

Recommendation: **GRANT PERMISSION**

APP/15/01088 - Variation of condition 4 with respect to hours of opening; removal of condition 5 with respect to provision of screening for roof plant and variation of condition 6 to amend approved plans to provide for relocation of plant to lower roof – all of planning permission APP/14/01036 (which provided for Change of use of existing Class A1 and A2 units to a class A3 restaurant; extensions to existing units 2 and 3 and use of area under part of canopy above for outside seating; rear extensions to unit 3 with extraction and ventilation equipment above and on first floor roof; alterations to shopfronts and entrance doors) together with discharge of conditions 2 and 3 of same permission with respect to acoustic performance and fume mitigation.
 . PERM.21/09/2016

3 Proposal

The proposal is for the construction of 21 No. one and two bed apartments in a 2 storey extension fronting onto Prince George Street, together with the provision of infill flexible use (Classes A1/A2/A3) commercial floorspace to North Street frontage, following the demolition of existing 1 and 2 storey retail development to rear.

The proposals would result in the provision of 21 new dwellings – 16 x one-bedroom flats and 5 x two-bedroom flats. These flats would be constructed following the demolition of the existing 1-2 storey high arcade development which backs onto Prince George Street. The replacement development would consist of a 2 ½ storey high 'Mews' styled building that would turn the corner on Prince George Street. The elevations of the 'mews' styled façade would be finished in a combination of contrasting red / grey coloured facing bricks, together with grey windows and doors beneath an artificial slate roof with GRP dormers. Spurring west, from the southern end of the 2 ½ storey part of the building would be a two-storey high element – this would incorporate an undercroft access for residents and visitors which would lead to a central courtyard area. The eaves and ridge lines of this development would tie in, and align approximately, with the development at No.8 Prince George Street to the south.

The proposal also includes two thirds of the existing undercroft which would be 'filled in' with the provision of 3 units for commercial floorspace. As such the proposal includes a net loss of 5 retail units. The northern most part of the undercroft, which is to the south of Grastar (Unit 1), would remain open - allowing pedestrian access through to the residential development to the rear. The other two commercial units are proposed to be within use classes A1 (retail), A2 (financial and professional services) or A3 (café/restaurant).

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS20	(Transport and Access Strategy)
CS4	()
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
- AL3 (Town, District and Local Centres)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 1 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded limited weight, dependent on the extent of objection received during the consultation process.

The relevant planning policies of the emerging Local Plan are:

- DR1 - Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 - Improving Transport Infrastructure
- IN3 - Transport and Parking in new development
- IN5 - Future management and management plans
- E1 - High Quality Design
- E2 - Health and wellbeing
- E3 - Landscape and settlement boundaries
- E9 - Provision of public open space in new development
- E12 - Low Carbon Design
- E13 - Historic Environment and heritage assets
- E14 - The Local Ecological Network

E15 - Protected Species
E16 - Solent Special Protection Areas
E17 - Solent wader and Brent Goose feeding and roosting sites
E18 - Trees, hedgerows and woodland
E19 - Managing flood risk in new development
E20 - Drainage infrastructure in new development
E22 - Amenity and pollution
H1- High Quality Homes
H2 - Affordable Housing
H3 - Housing Density
H4 - Housing mix
KP1 - Havant Town Centre

Listed Building Grade: Not applicable.

Conservation Area: Site adjacent to Conservation Area

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulation application will be required for this work

Community Infrastructure, Planning Policy & Urban Design

CIL and SRMS are relevant in this case

Conservation Officer, Development Control

No Objection - There is no argument that this section of the North Street Arcade is in need of regeneration. The quantum and form of development appears to have successfully picked up the character, grain or scale of buildings in the area. However, good quality materials will play a key part in the success of the scheme in this prominent location.

Conditions:

Materials to be submitted

Windows and door details to be submitted

County Archaeologist, Strategic Environmental Delivery Group, HCC

No Objection

Crime Prevention -Major Apps

No response

Developer Services, Southern Water

No objection - subject to conditions

Economic Development - Retail and Town Centres

No response

Education Department

No response received

Environment Agency

No Objection - Our initial concerns were that the proposed development would have been constructed on an existing main river culvert according to our mapping records. However after meeting with the developer's consultant on site and lifting manhole covers it is evident that the main river culvert does not cross beneath the proposed development but follows the existing street and pavement.

We will amend our "main river" mapping to reflect this correction. The developer should be aware that any construction within 8metres of the Lavant Stream culvert "main river" will require a Flood Risk Activity Permit.

