

Recommendation: **GRANT PERMISSION**

Change of use at ground floor (part rear storage area to provide stairs to flats 2, 3 and 4 above) and the addition of 4 no. new flats at upper levels in the property, incorporating both the existing storage space at first floor and new build structures on first and second floor, to provide 2 no., 2 bed flats and 2no., 1 bed flats. A new access is proposed from the front of the property to gain access to flat 1.

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)
CS4 (
CS9 (Housing)
DM10 (Pollution)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM18 (Protecting New Development from Pollution)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comment received

Councillor Gwen Robinson

No comment.

Councillor Mike Sceal

No comment.

Councillor Peter Wade

No comment.

Crime Prevention -Minor Apps

No comment.

Developer Services, Southern Water

The attached plan shows that the existing development lies over a public sewer. Any changes to the building foundations will require Southern Water approval. An investigation of the sewer is required to ascertain its condition, size and depth. The design for erection of additional floor and extensions should take into account additional load of that construction that will be affecting the public apparatus. Southern Water requires a formal application for any new 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 disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

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.

Economic Development

No comment.

Environmental Health Manager, Community Group

No comment

Traffic Management, East Hampshire District Council - No Objection

No adverse comment.

Natural England

Thank you for consulting Natural England on the above HRA and M. Apologies for the delay in providing a response.

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.

Please note there appears to be a discrepancy in the AA between the proposed development and the proposed SMRS contribution. Please note that the Definitive Strategy rates were updated as of 1st April 2020.

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.

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. Please note there is updated guidance from Natural England on Achieving Nutrient Neutrality (March 2020: Version 4). The nutrient budget can be calculated to reflect the new guidance.

Landscape Team

There is a lack of clarity on the proposed building materials, we require full materials specification including product, manufacturer, colour. Any development should be in accordance with planning policy CS16 High quality Design 1-C Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths, material and proportions of windows and doors;

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: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comments	Officer comment
Adverse impact on residents	See Section 7 below.
Existing parking problems would be exacerbated.	See Section 7 below.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Design and impact upon the character and appearance of the area
- (iii) Impact upon amenity
- iv) Highways and Parking provision
- (v) Developer Contributions & Nutrient Neutrality

(i) Principle of development

The site lies within the built up area where there is a presumption in favour of sustainable development, subject to other development control criteria.

The site also lies within the Waterlooville Town Centre as defined by policies CS4 and AL3 of the adopted local plan. These policies seek to promote main town centre uses on the ground floor, in order to protect and enhance the vitality and viability of the centre, with a focus on shopping uses. The application would not impact on the ground floor retail user, which would only incorporate small areas at the front and rear to provide access to the flats at first floor. In principle, residential development is considered appropriate in a support role to town centres. It is acknowledged that the provision of additional flats would make a small but valuable contribution to the Council's housing requirements.

(ii) Design and impact on the character and appearance of the area

As stated above, the proposal retains the retail element at ground floor, thereby retaining an activity frontage within the Town Centre, which is promoted by adopted policy. The proposal would replicate the mass and bulk of adjacent development at first floor (ie No. 262 to the south west), with amenity space for and between flats 1 and 2. The second floor level would be split into two elements, to the front and rear of the property, designed with mansard roofs and balconies for flats 3 and 4. It is noted that within the London Road and Rockville Drive street scenes, (close to the site), there is a mixture of single storey, two storey and three storey developments. The proposed second level would take it above the existing height of the two buildings on either side by approximately 3m.

The front section of the property, at first floor, which is currently available for storage space for the retail unit, but underused due to accessibility problems across the roof, would be converted to a 2-bed flat split over two storeys through the addition of a mansard roof structure above with dormer windows. Materials for the two mansard roofs would be replica slate tiles, with lead faced dormers. Dark horizontal weatherboard to be used at the rear of the property at second floor with the main body of the extension at first floor in matching brickwork. The principle of the materials on the development are considered to be acceptable, and are generally reflective of similar developments within the locality. A pre-commencement conditions relating to materials is recommended, which has been agreed with the applicant, as has a condition for the storage of materials on site.

A further 3 flats, comprising a 1no. 2 bed flat and 2no. 1 bed flats, are proposed at the rear of the property. This would incorporate a new first floor, reflecting the scheme already consented at 262 London Road. It would also incorporate a second storey element that reflects the 3 storey mansard development to the west at Louise Court. The size of the flats are: No. 1: 68 sqm (2 bed, 2 storey), No. 2 No: 58 sqm (2 bed, 1 storey), No 3: 52 sqm (1 bed, 1 storey), No. 4: 50 sqm (1 bed, 1 storey). The two bed flats fall below the national internal space standards for housing by 2 sqm. These national standards are set out in Policy H1 of the emerging local plan. However, in this stage in the plan making process little weight may be given to this emerging policy and on balance the size of the flats are considered to be appropriate.

