
Site Address:	13-15 Park Parade, Havant, PO9 5AA		
Proposal:	Erection of 2No. new build 2 bedroom flats on land to rear of 13-15 Park Parade.		
Application No:	APP/20/00362	Expiry Date:	16/07/2020
Applicant:	Mr Knight Malik Properties Limited		
Agent:	Mr Knight Knight Architectural Design	Case Officer:	Daphney Haywood
Ward:	Battins		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located in Park Parade which is a pedestrian mixed use development of ground floor commercial units and first floor residential units, purpose built in the 1950s. Rear access to the existing upper floor flats and the commercial units for deliveries is provided from the rear service road (Tidworth Road).

2 Planning History

APP/16/00630 - Redevelopment, extension and change of use to form 4No. 2bed flats and re-siting of external staircase., REF,14/09/2016 Appeal dismissed.

The reasons that the appeal was dismissed are summarised below:

- 1) Due to the site location and from being right up to the rear boundary with Tidworth Road the units would look out onto the retained yard at No 15 which is approx 5m wide and enclosed partly by the two storey building and fence. The future occupiers would therefore have a very restricted, enclosed and hash environment to look out onto.
- 2) The yard onto which the houses would look out onto would not be solely for access for future occupiers rather it would include parking for delivery vehicles and the storage of waste to be used in conjunction with other users at the appeal site. This would therefore have an unacceptable impact on future occupiers living conditions in terms of noise and disturbance given the close proximity of these areas to the proposed dwellings.
- 3) No garden space would be provided for the proposed dwellings. This matter, therefore, although not determinative, further weighs against the development in respect of living conditions.
- 4) The proposed dwellings would have a single aspect with all the windows facing west which would seriously restrict light to the properties which would be further limited by the close proximity of the surrounding built forms.

3 Proposal

Erection of 2No. new build 2 bedroom flats on land to rear of 13-15 Park Parade. The latest proposal reduces the amount of units to two and positions them alongside the west boundary facing east. Two amenity spaces in the form of roof terraces are proposed and one parking space has been shown with access off Tidworth Road.

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)
CS21	(Developer Requirements)
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)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Pre Submission Local Plan 2036

EX1	(EX1 Water Quality impact on the Solent European Sites)
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Adopted Borough design Guide SPD

Parking Supplementary Planning Document SDP

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

Bedrooms 1 and 2 in each flat are inner rooms and will need to comply with Approved Document B window means of escape size

External means of escape routes affected by doors and windows along and below routes of escape. Approved Document B requires these to be taken into consideration. Existing windows will need to be fire rated and fixed shut and door made self closing with smoke seals See AD B 1.8m rule

Mechanical ventilation of kitchenette and bathrooms should take into account surrounding areas and Approved Document F requirements

Building Regulation consent will be required for this works

Community Infrastructure

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

Crime Prevention -Minor Apps

No comments received

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water 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/developing-building/connection-charging-arrangements

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

Environmental Health Manager, Community Group

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have read the enclosed documentation provided by the applicant and can comment as follows:

I have no objection to the proposal as described, but if Planning are of a mind to approve this application, I would ask that the following condition and informatives be applied to any consent granted:

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet 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 protect the amenities of the future occupants of the proposed dwellings, and to ensure the residential amenity of the properties is not impacted upon by any internal or external noise levels, especially road traffic noise and deliveries to businesses from Tidworth Road.

Informatives:

Regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Regarding External lighting:

You are hereby requested to ensure that all forms of external lighting, including those attached to dwellings, shall be installed in such a manner that the lighting does not impact on neighbouring residences. This is in order to protect the occupants of nearby residential properties from light disturbance / pollution.

Hampshire Highways

Highways Development Planning raises no objections to this proposal in this generally sustainable location. The application states that HBC will consider selling residents parking permits in the adjacent public car park. HBC will need to consider this in their capacity as local parking authority.

Natural England Government Team

Natural England as the appropriate nature conservation body under Regulation 63(3) have confirmed that they agree with the findings of the Appropriate Assessment.

Public Spaces

No comments received

Traffic Management, East Hampshire District Council

The Traffic Team would be concerned that there appears to be insufficient vehicular parking for this development, as per HBC parking standards 2016

Waste Services Manager

No comments received

6 Community Involvement

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

Number of neighbour notification letters sent: 16

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Will block out any or all of my view	Noted see section 7

7 Planning Considerations**Appropriate Assessment**

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 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) 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.

The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement, 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. However on the basis of a refusal of planning permission for other matters, it is not possible to secure the mitigation packages through a legal agreement. As such, it is necessary to include the non-provision of the avoidance and mitigation packages as reasons for refusal.

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 streetscene
- (iii) Impact upon residential amenity
- (iv) Parking provision
- (iv) Contributions and CIL

(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.