Hampshire Fire & Rescue

No response

Highways Engineer, Development Engineer

No Objection

Highways Engineer, Development Engineer

In addition to my previous comments

The construction of the proposed development will be difficult on this site and therefore a Construction, and Environmental Management Plan will be required

Housing Manager (Development)

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), the governments Ministerial Statement published during the summer of 2016, the Local Plan Housing Statement, and the emerging Havant Borough Local 2036 mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; plus, town centres should be able to include 20% affordable housing.

The demand for affordable housing remains high within Havant borough; as at 7th July 2018 there were 1820 households registered on Hampshire Home Choice seeking accommodation in our area and of these 873 are waiting for a one-bedroom home, and a further 648 for a two bed.

The applicants are proposing 21 residential units comprising 1 and 2 bed apartments. To be policy compliant I would expect a minimum of 4.2 units to constitute the affordable provision with an acceptable tenure split Affordable Rent/ Shared Ownership.

The applicants have submitted a viability assessment which shows that providing affordable housing as part of the development would render the project unviable. In fact, they state that a development consisting of purely market units would produce a significant negative residual value. The applicants state that they intend to retain the units as a rental portfolio therefore mitigating this negative position over time.

I note that as policy requires the viability assessment has been referred to a third party for further checking and I look forward to seeing the response. At this stage it will be possible to determine if there is any opportunity for contributions towards affordable housing whether on-site, off-site, or a financial contribution in-lieu of onsite provision.

Landscape Team, Havant Borough Council

No Objection- subject to condition

Local Lead Flood Authority HCC

No objection - The County Council has reviewed the following documents relating to the above application:

- Surface Water calculations dated 09/19

Calculations have now been provided for the 1:30 and 1:100 + climate change storms and therefore we have no further comments.

Natural England Government Team

Solent Recreation Mitigation Strategy – no objection subject to condition

This application is within 5.6km of Chichester 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 planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Your Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

Nutrient Neutrality – no objection subject to mitigation

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.

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.

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.

Southern Gas Network

No Objection

Planning Policy

North Street Arcade is not within the primary or secondary shopping frontages of Havant Town Centre as defined by Policies CS4 and AL3.

In terms of Policy DM2, paragraph 10.05 of the supporting text in the Core Strategy clarifies that local shops are "within local centres" or "small local shops meeting everyday shopping needs outside all identified centres." Paragraph 10.08 further clarifies that "Policy DM2 refers to shops within the primary and secondary frontages of centres identified in policy CS4 as well as small local shops located outside of these centres that meet everyday shopping needs."

I do not consider the units would fall into the former category as the application site falls within Havant Town Centre (as opposed to a local centre).

On this basis I'd suggest that DM2 would not apply and the scheme complies with the Adopted Local Plan. Moreover, the scheme would contribute towards the Council's objectives to regenerate Havant Town Centre in line with emerging Policy KP1 of the Pre-Submission Draft HBLP 2036, and is supported by the Council's Regeneration Strategy.

Regeneration

No response

Traffic Management, East Hampshire District Council

There are no available spaces in the nearby Prince Georges Street car park , I am concerned that there is no available visitor parking to the development

Waste Services Manager

No Objection

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: 55

Number of site notices: 3

Statutory advertisement: 15/06/2018.

Number of representations received: 2

Comment	Officer Comment
Havant Civic Society In our original letter on this application, we had overlooked the response by the Traffic team. This was, "There is no available spaces in the nearby Prince Georges Street car park , I am concerned that there is no available visitor parking to the development". This was qualified on further enquiry by this reply, "The car park is over subscribed with the number of permits sold to spaces available and this is monitored evidence." This would seem to support our concern, expressed in our initial letter, about parking for residents of this development, as well as their visitors, overspilling in to streets such as Bellair Road and Oaklands Road, exacerbating an existing problem. This issue needs to be addressed in a practical and meaningful way before this development goes ahead. It also adds weight to our concerns that the East Pallant car park might be a potential site for residential development. These concerns were expressed in our response to The Draft Local Plan 2036. If that were the case, where are these and other potential new residents in the town centre going to park?	Matter addressed in paragraph 7.4 (vi) Highway and parking issues
Concerns about rights of access within the site	This is a civil matter and not a material planning consideration

7 **Planning Considerations**

- 7.1 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 be results of the proposed development.