Amenity areas are proposed on the first floor between flats 1 and 2, the sizes of which would be approximately 2.5m x 7.8m and 3.6m x 7.6m. These amenity spaces would align with the amenity space consented and implemented at 262 London Road. The amenity spaces would also act as a visual and massing buffer to the rear of 266 London Road. Amenity space in the form of balconies would be provided for flats 2 and 3 on the south east elevation, the size of which would be approximately 2m x 4.5m and 6.6m x 2m (at its widest point). As to other public amenity space within the locality, the applicant refers to the availability of Jubilee Park, which would be within walking distance of the site.

As to the rear, the predominant character is generally single, two, or three storey and it is noted that permission APP/18/00020 (ie 262) has allowed a first floor structure immediately adjacent. Following amended plans, the second storey mansard element has been set back into the site to provide a balcony for flat 4. This has reduce the mass and bulk of this additional mansard roof, which would not be visually dominant from the Rockville Drive area. This second storey element would also be reflective of similar development granted to the south west.

The rear at ground floor would provide an area for access to 3 flats, the bin and bike storage and parking spaces for the development, one of which would be in an existing garage. This would provide new facilities for future residents whilst not compromising servicing arrangements to the commercial units in the vicinity.

The proposal is considered to reflect other development at first and second floor levels within the vicinity, would improve the overall appearance of the building, and would have an acceptable visual impact on the character and appearance of the Town Centre.

The design and appearance of the proposal is deemed appropriate in context to the main building and the locality and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact on amenity

266 London Road to the north east has a part first floor element to the front. There are windows on the southerly elevation of this part of the building that look over and in part would be screened by the application building. According to the Council's records this part of the building is ancillary storage to 266 London Road, which is a Class A3 use. There would be a minimum separation distance of approximately 2 m, between the two buildings and the proposed amenity space for flats 1 and 2, with a 1.6m high PPC Metal Balustrade proposed along the northern boundary for the amenity spaces. Having regard to the commercial use of this part of the building for ancillary storage, the separation distance, and the proposed amenity spaces, the proposal would not be significantly dominant or impinge on the light and outlook of the users of this commercial building. If permission is forthcoming, a condition in respect of the provision of the boundary treatment for the amenity spaces before occupation is recommended.

The first floor building fronting 262 London Road, is in office use, with a flat to the rear, with amenity space serving the latter in between. The proposed amenity spaces in the development, would be adjacent to the neighbouring amenity space at 262 London Road. This would be acceptable in amenity terms, with boundary treatment along their contiguous boundary. As to the second storey element facing London Road, this would have dormers to both the front and rear, with the latter servicing two bedrooms. There would be oblique views of the adjoining amenity space at 262 from these windows. This level of overlooking would be limited by obscure glazing in the dormers of flats 1 and 4 closest to the neighbouring amenity space at No. 262, which would, on balance, limit any overlooking to an acceptable level, and to be expected in a Town Centre location.

Windows are also proposed on the northern elevation of flats 2 and 3 which would overlook a commercial courtyard, which would not significantly impact on the amenity this area. Nor would the 2 storey element to the rear adversely impact on the amenity of No 2a Stakes Hill Road, which is in commercial use.

Due to the orientation of the second storey element and its design, which is hipped away from surrounding development, it would not be significantly dominant or over-bearing to the occupiers of Nos. 262 and 266 London Road.

As to future occupiers of the development each flat would have their own amenity spaces which are considered to be appropriate for the development, with the balconies being in generally conformity with Havant's Design Guide. As to the separation distance between flats 1 and 2, across their amenities spaces, this would be approximately 7m. The separation distance between flats 1 and 4 (on the second level) would be approximately 11.2m, with dormers in the rear elevations facing one another. Both of these flats would overlook the proposed amenity spaces, albeit less so with regard to flat 4, which would be stepped further back into the site. This level of separation does not accord with the general guidance in Havant's Design Guide. However, in assessing the proposal, this has to be balanced against the location of the site within Waterlooville Town Centre, where development would normally be of higher density, and where private amenity space, with no or limited overlooking tends to be at a premium. The proposal would also add to the Council's housing stock.

