site is a car showroom site with no car repairs or MOT's etc. The commercial buildings that are back- to-back with the proposed dwellings are used for car showroom display and admin purposes only ie relatively quiet activities. On this basis Environmental Health have withdrawn their concerns.

- 7.11 It is also noted that the gardens to serve the proposed dwellings are not necessarily traditional in layout - but it is considered that they would provide an adequate level of amenity for future occupiers. Block B would have an outside tapered area of length of 10.5m plus a walled courtyard. Block A would have a triangular shaped area, plus store and additional area. The main sitting out area measures at least 9m x 8m and overall the spacious setting of the block would provide sufficient amenity areas for future occupiers. Both properties would have 3 bedrooms and therefore suitable for families, but on balance the garden areas available are considered appropriate.
- 7.12 Overall it is considered that the layout of the 2 proposed dwellings would not be harmful to the residential amenity of adjacent neighbours and would also provide adequate standards of accommodation and amenity for future occupiers, compliant with adopted policy CS16 and emerging policies E1 and H1. However, due to the unique design and layout and constraints of the site it is considered appropriate to remove permitted development rights for any future extensions and alterations to the dwellings.

(iv) Highways, Sewers and drainage

- 7.13 Whilst the proposal would result in the loss of 16 garages, these are not used for the parking of vehicles for local residents. They have previously been rented out to non-local people, mainly for storage. Their loss would not therefore result in additional, local on street demand for parking spaces. All local dwellings in Willowdene Close and Hulbert Road have their own on site parking spaces.
- 7.14 In terms of parking provision for future occupiers, each 3 bed unit would have 2 on site spaces. Block A would be surface parking and block B would have an integral double garage as part of the proposed conversion. The internal size of the garage meets the dimensions set out in the adopted Parking SPD. Access would be directly off the highway ie there is nowhere for a vehicle to pull off the highway whilst garage doors are being opened - but this is an existing situation in a quite cul-de-sac of only 8 dwellings - the risk to highway safety is considered low. Hampshire Highways have noted the potential reduction in traffic using the highway and raise no objection. The proposal is therefore considered compliant with Policy DM13 and the Parking SPD.
- 7.15 There are 3 public sewers that cross near the application site - all around Block B. The one closest to the western elevation of the garage block is surface water only and SW have agreed in principle that it can be diverted/made redundant. An amended site plan showed how this could work on site. Re-consultation on the amended plan resulted in the technical team at SW advising that the applicant needs to apply under their legislation for both a S185 to remove the abandoned surface water sewer and a S106 to connect to the active nearby surface water sewer. The layout of the development should not be affected by the presence of the sewers but they will still need to be protected and easements adhered to, including appropriate tree planting. A condition can be imposed protecting the sewers and the applications to SW are outside of planning legislation and an Informative added.

(v) Contamination

- 7.16 The adjacent car showroom site was previously a petrol filling station with underground diesel tanks, oil store, pipework and septic tank close to the current application site. A former watercourse also bisected the site and some drainage infrastructure which could influence the mobility of distribution of contaminants. Therefore an intrusive ground investigation has taken place and a Main Investigation Report submitted by Soils in support of this application. This has been considered by Environmental Health who conclude that, despite some shortcomings with the investigation and analysis, recognises that there is a reasonable prospect that additional site investigation & worst case remedial or risk mitigation measures would not prejudice economic development of a high quality two-dwelling scheme. The available desk-based information rules out a significant controlled waters risk and suggests that exposures to vapours might not be a particularly significant concern. Accordingly no objection is raised in principle to the conversion, but conditions are necessary to secure further human health risk assessment & where necessary, the implementation of a remediation / risk mitigation scheme.
- 7.17 The disposal of surface water is normally a Building Regulations matter to accord with Part H3 but in this instance, due to the possibility of contaminants being present, it is not recommended to use infiltration drainage unless compatible with the contamination assessment. Therefore a further condition is recommended by Environmental Health to ensure appropriate surface water disposal - likely to be direct to the sewer, but this needs confirmation at a later stage.

