
Site Address: Site of, 157 Milton Road, Cowplain, Waterlooville
Proposal: Erection of 9 No. 2 bed flats in two blocks with associated parking, boundary treatment, landscaping, cycle and refuse storage
Application No: APP/19/00394 Expiry Date: 12/06/2019
Applicant: Mr DeSouza
D & K Contracting Services Ltd
Agent: Mr Chahal Case Officer: Daphney Haywood
ACA Design Ltd
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

157 Milton Road, Cowplain, Waterlooville comprises a corner site, fronting both Milton Road and Pyrford Close. The existing context consists of a two storey parade of shops with flats above to the south of the site, fronting onto Milton Road, a bungalow directly to the west fronting onto Pyrford Close and two storey detached houses to the north, fronting Pyrford Close. To the east, across Milton Road, is a large chalet style public house.

2 Planning History

APP/17/00234 - Erection of 5No. flats and 2No. detached Houses with associated parking, cycle and refuse storage., PERM,31/07/2017

3 Proposal

Erection of 9 No. 2 bed flats in two blocks with associated parking, cycle and refuse storage. The plans have been amended to reduce the bulk of development and improve the visual impact on the street scene. The development would be constructed in Thakeham Red Multi bricks and Marley Rivendale Cement Slates, with dark grey window frames and fascia.

4 Policy Considerations

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

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No adverse comments

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

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 dwellings and their respective number of bedrooms. See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Crime Prevention -Minor Apps

No comments received

LLFA

As this application relates to a site which is less than 0.5 hectare in size (residential) and under 1000 Sq.m floor space, (fewer than 10 dwellings) or under 1 hectare in size (commercial) there is no need for us to comment on it at this time.

However, please direct the applicant to our website

<http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found

<http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm>

Environmental Health Manager, Community Group

Initial comments

I have reviewed the application documents, with particular focus on the *Contamination Assessments*.

I would reiterate previous rationale for making 'no adverse comment' in respect of air quality / trip generation - namely that proposals could be regarded as representing a net positive impact upon vehicle trips, notwithstanding that the trips would be 'new' to the road network, whereas visits to a retail sales premises would significantly comprise combined or diverted trips already present on the local road network.

Contamination is less clear, and I have reviewed the submitted documentation in some detail. I will summarise the salient points as briefly as possible;

- The environmental desk study (not submitted to the Council with this application, or at all to the best of my knowledge) evidently identified the HCC petroleum records, and recommended an intrusive SI. It is not clear whether the authors were also aware of the 3-stage brick built petrol interceptor (drainage infrastructure) or the presence of a mobile petroiler unit, self-serv. paraffin vendor or (internal) oil store adjacent to the sales room.
- The phase 2 (initial) Site Investigation was undertaken principally for geotechnical purposes, considered for environmental purposes only the exposure of future residents of the site within garden areas, through limiting sampling depths to 1.0m below ground level. Such sampling was unlikely to intercept contamination arising from leakage from the principle fuel tanks, but is informative as regards surface releases/spillages. Some visual / olfactory evidence of contamination was noted at WS3 (thought to be coincident with the former oil store), coincident with an obstruction (potentially preventing further vertical migration), however despite this, no significant contamination was noted.
- The remediation verification report was undertaken following the physical extraction of the fuel tanks. Extraction confirmed the tanks to be foam filled, and apparently not representing a source of pure product, or fuel/water mix. Tanks are shown with breached integrity, but it is unclear whether this occurred during removal, or was deliberate, to show contents. The remedial work subject to verification is the extraction of the tanks only - no soil treatment or removal had occurred. The Geo-Environmental specialist was not present to witness and record tank removal, and the void was partially filled (to around 2/3rds depth). Soil samples comprised shallow samples from disturbed ground, and one perched water sample. Soil results returned relatively low concentrations, whereas the perched water results identified a broad range of substantially elevated hydrocarbon concentrations in excess of theoretically achievable saturation limits from a conventional fuel source, and in excess of derived groundwater vapour screening criteria.
- Further investigation was undertaken following verification, to ascertain whether a significant soil source is likely to exist in the vicinity of the fuel tanks. Leachate results in excess of drinking water standards were noted, but light-fraction hydrocarbons were marginally below the groundwater vapour screening criteria. Soil concentrations were below screening criteria for residential use. No groundwater was encountered, and no further groundwater sampling was undertaken. Leachate sampling was limited to 'EPH Texas' only. Hydrocarbon odour was noted above ground in the vicinity of the pit, and moderate-strong hydrocarbon odours were noted variously between ground level and 3.0m below ground, with all trial holes affected. The report concluded that following this sampling, no risk mitigation measures were necessary. The rationale for this conclusion is that the mobile contaminants will attenuate within cohesive soils over time.