Policy CS16 (Quality Design) requires, amongst other matters, that development uses the characteristics of the locality to help inform new development and that proposals do not cause unacceptable harm to the amenity of neighbours. Policy CS 17 (Concentration and Distribution of Development within the Urban Areas) promotes the effective use of land in the borough and priorities development on underused land and buildings within the urban area, which includes Waterlooville. Policy CS9 also promotes housing that achieves a suitable density for development for the location, taking into account accessibility to public transport and other services. The proposal has used the characteristics of the locality in the design of the proposal and provides the opportunity for a more effective use of this building in a sustainable location within Waterlooville Town Centre. KP2 (Waterlooville Town Centre) in the emerging Local Plan states "The regeneration of London Road and The Boulevard will be guided by the provision of a smaller retail core, high density residential development at upper floors and active uses at ground floors." Whilst this is an emerging policy, it shows the continued direction of travel by the Council as to the redevelopment of Town Centres and the need to provide higher levels of density within these areas.

Having regard to all material planning considerations and in the overall planning balance the impact, design and scale of the development would not be materially harmful to amenity and would be an effective use of the building appropriate to this Town Centre location, according with the aims and objectives of Policies CS16 and CS17 of the Local Plan (Core Strategy)

(iv) . Highways and Parking provision

Parking and cycle provision for the development should not prejudice the servicing arrangements for the existing ground floor retail unit, which from the information provide would not be the case. For this 2 no., 2 bed and 2 no., 1 bed development the Parking SPD requires 3 car parking spaces and 6 cycle storage spaces. Any reduction in this provision must be justified.

The proposal provides 3 spaces in all, one of which would be in an existing garage, which falls below the size requirement of 3m x 6 m in Havant's SPD, but would still be of a size that would accommodate a vehicle. Two permanent car parking spaces within the curtilage of the site are shown for sole use of the residential units. The applicant has advised the third space would be used by the retail unit below during working hours, "... which would also coincide with the time residential owners are most likely to be out at work with their vehicles." Outside of working hours this parking space would be available for residents.

As set out in Havant's Parking SPD at paragraph 3.05, "The level of parking to be provided must be based on the nature and scale of development, access to shops and services together with public transport accessibility. A lower level of provision must not result in displacement of parking pressure into nearby residential areas. Utilising near-site parking in dedicated car parks (not on-street parking) should be considered together with demand based measures to reduce parking pressure."

In support of the application, the applicant refers to the availability of Rockville Drive car park adjacent to the site, with charges applicable 8am - 6pm Monday to Saturday and the potential to purchase a season ticket for this facility, if further parking is required by the respective residents. The applicant also refers to the central location of the site within WaterlooVille, with one of the flats directly accessible to London Road, and "... the nearby plentiful amenity and transport links.." within the immediate locality, discouraging reliance on cars in this location.

The Council's Traffic Management Team has raised no objection to the proposal. In support of the proposal it is recognised that the proposal is located close to shops, other services and transport links within the immediate area. It is also recognised that parking is in demand in this location as borne out by the representation received. The level of proposed parking and the utilisation of Rockville Drive car park to the south, should not result in the displacement of parking pressure into nearby residential areas. Therefore the reduction in car parking provision during the day, on balance, is considered to be justified and reflective of the advice in Havant's Parking SPD, to utilise other available parking.

(v) Developer Contributions & Nutrient Neutrality

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in WaterlooVille.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the dwelling has been calculated by the agent as 280 sqm which generates a current CIL liability of approximately £33,400.

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 the result of the proposed development.

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 to secure the mitigation packages.

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 a Grampian condition/enter into a legal agreement to secure the mitigation packages.

A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy and the fee of £1,850 has been paid.

8 Conclusion

The proposal would be acceptable in design terms and would not be significantly harmful to residential amenity. The level of parking is considered to be appropriate for this Town Centre location and the relevant mitigation packages have been secured. Therefore, it is recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00084 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:

Site and Location Plan - Drawing No. 19/-03-00
Ground Floor Plan Drawing No. 19/03/03-P
First Floor Plan - Drawing No. 19/03/04A-P
Second Floor Plan - Drawing No. 19/03/05D-P
Proposed Elevations 1 - Drawing No. 19/03/07B
Proposed Elevations 2 - Drawing No. 19/03/08C
Design and Access Statement January 2020

Reason: - To ensure provision of a satisfactory development.

- 3 The car parking 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.

- 4 Notwithstanding any description of materials in the application, prior to the commencement of development, samples or a full specification of the materials to be used externally on the building 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.

- 5 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound within the site have been submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials shall be stored anywhere else on site.

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.

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor on the internal elevations facing south east and north west adjacent to 262 London Road as shown on Drawing No. 19/3/08C, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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

- 7 The development hereby permitted shall not be occupied until:

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

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

European Sites, having regard to the conservation objectives for those sites; and

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

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

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