
Site Address:	71 Forestside Avenue, Havant, PO9 5SJ		
Proposal:	Addition of a second storey; internal alterations and revised fenestration to create 1 No. studio flat, 2 No. 1 bed flats and 2 No. 2 bed flats with associated refuse facilities, cycle storage and parking.		
Application No:	APP/19/00060	Expiry Date:	16/10/2019
Applicant:	Mr Patel		
Agent:	Miss Shihadeh	Case Officer:	Lesley Wells
	Now Build It Ltd		
Ward:	Bondfields		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to the first floor and a second floor addition to a flat roofed 2 storey building located on the west side of Forestside Avenue, close to the junction with Oakshott Drive. The ground floor is currently in use as an A1 convenience store (Spar shop), with planning permission granted under reference 19/01291 to convert part of this use to Class A5 take away. The first floor provides ancillary storage, to the ground floor accessed internally. The building is constructed of pale red brick with brown tile hanging at first floor. There is a side vehicular access serving a rear service yard and parking area, that runs along the southern boundary of the site. To the north the building is attached to a modern three storey corner development of town houses/flats. Otherwise the area is surrounded by post war two storey residential development, largely terraced.

Outside the existing shop unit there is a parking layby and the area has unrestricted on street parking.

2 Planning History

04/53756/004 - Installation of automatic teller machine to front (east) elevation., REF,23/04/2004
04/53756/005 - Installation of satellite dish (diameter 1 metre) to south west elevation., WD,15/06/2004
97/53756/003 - Retention of 2 no. internally illuminated projecting signs to front (east) elevation, PERM,23/12/1997
05/53756/006 - Installation of new shop front., PERM,05/05/2005
APP/11/00948 - Installation of air cooled condenser unit and pack within secure mesh enclosure to rear of shop., PERM,13/06/2011
APP/18/01291 - Change of Use of part ground floor of retail unit (A1) to provide Class A5 (Hot food takeaway), alterations to shopfront, installation of new doors to side and rear elevations and installation of extract duct to rear elevation., DEL,

3 Proposal

The proposal is for the addition of a second storey extension which would be clad, with internal alterations at first floor to provide 5 flats comprising of 1 No. studio flat, 2 No. 1 bed flats and 2 No. 2 bed flats with associated refuse facilities, cycle storage and parking to the rear. Alterations to the fenestration comprise of a new first floor window on the south side elevation, to be obscurely glazed; together with three additional part obscure glazed windows to the rear (west) elevation to provide improved lighting and outlook to the rooms served.

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)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
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)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comments at this time

Community Infrastructure, Planning Policy & Urban Design

We can advise that if the information supplied on the 'CIL Additional Information Form is correct that the additional floorspace is less than 100sqm and currently in use, it would lead us to conclude that this development is not CIL Liable. The Case Officer should check these facts including measurements against the plans supplied to confirm the GIAs before confirming to the CI Team that it is not CIL liable.

Instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of net additional dwellings and their respective number of bedrooms.
See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>. As the statutory expiry date of this application is after 1 April the updated rates supplied by the partnership effective 1/4/19 will apply.

Officer comment: See 7(v) below.

Crime Prevention -Minor Apps

No comment.

Environmental Health Manager, Community Group

I have read through the documentation provided by the applicant and have no objection in principle to the development. A previous application, APP/18/01291, sought permission to use a portion of the premises for a hot food take-away, including extraction system. I would therefore ask that the following condition and informative's be added to any approval that may be 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 ensure the residential amenity of the property is not impacted upon by any internal or external noise levels, including from commercial premises below.

Highways Engineer, Development Engineer

No adverse comments

Natural England Government Team

Nutrient Neutrality – no objection subject to mitigation

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

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is

noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

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

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

Solent Recreation Mitigation Strategy – no objection subject to mitigation

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The 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.

Traffic Management, East Hampshire District Council

The Traffic Team would like to see 8 allocated spaces for this development in addition to the 4 spaces allocated to the retail unit, as per HBC Supplementary Planning Document "July 2016

Officer comment: See 7(iv) below.

Waste Services Manager

No concerns over waste collection regarding this planning application

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: Two

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Object to the siting of the refuse area and smells associated with the bins in open cage with no roof - sure to attract fly tippers. Proposal would reflect on the value of property and outlook.	See Section 7 below. Not a material planning consideration.
Proximity of development is too close to current residences and additional height to the building and also building noise would be of disturbance.	See Section 7 below.
Houses in Furzedown Crescent and Forestside Avenue nearest to development would be overlooked and what privacy residents have in their gardens would be gone.	See Section 7 below. All new low-level windows proposed to the south and west elevations are proposed to be obscure glazed.

7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Developer Contributions and Ecological Mitigation

(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.

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

The proposal would provide a new second floor for residential accommodation and the conversion of the first floor from ancillary retail use to residential. The second floor building would be smaller than the first floor, set back from the existing elevations, and therefore would be subservient to the main building. The second floor building would be flat roofed, as per the existing roof, with white aluminium windows and timber weatherboarding cladding, details to be agreed. The height of the building would reflect the 3 storey flat roofed houses to the north.

At first floor level windows would be to the west, east and south. At second floor windows would be to west and east. The new window to the south would be obscurely glazed. Windows to the west at both levels would be part obscure glazed (lower section), to limit overlooking, whilst at the same time

providing natural light to occupiers.

The proposal would not be unduly dominant in the street scene and would be in keeping with the existing development.

The size of 2 of the proposed flats fall below the standards set out in Policy HE1 of the emerging local plan as they are under 50 sq m. However, at this stage, limited weight may be given to this emerging policy. That said, the 2 flats under 50 sq m would be approximately 47sqm, which are considered to be appropriate for future occupation, when taking into account the overall planning balance.