Objective Assessment

There is some residual uncertainty following the above-referenced assessments with which I am uncomfortable.

The site investigation shows that there is a contamination impact in soils in the region of the removed fuel tanks, to a depth of 3.0m, approx. Deep sampling has been minimal outside of the tank farm area, and I note that the soil concentrations recorded do not appear to reflect (be consistent with-) the apparent mobility risk indicated by the B1 surface water sample.

I am similarly mindful that the intrusive works did not encounter groundwater during the fieldwork, and did not include well installation or groundwater monitoring. This is somewhat at odds with information available from BGS boreholes (several available nearby), the majority of which (but not all) record groundwater in both Head deposits and strata identified as Reading Beds. Strata recorded on site are consistent with BGS descriptions of water bearing units.

It is reasonable to conclude that groundwater is locally variable, but the hydraulic model is unclear. This makes the making of assumptions as to the likely direction and rate of migration, and the likely degree of attenuation and dilution (between source and receptor) difficult.

Significant conceptual inconsistencies exist, namely;

- Hydrocarbon odour observations do appear to be consistent with the soil concentrations recorded, or the visual appearance of soils (which do not display any significant signs of staining)
- Soil leachate screening & concentrations do not appear to readily accord with the dissolved phase concentrations identified within the B1 water sample.

The B1 water sample would appear to indicate that mobility of contaminants is high relative to the concentrations identified within soils, i.e. that soils have poor attenuation properties. An alternative explanation is that the B1 sample is unrepresentative of soil contamination, and instead reflects a recent release (e.g. from a removed tank, or site plant). This alternative would however be inconsistent with the borehole odour record from the July 2018 investigation.

One possible interpretation for the odour records not matching soil concentrations is that a soil source may exist at depth exceeding the investigation range - perhaps coincident with the local groundwater level (e.g. >5.0m), and that there is a vapour p/w to surface - possibly preferentially via disturbed ground. The tanks may have been on site at time of observation, and may have influenced the perception of odour levels, especially those recorded above ground in the vicinity of the partially infilled pit.

The site conceptual model for mobility, dispersion and attenuation is relatively unclear - the report addresses this only in general terms, and not specifically in relation to nearby off-site receptors.

The posited attenuation could objectively be conceived in one of two ways:

1. Mobility driven by percolation to form a vertical distribution 'bell' to achieve a "100% contaminants sorbed to soil particles, in low enough concentration as to represent a non-leachable state" before reaching a groundwater body, or;
2. Mobility driven by percolation to form a vert distribution whereby contaminants reach a groundwater body in a mobile state (dissolved phase), whereby lateral migration occurs until either sufficient dilution has occurred whereby risks become negligible, or whereupon the cohesive soils attenuate the contamination as in 1) above.

I don't dispute that this will occur over a given depth profile, distance, or time-period; but the conceptual model is insufficiently developed to confidently conclude that the risk-neutral state will occur via one of the above models, without first reaching a receptor.

My concern is driven by the level of dissolved phase contamination recorded in sample B1, and the odour observations identified above ground level in the open air. In the absence of these observations I would be minded to agree the overall conclusions of the report (that contamination represents an acceptable risk).

Conclusions

In consideration of the above, I am minded to conclude that ;

- without mitigation, the submitted reports indicate that there is a potentially unacceptable vapour risk to future occupants of the site, and potentially (but less likely) to occupiers of adjacent property.
- it is insufficient for the report to conclude that the addition of a 'ventilated sub floor void', elevated VOC would be 'unlikely to pose a risk to the end user', without securing the details of at least that feature, alongside complementary construction detailing to avoid vapour intrusion into indoor spaces,
- where potable supplies are to be installed below 0.6m depth, these should be protected by hydrocarbon resistant pipework (due to the presence of VOC, Phenols, BTEX & PAH congeners, and light fraction hydrocarbons),
- as the focus of the investigation was largely on fuel tank removal, other known potential sources have received little attention, and as such the presence of sources of contamination not identified by the report is a tangible risk, and that as a result;
- *the submitted information is insufficient to demonstrate that the site is suitable for a contamination sensitive landuse*

I am minded to conclude that the lack of visual or olfactory evidence of contamination close to the boundaries of the site are reasonable grounds to accept that off-site receptors are unlikely to be placed at unacceptable risk as a result of residual contamination present at this site.