(vi) Compliance with Habitats Regs _

- 7.18 As a proposal resulting in new residential accommodation, the Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of one new residential unit.
- 7.19 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement/accept a Grampian style condition to secure the appropriate mitigation packages.
- 7.20 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into the appropriate agreement and signed and returned the Deed and paid the appropriate sum of £1,432.10. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue, the applicant has indicated a willingness to accept a Grampian style condition to mitigate the harm, pending the Council's solution to the nitrates issue.

7.21 The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement/condition, this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no objection on this basis. The applicant has indicated a willingness to enter into a legal agreement/condition to secure the mitigation packages. As such this matter could be dealt with by condition should permission be recommended, but since the application is being recommended for refusal it would not be appropriate to refuse the application for non provision of the appropriate mitigation package.

(vi) CIL

7.22 The development is CIL liable for the net additional internal floor space, which has been calculated as 28sqm for Block A and 80sqm for Block B. The applicant is claiming self build exemption for Block B. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2019 - 39.73% and 2020 - 49.107%.

7.23 The levy to be charged for this development would be £112 per square metre on new floor space plus indexation and calculates as £3,340 for Block A and £9,542.86 for Block B, but after the self build exemption is applied to Block B, this becomes zero. The Draft Liability Notice is being prepared and will be issued to the agent after the planning decision has been issued.

8 Conclusion

8.1 The principle of the conversion of the garage blocks to create residential dwellings is supportable in principle, as making effective use of an urban site in a sustainable way that is compatible to its surroundings. The submitted contamination report is sufficient to demonstrate that any contaminants could be economically mitigated against and conditions are required to ensure appropriate remedial works. Southern Water issues can also be dealt with by a mix of condition and Informative's and hence, subject to conditions, the application is recommended for permission. It will also be necessary to impose a Grampian style condition to ensure that the development is nutrient neutral.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00276 subject to the following conditions

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

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

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

Design & Access Statement by Wildern Architecture Ltd March 2020
Main Investigation Report Reference: 18189/MIR dated March 2020 by Soils Ltd
Site Location Plan 1:1250
Block Plan As Existing and Proposed Drawing No.W19-009 101
Site Plan as Proposed Drawing No.W19-009 104 Rev A
Plans and Elevations - as Proposed Drawing No. W19-009 103

Reason: - To ensure provision of a satisfactory development.

- 3 Neither of the 2 dwellings hereby permitted shall 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 each dwelling, 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 of each dwelling and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from each dwelling 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.

- 4 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 buildings and the block paving areas, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

- 5 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no enlargement, extension or roof alteration shall be constructed or made to the hereby approved dwellings, without the prior approval of the Local Planning Authority.

Reason: To protect neighbouring amenity and to ensure adequate provision of on site amenity area for future occupiers, as the unique design and layout of these dwellings does not lend itself to further extensions, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car parking, refuse collection, servicing and other vehicular access arrangements shown on the approved plans to serve each of the hereby approved dwellings shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

- 7 The garage hereby permitted to serve Block B shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking in accordance with the adopted Parking SPD 2016 and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and to discourage parking on the adjoining highway in the interests of highway safety and local amenity.

- 8 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation to complement the Soils Limited Main Investigation Report ref; 18189/MIR; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupiers of the development.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the information that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any arrangements for contingency action.

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

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

- 9 Prior to the occupation of any relevant part of the hereby 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.

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

- 10 No piling shall take place on site unless and until a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: Piling or any other foundation designs using penetrative methods has the potential to impact Public Water Supply and therefore the applicant is advised to contact Portsmouth Water to discuss the details of any piling method statement, having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Construction of the development hereby permitted shall not commence until:

a) Details of the proposed means of surface water disposal and any SUDs have been submitted to, and approved in writing by, the Local Planning Authority. There should be a presumption against disposal by means of infiltration drainage unless compatible with the contamination assessment 'site conceptual model' & remedial / risk mitigation scheme.

b) Plans and particulars specifying the measures to protect the existing drainage apparatus have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

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 connections and proposals in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: Use of infiltration drainage may impact exposure to contaminants and 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 DM17 of the Havant Borough Local Plan (Allocations) 2014 the National Planning Policy Framework.