Policy CS16 of the Havant Borough Core Strategy Local Development Framework 2011 seeks to reflect the requirements of the NPPF at a local level. It and the local plan policies encourages 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.

The premises does not front onto a retail parade being located to the rear of the site, and as such there would be no adverse impact on the viability of the retail centre from loss of retail floorspace. Residential use is supported in principle subject to the considerations below.

(ii) Impact upon the streetscene

The development would back onto Tidworth Road which is a service road for the units fronting Park Parade. The proposed 2 storey development would be of flat roofed design in keeping with nearby properties and the character of the area and as such is not considered to adversely impact the street scene.

(iii) Impact upon residential amenity

Policy CS16 of the Havant Borough Core Strategy Local Development Framework 2011 requires development to not result in harm through smell, the loss of privacy, outlook, noise and overlooking. The two flats would be 61m² (for up to 3 people), which would comply with the Government's Technical housing standards - nationally described space standard.

The proposed site lies to the rear of first and second floor flats, fronting but well set back from the service road. The separation is such that the proposal is not considered to adversely impact the existing flats.

In respect to the ground floor flat at 13c, the proposed building would be located directly to the front of the kitchen window serving that property at a distance of only one metre. No 13c has a very limited number of windows providing outlook, although there are 2 obscure glazed roof lights to provide daylight, as such there would be an adverse impact on any occupiers of a flat in this location.

The layout of the proposal is such that the development would restrict the access to the fire escape for the retailers, the bin and bike access and the stairway to upper levels to a 1m wide access with 2 right angle bends passing in front of the kitchen window to No. 13c. Additionally the staircase to the upper flats would extend over this area exacerbating the loss of light, outlook and disturbance. Whilst, the flat does not appear on a planning history search and may be unauthorised, the impact whilst not determinative, add further weighs against the development in respect of impact on living conditions.

In respect to the amenities of the proposed dwellings whilst they would have a double aspect this would either be directly onto the Tidworth Road with no separation or looking towards the parking and service area with a brick wall beyond. The angling of the bedroom windows helps increase the separation to the boundary and the small planters would provide some defensible space, however, the outlook would be extremely poor, and on bin day part of this area would be used for bin collection. The impact from the yard which provides for deliveries and parking and access to facilities for refuse and cycles, together with maintaining rear access for the commercial units fronting Park Parade and access for the existing residential units on the upper floors, would be disruptive and detrimental. Additionally the only windows to the open plan living rooms is on the boundary with Tidworth Road significantly impacting the ground floor flat in respect to privacy and disturbance, and to a lesser extent the first floor flat. There would be little or no privacy as the yard onto which they would face provides access for the exiting flats and commercial units.

In respect to the amenity areas, the proposal provides for 2 roof terraces, however, these would be poorly related to the proposed flats, accessed up external communal stairways and overlooked by the existing flats to the rear. As such they would be unattractive to occupiers and provide very little amenity value.

Given this restricted siting, the light and outlook for the proposed flats, which would be 2 bedroom and hence could accommodate families, would be severely impacted by the proximity to the development to the east and Tidworth Road.

The poor environment does not provide a suitable location for residential development and the amenities provided for future occupants would be so substandard as to be unacceptable.

(iv) Parking provision

Adopted standards require 2 on site parking spaces for each of 2 bed room flats, although this can be relaxed in sustainable locations. The site is well served by local facilities and located in proximity to a public car park, for which permits can be purchased. As such it is considered that in this particular case the absence of on site parking provision is acceptable .

(iv) CIL

The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 122sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2020 - 49.107%.

The Draft Liability is £14,552.86 for the proposed development.

8 Conclusion

The current form of the proposal is considered to address only part of point 3 of the appeal decision in that it now provides roof terraces. However it is noted that these are poorly located and depending on the screening proposed would not necessarily provide the required private space. Points 1, 2 and 4 of the original appeal are considered to have not been addressed. The units would only have windows facing east onto the service/parking/access area or abutting the boundary with Tidworth Road, as such the living standard for future occupiers would be detrimentally impacted, significantly harmful to the living standards of any future occupiers.

Whilst in economic and social terms, the provision of additional dwellings within the urban area would accord with the objectives of the NPPF and make a contribution to the Council's housing requirements as set out in the development plan, satisfying a growing need to provide small dwellings, it is considered that the very poor environment that would be provided for existing and future residents would be contrary to the provisions of the NPPF and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide which, require development of poor design to be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00362 for the following reasons

- 1 The proposed development owing to its proximity to the service road and poor outlook and environment for future residents would not provide an acceptable level of amenity for residential development, and as such is unsuitable for residential development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 2 The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory living conditions for the occupants. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.
- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.