However, in the absence of any further empirical data with which to address the above uncertainties, I am also minded to regard the risk to the future occupants as requiring a scheme of mitigation.

I would consider residential use of this site to be unacceptable without measures to ensure an inherently low structural vapour intrusion risk, water supply protection, and minimum depth of clean cover in private garden areas.

This could be worded as a bespoke pre-commencement condition requiring the prior approval of a "... *scheme of risk mitigation based upon Ground & Water Reports Referenced (...),*" and that prior to occupation "*a verification statement (or report) be submitted which demonstrates that eh the scheme of mitigation has been appropriately implemented*".

Such a condition could cover all of the above factors, including an unexpected contamination discovery strategy. We could consider working which allows for a dismissal of the need for mitigation measure through the provision of additional information.

It may also be appropriate to include a condition which prohibits the use of infiltration drainage at this site, due to the effect that it may have on the mobility of contaminants. I believe it would be helpful to discuss collaboratively the best approach, and the wording of conditions, in order that the requirements be as proportional and targeted as possible; reflecting the level of information submitted with the application whilst achieving the necessary degree of protection in line with policy DM17 and the NPPF.

Further comments

Summary

I have assessed the results of the soil samples taken from boreholes WS1 – WS4 referred to in report GWPR3208 and based on these specific results, and would agree that the soils results are not consistent with a risk model where made soils in the vicinity of the former tank farm represent a significant source of contamination. On balance, I am satisfied that this latest report has addressed the concerns raised in my previous consultation response dated 16 May 2019, such that a determination of the application may be supported without the need for additional investigative works. This notwithstanding; a Condition formalising the developers responsibility under the NPPF as a 'duty to report-', and 'duty to manage-' contamination, is recommended. An informative is also recommended to address the issue of protection of the potable water supply to the development from residual hydrocarbons, framing this as a matter for building control.

Noise/dust

No objection. Conditions including CEMP required and informatives requested.

Hampshire Highways

I confirm the Highway Authority have no objection subject to the following conditions and note to applicant.:-

Conditions

1. Prior to first occupation the areas shown for the parking and manoeuvring of cycles and vehicles shall be provided and surfaced in a non migratory material. These areas shall be reserved for the parking and manoeuvring of cycles and vehicles at all times.
2. Prior to first occupation the existing access to Milton Road, and the alteration to the existing access to Pyrford Close shall be completed to the satisfaction of the LPA.
(See note to applicant numbered (X) below.

Note to Applicant

Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Part of the frontage to Pyrford Close has a No Waiting at any Time parking Restriction. The lining ends at the eastern end of the existing vehicular access at the rear of the footway. This will have to be changed as part of the works to alter the access and at the very least be remarked to accord with the relevant Traffic Regulation Order, please can you consult Alison Mills Traffic Team Leader Traffic and Parking East Hampshire District.

Landscape Team

Initial comments

- The existing access from Milton Road will need to be removed and the footway/verge reinstated. Planting of additional trees into the reinstated verge would help to retain the vernacular of Milton Road. This will need to be agreed as a 278/171 agreement with the highway authority.
- We have concerns with the amount natural surveillance for the proposed bike storage.
- The proposed planting area to the north of flat 4 seems very tight, once the edging and haunching are taken into account for there will be very little room available for any planting to be successful.
- The small areas allocated for grass to the north and boundaries of the site will not be suitable for maintenance, we would prefer for these areas to be utilised for planting shrubs and trees.
- What are the on-going maintenance provisions? A number of trees/shrubs are abutting the highway extents and assurances that these will be appropriately maintained need to be demonstrated.
- The proposed boundary treatments to the site should echo the existing prevalence of low level brick wall with hedgerow.

Further details required for submission:

- A detailed soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant tree pit details, specification schedules, comprising plant size, number and density, planting implementation programme and on-going maintenance programme.
- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:
 - finished levels
 - hard surfacing material type / product reference and colour
 - laying bond
 - edging or kerb detail / type
 - retaining structures or steps
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.
- Further details on building material specification for the development requiring submission including material type, product reference and colour to understand how the proposed development will affect the existing streetscape.