As to private amenity space, this is not provided for in the development, and whilst there is an emerging policy relating to external amenity space for flats, again this can only be afforded limited weight at this time. In any event, the provision of private amenity space at second floor would have the potential to be overly intrusive to neighbours' amenity and therefore has not been encouraged. In the overall planning balance, the benefits of the development and the modest contribution that it would bring to Havant's housing stock, outweigh the lack of private amenity space in this case.

Having regard to the location of the proposal and the varied designs of house types within the road, it would not be out of keeping with the character and appearance of the locality, meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iii) Impact upon residential amenity

The proposal would be approximately 3m from the rear gardens of neighbouring properties to the south, with a road leading to the rear in between. No windows are proposed on the second floor, south elevation. At first floor level, one new window is proposed on this elevation, which together with the three existing windows on this elevation would be obscurely glazed and a condition to this effect is recommended. This would address the concerns raised regarding overlooking of gardens to the south.

To the west there is residential development in Furzedown Crescent which is located at a lower level to the application site; i.e. approximately 2 m lower. Three windows to the west at first floor are proposed, which as stated above, would be part glazed, with two additional windows proposed on the second floor. The separation distance with the gardens to the west, at first floor level would be approximately 16m; at second floor 20m, due to the stepping back of the roof extension. These windows would service bedrooms and living areas and would not look into the habitable room windows on development to the west, as these properties are angled at approximately 90 degrees to the development. Having regard to the existing development within the locality, the level of overlooking of private amenity spaces would be similar and would not be significantly harmful or overbearing to residential amenity.

As to the proposed second storey, it would be stepped back from the edge of

the existing building, reducing its impact and any potential dominance on surrounding neighbouring properties, particularly to the south.

As to the location of the bin store along the boundary with residential development to the south, this is not an unusual arrangement for development located adjacent a commercial service yard; and the domestic bins should be emptied on a regular basis in any event. In view of this, there is no reason to suggest that they would give rise to smells, or problem with flies, that would cause significant harm to residential amenity, and no objections to the proposed arrangement have been received from either the Environmental Health team or Waste Services team. Should any issues arise, this would be a matter for the Environmental Health team to control.

Concerning noise, disturbance and dust associated with the construction of the development, this would fall under Environmental Health legislation, if found to be a statutory nuisance. That said, informative's would be included on the decision notice, relating to such matters, advising of hours of operations and steps that should be taken, to minimise the disturbance of neighbours, during the construction period.

As to the amenity of future occupiers, the Environmental Health Team has suggested an acoustic mitigation condition with regard to the building envelope, which is recommended.

Consequently, it is considered that the proposal will not appear overbearing or lead to significant overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policies CS16 and DM10 of the HBLP (Core Strategy).

(iv) Parking

The proposal would provide 7 parking spaces to the rear of the site which would accord with the guidance in Havant's Car Parking Supplementary Planning Document and Policy DM13 of the HBLP (Core Strategy). The Traffic Team has sought payment for a possible Traffic Regulation Order (TRO) due to traffic and parking issues within the locality, but not within the site. The applicant has challenged this payment on the grounds that sufficient parking, in accordance with the Supplementary Planning Document, is proposed. Due to the level of parking proposed, the development should not add to parking or traffic issues within the locality as sufficient parking would be provided on site. In view of this, payment for a TRO is not justified in planning terms and is not considered to be reasonable for the development proposed and will not be sought.

(v) Developer Contributions and Ecological Mitigation

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 Havant.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross existing internal floor space has been calculated by the agent as 236 sqm, which are still in retail use and therefore not CIL liable, with a new floor area of 97.10 sqm, which together with existing is a total gross floor area of 331.10 sqm. This leaves a gross new floor space of 97.10 sqm which would generate a total CIL liability of approximately £10,854.30. The applicant is not claiming self build exemption.

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 (SRMS). 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 SRMS mitigation package, and a condition to secure a Nutrient Neutral development.

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.

As to the mitigation fee for the Solent Recreation Mitigation Strategy this is £2,159, which has been paid and the Unilateral Undertaking signed and returned.

8. Conclusion

The proposal would not have a significant impact on the street scene, nor would it adversely affect the residential amenity of neighbours. The parking provision would be appropriate to the development, CIL rates for the development have been applied and the mitigation measures for the Solent

Recreational Mitigation Strategy and nutrient neutrality have been addressed. It is therefore recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00060 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:
Existing floor plans, elevations & proposed car parking - drawing No. 8811-10D
Proposed first floor plan- drawing No.8811-101B
Proposed second floor plan and elevation - drawing No. 8811-11 Rev A
Reason: - To ensure provision of a satisfactory development.
- 3 The residential 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.

- 4 Prior to the occupation of the residential development hereby permitted details shall be submitted to the Local Planning Authority in writing for approval to confirm that the acoustic mitigation measures employed with regard to the building envelope, including fenestration and ventilation, 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 ensure the residential amenity of the property is not impacted upon by any internal or external noise levels, including from commercial premises below, 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 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

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

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

- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the residential development hereby permitted the windows in the first floor on the south 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 shall be 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.

- 8 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the residential development hereby permitted the proposed windows in the first and second floors on the west elevation shall be fitted with 1.2 m wide top hung windows, with the lower section of the windows to be fixed shut and comprise obscure

glazing as shown hatched on drawing number 8811-101-B, the obscuration level being no less than Level 4 of the Pilkington Texture Glass scale (or equivalent). All such windows shall be 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.