- 7.2 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 entered into a legal agreement to secure the mitigation packages for the SRMS. The applicant has also agreed the Grampian style condition, as outlined in the position statement, in order to mitigate the impact of the developments in terms Nutrient Neutral Development.
- 7.3 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.4 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 local shops
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity (neighbouring properties and future occupants)
- (v) Affordable Housing and viability issues
- (vi) Highway and parking issues
- (vii) Drainage and flood risk
- (viii) Developer Contributions/S106

(i) Principle of development

The application site is situated within an urban area and represents a brownfield site where further development is considered acceptable subject to the usual development control criteria. Policy CS17 supports the development of such sites within the urban area. The site is in Havant Town Centre as shown in Policies CS4 and AL3 (Town, District and Local Centres). The redevelopment of this site is further supported by Policy CS6 (Regeneration of the Borough). The latter cites the Councils support to promote the development of brownfield land by looking at higher densities around town centres and transport hubs. As such the site is located in Havant Town Centre, containing a wider range of options with regard to public transport, retail, leisure and employment opportunities and is considered to be in a sustainable location.

(ii) Loss of local shops/impact on town centre

Policy DM2 - Protection of Existing Community Facilities and Shops, outlines in paragraph 10.08 outlines that this policy refers to shops located within the primary and secondary frontages of centres identified in policy CS4 as well as small local shops located outside these centres that meet everyday shopping needs. The site lies within the defined Havant Town Centre, as outlined in policy CS4, but does not lie within the primary and secondary frontages of centres as outlined in the Havant Town centre policies map. As such this policy is not relevant to this application.

The two new units that proposed are for A1, A2 and/or A3 use. This is supported by criterion 1) of Policy AL3 which aims to provide main town centre uses in the town, district and local centres to contribute to their vitality and viability. The existing uses appears to be in decline and the premises is in a poor condition requiring significant investment. Furthermore the direction of travel in the The Pre-Submission HBLP 2036, whilst noting it currently has limited weight, outlines in policy Policy KP1 (Havant Town Centre) the regeneration of the Town Centre is key to the delivery of both the Local Plan and the Council's Regeneration Strategy. The site lies within the Market Parade area as defined by Figure 4 in the Pre-Submission Local Plan. The policy outlines that that planning permission will be granted for development that at ground floor level, provides main town centre uses (except offices (B1a) with active frontages. As such this proposal complies with both adopted and emerging policy, and will enable a site, which is largely vacant to be regenerated, in a highly sustainable location.

(iii) Impact upon the character and appearance of the area, including impact on the setting of the adjacent Conservation Area

North Street Arcade itself has experienced little investment in recent years due to its poor retail trading position and architecturally, the building fails to make a positive contribution to both the local environment and Town Centre. As such the site is recognised as being an 'opportunity area' in the Core Strategy. The Prince George Street elevation, although not a defined key frontage, is nevertheless in need of significant improvement and this proposal seeks to regenerate the rear part of the site.

The rear part of the site is considered to be more of a transition area between the higher density North Street and the residential environment of Manor Close and The Pallant. In respect of the latter, which lie within the St Faiths Conservation Area, regard must also be had to S70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out a general duty for local authorities:

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The application proposes the construction of a replacement part 2.5 storey building in crescent form, reinforcing the curvature of Prince George Street. The proposals also include extension of the two storey block within the courtyard area along with the partial infilling of the open undercroft area fronting North Street. The resultant courtyard area to the rear would comprise residential use only and include pedestrian access to the apartments along with associated refuse and cycle storage located away from the Prince George Street frontage. The courtyard would be resurfaced using appropriate high quality materials, which would be controlled through a condition.

The scale of the proposed buildings and their relationship to the immediate surroundings is considered appropriate which is essential in such a prominent site. In addition they are considered to be sensitively designed and would be a distinct improvement on the existing appearance of the site. It is inevitable that the new development would be visually dominant and in that sense, stand out. However, the Prince George Street proposed frontage would be set back from the pavement with protective railings and planting introduced to soften the impact on the street scene, whilst also ensuring privacy to the proposed ground floor units. This appears to have been achieved in a subtle way that aids the developments legibility.

In conclusion on this matter it is accepted that this section of the North Street Arcade is in need of regeneration. The quantum and form of this development is considered to have picked successfully picked up the character, grain or scale of buildings in the area in this prominent location. As such the development is considered to have a positive impact on the character and appearance of the immediate area, and the development is considered to enhance the character and setting of the conservation area.