Comments on amended plans

We welcome the proposals to reinstate the verge and footway along Milton Road, however the current layout of the verge requires a slight redesign. We are concerned that the narrow southern section of the verge would be subject to wear and tear from footfall and the grass would not grow and would lead to an unsightly bare patches. A better solution would be to have the verge square off approximately halfway through the former location of the drop kerb.

Comments on further amended plans

Confirm that the plans have been amended in accordance with earlier comments and now acceptable.

Southern Water

No objection. Condition and Informative requested.

Natural England**Solent Recreation Mitigation Strategy – no objection subject to mitigation**

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

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.

Biodiversity Enhancement – condition recommended

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

Portsmouth Water

The site is located in Source Protection Zone 1c (SPZ1c) for the Havant and Bedhampton springs .

Portsmouth Water's Position

no objections in principle to the proposed development, however due to the sensitivity of the groundwater environment of the proposed site we would wish to see more detail provided regarding the planned drainage and foundation designs for the site.

Drainage

The proposed surface water strategy is disposal by sustainable drainage system, no further details have been provided. Portsmouth Water would wish to see the final surface water drainage plan and design for the site.

Based on the information provided in the application form we understand foul water from the site will discharge via main sewers, this is acceptable to Portsmouth Water in relation to groundwater protection. Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage. Portsmouth Water have no further comments on foul water drainage for the site.

The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area.

Portsmouth Water would have a presumption against piling at this location if the piles penetrate the full depth of the Clay cover. We would have no objection to piled foundations that terminate within the Clay cover; in this instance 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.

Piling & Foundations

Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement.

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.

Traffic Management Team

It is noted the provision of 10 car parking spaces in the application falls short of the requirement for 12 spaces and that on-street parking capacity in the vicinity is already at a premium.

In the event that approval is granted for the development it is requested that provision is made for a sum not less than £5000 to be set aside to allow a TRO (Traffic Regulation Order) to be processed on the surrounding adopted road network to mitigate unsafe or obstructive parking practices that may result from displaced parking problems within a period of 5 years from the completion of the development.

Waste Services Manager

No comments received.

SEH Clinical commissioning Group

Contribution not required

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: 14

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
I believe that with the traffic already using Pyrford Close as a car park for the shops and school and as a short cut that this site would just bring more misery for the residence of Pyrford Close ,there is also a long running problem with buses of all sizes including double deckers that the council has been involved in for many years and is still trying to be resolved..theses busses have to use the pavements to fit down Pyrford Close,not ideal ..I also believe that the impact on the environment cannot be ignored as the more flats that are built the more it impacts on the environment..that being said Pyrford Close and the surrounding houses are predominantly bungalows and this proposal is going to tower over everyone creating more traffic more parking problems and a negative impact to the environment,I believe there is enough large devolpment going on in the Waterlooille area and this site should be reduced in height and size on the Pyrford Close side as to cause the least negative effect on the residents that live in Pyrford Close..the road is to busy already we do not need more cars we need less and we do not have to jam as many properties on the smallest sites just for profit and profit alone.	See section 7
I wish to object to this application on the grounds of insufficient parking provision using a 2011 census is hardly relevant today. We already have severe problems with parking as there are several residents who have more vehicles that they can accommodate on their property so street parking is their only option. There is insufficient parking for the shops in Milton Road so people use Pyrford close despite there being double yellow lines (hard to see I agree) Not to plan enough parking even in HBC's guidelines is hardly going to help. Planning to put in parking restrictions is totally pointless who on earth is going to enforce them?	See section 7

Visitors will have no option to park on the street in fact on the basis that there is probably likely to be more that 10 residents cars there will also be residents parking on the street as well oh joy! I do hope the council will either reject this plan or insist on proper parking provision being made	
I understand some alterations to the plans have been made but unfortunately nothing has changed to the parking provision and I repeat as stated before, how can you pass plans that do not conform to the councils recommended requirement. What is the point of having such standards is you don't keep to them. It means that builders can just about please themselves. I hope you will reject this plan but I don't hold out much hope.	See section 7
Constant blocking of drive form inconsiderate parking which will increase.	Funding for a Traffic Regulation Order in respect to parking restrictions on Pyrford Close has been secured.
The majority of households have 2 cars but you are only catering for one car space per flat, and that is not including any visitors. Where will potentially another 9 cars plus park???	See Section 7

7 **Planning Considerations**

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) Access and Highway Implications
- (v) Contamination
- (v) CIL and Contribution Requirements

(i) **Principle of development**

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Policies CS9, and CS17 of the Core Strategy together with Policies AL1 and AL2 support residential development within the built up area and the need to provide small units to meet housing demand, which is also identified in the Annual Monitoring report.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development however this should not be to the detriment of the local area.

Policy CS16 of the Havant Borough Core Strategy 2011 seeks to reflect the requirements of the NPPF at a local level. It, and the local plan policies encourage the principle of development within the settlement area, provided that any new development pays proper regard to the character and appearance of the area, design and neighbour amenity.

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

The area is of mixed character comprising both commercial and residential development of various forms and materials. The adjoining development in Milton Road comprises ground floor retail with residential above, and that in Pyrford Close is a mix of bungalows and houses.

The extant permission is for 5 flats and 2 detached dwellings. It was submitted following the withdrawal of an application for 10 flats, and the details took account of the relationship with properties in Milton Road and Pyrford Close, stepping the height of development down on the Pyrford Road frontage with the 2 detached dwellings on this frontage incorporating fully hipped roof forms, and a lowered eaves height providing an improved transition to the adjacent bungalow. As such the design and form of the proposed dwellings were considered to respect the context and not to result in an adverse impact on the character of the area.

The current application has been amended to have regard to the above considerations, lowering eaves height adjacent the neighbouring bungalow, hipping the roof, articulating the design, improving the proposed landscaping and setting the top floor within the roof area, and an acceptable appearance and visual impact is now achieved. The proposed flats would be of traditional pitched roof design and of brick and tile construction, and would be sited on a similar, but slightly forward building line to the existing dwellings, and as such would not adversely impact the street scene and the appearance of the area. As such the proposed development would accord with Policy CS16 of the Local Plan.

(iii) Impact upon residential amenity

To the south fronting Milton Road lies retail with residential above, to the north and west there is residential development fronting Pyrford Close, and to the east on the opposite side of Milton Road is a public house. In respect to the adjoining development in Milton Road the proposed flats have been sited so as not to result in loss of outlook or light. In respect to the impact on dwellings in Pyrford Close, the adjacent bungalow at No22 has a number of windows in the side elevation but these are secondary and set off the boundary. The proposed development adjacent this property has been designed with a reduced eaves height on this elevation and the only first floor opening would be roof lights serving bathrooms. The dwellings on the opposite side of Pyrford Close while two stories in form have a relatively low eaves height and bulk, and Pyrford Close is narrow hence 3 storey development has the potential to be over-dominant when viewed from these properties. In order to address this the 3 storey flat block has been designed with the top floor within the roof space and a hipped roof. Additionally it has been articulated to break down the bulk and it would be set back from the Pyrford Close frontage beyond the proposed parking area.

The block of flats adjacent to the Pyrford Close property has also been designed with hipped roofs and overall the bulk of development has been reduced such that it is now considered to provide a satisfactory relationship with neighbouring properties.

In respect to the impact from construction works the Environmental Health officer has requested informatives in respect to lighting, noise, hours of working, dust and bonfires. A condition in respect to insulation of the proposed dwellings in light of their position fronting Milton Road is also recommended

Overall it is considered that the impact on neighbouring properties, and quality of living environment for the new properties, would be acceptable and therefore the proposed development is in accordance with Policy CS16 of the Local Plan.

(iv) Access and Highway Implications

The access for the flats would be off Pyrford Close in a similar location to the existing access that served the parking area previously on site. In respect to car parking the proposal provides for 10 spaces, which results in a shortfall of 2 spaces. Whilst the site is not in a Town Centre it is located in proximity to a small parade of shops, a regular bus route and services such as schools. The representations make reference to existing parking problems including access from drives being blocked. Whilst the current proposal has the potential to add to this pressure on street parking, given the siting of the site in respect to facilities and services the small reduction in car parking standards is not considered to support refusal of the application. The proposal provides for cycle parking in accordance with adopted standards.

The area which was previously used for car parking by the visiting public including those visiting the shops, and collecting school children, is now vacant and boarded up. Additionally, the site was previously occupied by a retail unit until it was burned down, after which it was used for car parking, but there is no planning requirement for it to be retained as car parking, nor is it a public car park. This use was a temporary use prior to redevelopment of the site. Local residents have raised concern regarding the loss of this parking and that this will result in cars and delivery lorries parking in Pyrford Close which is a rat run and used by buses and already heavily parked. The concern is that this would cause obstruction and be a hazard. Given the site history refusal on the grounds of the loss of the car park would not be possible to support. However, with respect to possible obstruction from parking in Pyrford Close the Traffic Team have requested funding for a Traffic Regulation Order should this provide necessary which would restrict on road parking in the interests of highway safety, and this is covered by a legal agreement.