(iii) Impact upon residential amenity

The main impact relates to the properties on the opposite side of Prince George Street located in North Street, to the north of the site and Manor Close to the east of the site. The level of separation is considered to provide a satisfactory relationship and the proposal is not considered to result in unacceptable loss of privacy, loss of sunlight/daylight or overbearing impact to neighbouring residential properties. It is also noted on this point that no objections have been received from neighbouring properties in these units identified.

Amenities of future occupants

The proposed development comprises 321 new dwellings – 16 x one-bedroom flats and 5 x two-bedroom flats. The development would provide some relatively small flats ranging in floorspace for 1 bed units between 37.6sqm and 56sqm and for 2 bed units between 61sqm and 70.4sqm. All of the units would all have access to the central communal space in the central courtyard and around the building. The Council does not have a current Local Plan Policy that allows it to require compliance with particular space standards. Policy H1 is proposed within Draft Local Plan which would secure new housing developments to provide adequate internal and external space to ensure appropriate living environments for future occupiers, in accordance with the Technical Housing Standards, however this has limited weight at this time. As such whilst some of the flats are considered to be small and below the Technical Housing Standards it is considered that the units would provide an acceptable living environment for future occupants in a sustainable location well served by local facilities, and the policy position at present is such that, when balanced with the benefits of the scheme. a defensible reason for refusal based on space standards could not be advanced.

(v) Affordable Housing and viability issues

The proposal would provide for 21 flats. Policy CS9 (Core Strategy) requires development to deliver on average 30-40% affordable housing unless a lesser requirement has been transparently justified on viability grounds. The Housing Officer has confirmed that there is a high need for affordable housing in the Borough.

In this case the application has been submitted with a Viability Assessment which concludes that the only method of bringing forward the site (as encouraged by the NPPF) is to reduce the affordable housing contribution to nil which is justified by the NPPF, CIL Regulations 2010 (as amended), and the RICS Guidance Note 'Financial Viability in Planning'.

The Council has tested the Viability of the scheme independently at the developers expense. This testing has concluded that the lack of affordable housing on site or a contribution is justified on viability grounds. In these circumstances it is considered that the applicant has justified transparently on viability grounds the lack of affordable housing as required by policy CS9. Having an understanding of the changing costs of development a viability review mechanism has been secured within the legal agreement, this enables the costs of the development to be reviewed as development progresses. If the review demonstrates that the Residual Land Value exceeds the benchmark land value then an appropriate affordable housing contribution shall be required.

(vi) Highway and parking issues

An objection has been received that the development proposes no car parking for the scheme - although the scheme does propose 1 space for drop off, and/or servicing to allow deliveries to the residential units. The Havant Borough Residential Parking and Cycle Provision SPD identifies Havant Town Centre as a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicle. Furthermore, paragraph 3.05 of the Standards recognises that on brownfield sites outside of town centres, it may be possible to reduce the number of car parking spaces where the development is within a reasonable distance of good public transport links. It is therefore considered that given the highly sustainable location of the development that this proposal, with zero parking, is consistent with the aims of the SPD.

Concerns have also been raised that the proposal has no visitor parking for the development, and that existing public car parks are at capacity during the day. A number of public car parks are within close proximity to the site which could be used for parking for visitors to the development, most notably the Prince George Street car park located directly outside the proposed residential element of the scheme. Any increase in parking demand is considered to be limited and outside of the peak shopping times and it is therefore considered that the development would not have an impact on the vitality of the town centre, with regard to pressure on existing public car parks.

Cycle parking/storage provision would be provided through two secure cycle stores within the curtilage of the residential building. The first will be located to the north of the building accessible directly from the northern pedestrian access onto Prince George Street and will have space to accommodate 18 cycles. The second store will be located within the centre of the residential building and will be accessible through the courtyard; this store will be capable of accommodating 10 cycles.

A total of 28 cycle spaces are therefore provided at a ratio of one per unit. The adopted parking SPD states that for larger developments of 10 or more dwellings short term visitor cycle parking can be provided at 20% of the long-term standard, this would equate to a required provision of 7 short term cycle spaces. The proposed provision of 28 spaces is therefore considered acceptable to meet all resident demand and encourage cycling as a primary mode of travel.

The servicing of the proposed residential scheme would take place from two separate points on the Prince George Street roadside in keeping with the existing refuse arrangements. Servicing for the retail units fronting onto North Street will be carried out from the North Street roadside in keeping with the arrangements for a number of other units of a similar nature and size along this road. In addition as outlined above, a layby is proposed to the north of the residential building on Prince George Street to accommodate servicing trips, such as pick up/ drop off trips and deliveries.