(v) Contamination

The application is supported by a Ground Investigation Report which has been assessed by the Environmental Health Officer and subject to conditions no objection is raised.

(v) Ecology and CIL

The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in population, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. Furthermore the development is not necessary for the management of the European sites .

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.

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, and the contribution and deed in respect to the Solent Mitigation Project together with confirmation through a European Site Avoidance and Mitigation Checklist the applicant's commitment to providing a mitigation package have been received.

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 development is CIL liable and the assumption of liability has been submitted.

8 Conclusion

The proposed development is considered to be of sufficiently high quality design and sympathetic scale and mass as to be acceptable in this context. Subject to conditions, it would not adversely affect the amenity of the neighbouring properties. The modest shortfall in car parking provision, when set against the Council's Parking SPD, is considered acceptable in the context of the site's proximity to services and bus routes. The funding for a TRO has also been secured to control any indiscriminate overspill parking which might arise from the development. An Appropriate Assessment has been carried out under Regulation 63 which concluded that proposed mitigation is sufficient to remove the significant effect on the SPAs. The recommendation is therefore to grant Planning Permission subject to conditions

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00394 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:

Location Plan 2019/04
Proposed Plan 01E
Landscape Plan 1174- 01 Rev A
Proposed elevations 2019 -/02 Rev E
LANDSCAPE MANAGEMENT PLAN 23/7/2019
ASGARD TWIN CYCLE LOCKER DETAILS

BIKE RACK SYSTEM DETAILS

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

(ii) The provision to be made within the site for the control of noise from construction works

(iv) The provision to be made within the site for lighting construction.

Thereafter, throughout such site clearance and implementation of the development, the approved provisions shall be maintained in accordance with the approved details.

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 and the National Planning Policy Framework.

- 4 The development shall be carried out strictly in accordance with the details of proposed finished floor levels set out on the approved plans Landscape Plan 1174- 01 Rev A.

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

- 5 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 in consultation with Southern Water and Portsmouth Water, 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.

- 6 Any piling, if proposed, must be undertaken in accordance with the terms of a piling method statement to be approved in writing by the Local Planning Authority in consultation with Portsmouth Water prior to the commencement of work, and the piling shall be carried out in accordance with the approved details.

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 and having due regard to policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The car and cycle parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be surfaced in a non migratory material and 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.

- 8 The landscaping works shown on the approved landscape plan 1174-01 Rev A shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements agreed or within 18 months of final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be in accordance with the details set out on the approved plans Landscape Plan 1174- 01 Rev A . The development hereby permitted shall not be brought into use 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 policies CS11 CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Prior to first occupation the existing access to Milton Road, and the alteration to the existing access to Pyrford Close shall be completed to the satisfaction of the Local Planning Authority.

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.

- 11 In the event that suspected contamination (obviously contaminated soil / groundwater, or any buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by-the Local Planning Authority. The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;
- 1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,
 - 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
 - 3) Where potentially unacceptable risks are identified by 2), a Remediation or Risk Mitigation strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented as written report. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A. A statement confirming that no suspected contamination was identified during development, OR;

B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014] and the National Planning Policy Framework, there is a potential for contamination to exist within areas of the site not investigated to date which could pose a risk to future occupants of the development.

- 12 The external materials shall comprise Thakeham Red Multi bricks and Marley Rivendale Cement Slates, with dark grey window frames and fascia unless otherwise agreed in writing by the Local Planning Authority.

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.

- 13 The means of enclosure including boundaries and screens for the development shall be constructed/erected in accordance with the approved Landscape Plan 1174- 01 Rev A . The development hereby permitted shall not be brought into use until the implementation of all boundary treatment has been completed in full accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and 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.

- 14 Prior to first occupation of the development hereby permitted the ground floor windows and first floor roof lights in the west elevation 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.

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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 water 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.

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The acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units shall comply with BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

Reason: To ensure the residential amenity of the properties is not adversely impacted upon by any external noise levels, especially traffic noise and having due regard to and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance / pollution and having due regard to policies CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 No above ground construction shall commence until a Biodiversity Enhancement Plan providing details of measures to enhance the natural environment including the installation of bat and bird boxes on the buildings, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of the development and subsequently retained thereafter.

Reason: To enhance the natural environment and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.