Taking all these factors together with regard to impact on the highway and parking provision, it is considered that given the sustainable location of the site, that in this situation the provision of zero car parking is considered acceptable and the development would not have a significant adverse impact on the highway network.

(vii) Drainage and flood risk

In relation to drainage and flood risk, the site is located in Flood Zone 1 (low flood Risk) and within a Source Protection Zone. Further details in relation to the proposed drainage to address issues raised by consultees have been submitted during the course of the planning application. The Environment Agency raised initial concerns that the proposed development would have been constructed on an existing main river culvert according to mapping records. However after meeting with the developer's consultant on site and lifting manhole covers it is evident that the main river culvert does not cross beneath the proposed development but follows the existing street and pavement, and as such the EA removed their objection to the scheme.

Foul water drainage would link to existing drainage systems and this is considered acceptable in principle. A foul water drainage condition is recommended to ensure that details are acceptable.

Surface water drainage provides soakaways, permeable surfacing and diffusers so water drains to the ground water. Subject to appropriate conditions the drainage proposals are considered acceptable in principle and initial concerns of consultees have been addressed.

(viii) Developer Contributions/S106

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 20th 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 (plus indexation) per square metre on new floorspace (measured as gross internal area) in Havant.

It is considered that there is a CIL liability for this site. A credit can be given for the existing floorspace within the site and therefore only the additional floorspace is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space would be less than the existing floor space, and therefore in this circumstance a contribution towards CIL would not be liable. The contribution has therefore been calculated at £101,244.32 The applicant has been advised of this accordingly.

The S106 Agreement secures the following:
Financial Contribution for the Solent Recreation Mitigation Strategy Contribution

Other Matters:
SUDS - management and maintenance
SUDS Bond
Viability Review mechanism

8 Conclusion

The proposed development would result in the provision of 21 residential units contributing to the Boroughs Housing Need. In addition the proposal will retain an active frontage to North Street Arcade through the continued presence of commercial units. The site is located in a sustainable location close to public transport hubs, retail, leisure, educational and employment facilities.

The development is considered to be well designed and subject to conditions the development would have an acceptable impact on the character of the area providing an attractive frontage to Prince George Street lacking with the current form of development. As such the development is considered to conserve the character and setting of the adjacent conservation area.

In relation to the impact on neighbours, careful consideration has been given to the relationship with neighbours and the development is not considered to have a significant adverse impact on neighbouring properties.

Affordable housing would not be secured as part of the development and this has been justified and tested in relation to development viability in accordance with the Councils housing policy. Having an understanding of the changing costs of development a viability review mechanism has been secured within the legal agreement, this enables the costs of the development to be reviewed as development progresses. If the review demonstrates that the Residual Land value exceeds the benchmark lands value then an appropriate affordable housing contribution shall be required.

Given the sustainable location of the application site, in this instance it is appropriate to have a residential development with zero car parking, which complies with the aims and objectives of the Parking SPD, given its proximity to services.

Drainage proposals are considered acceptable in principle subject to appropriate conditions and legal agreement.

Finally, a S106 Agreement has been secured in respect of SRMS contribution, SuDs and viability review mechanism. Planning permission can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00530 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:

Flood Risk Assessment and Planning Statement for Drainage and services prepared by Hamill Davies Limited
Planning Statement
Design and Access Statement
Transport Statement prepared by PBA
LOCATION AND BLOCK PLAN - 16-2199-103 P3
PROPOSED ELEVATIONS - 16-2199-135 P5
PROPOSED FLOOR PLANS - 16-2199-134 P9
PROPOSED SECTIONS - 16-2199-136 P5
ADDITIONAL DRAINAGE INFORMATION - Proposed 18-3139-511-P2
ADDITIONAL DRAINAGE INFORMATION - Proposed 18-3139-551-P1
ADDITIONAL DRAINAGE INFORMATION - Impermeable Areas
18-3139-901-P1

Reason: - To ensure provision of a satisfactory development.

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

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

- 4 No development hereby permitted shall commence until details of the measures which will be undertaken to protect the public sewer crossing the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) policies CS19 and DM10 and the National Planning Policy Framework.

- 5 No above ground development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No above ground construction works hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted 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.

- 9 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 The housing (C3 use) element of the development hereby permitted shall not be occupied until:

a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

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

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites.

In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 11 The development hereby permitted shall not be occupied until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.