

APP/17/01358 - Application for non-material change to planning permission APP/10/00992 relating to revisions to roof plan, fenestration and second floor rear balconies. Permitted 14/02/2018 - albeit changes not to date implemented as the development has not reached a stage whereby they take effect.

3 Proposal

- 3.1 Variation of plans approved under extant Planning Permission APP/10/00992 (*Demolition of existing shops and flats. Construction of a three storey mixed use building providing 650sqm of retail (Class A1) and 14No. flats with associated car parking (5No. spaces), cycle and bin stores*), as amended by non-material amendment APP/17/01358 - variations relate to revisions to layout and external appearance of building.
- 3.2 In comparing the development approved under Planning Permission APP/10/00992 with the current proposals, the following principal variations arise:

Ground floor:

- * Revisions to internal layout to locate access to both shops and flats centrally on the rear elevation, with a central core corridor running through the building serving the stairwell (*previously entrance to flats and stairwell located in north west corner of building, with separate rear access to shops*)
- * Rear yard area essentially unchanged in terms of servicing area/bin stores/residential parking layout - albeit that servicing yard partially eroded by segregated access route to rear doors which will now serve both residential and commercial users.
- * Overall footprint of building marginally reduced to north

First floor:

- * First floor layout simplified with a flat rear facade as opposed to the more articulated layout originally approved
- * Internal layout reconfigured to suit ground floor stairwell and revised rear facade
- * No change to number of flats

Second floor

- * Second floor layout simplified with a flat rear facade as opposed to the more articulated layout originally approved
- * Internal layout reconfigured to suit ground floor stairwell and revised rear facade
- * No change to number of flats

Roof plan

- * Roof plan simplified to suit lower floor layouts
- * Revised articulation to reflect changes to elevations (described below)

South elevation onto West Street

- * Ground floor shopfronts more broken up with glazing bars
- * Entrance to flats incorporated in this elevation
- * Revisions to fenestration at first and second floor level
- * Removal of minor bracketed gables

North elevation onto bus station

- * Ground floor - removal of servicing doors for commercial units; introduction of centralised commercial/residential access and cycle store entrance
- * Revisions to distribution and sizing of gable features at first and second floor levels

- * First and second floor elevations simplified with a flat rear facade as opposed to the more articulated layout originally approved

- * Revisions to fenestration at first and second floor level

East elevation adjoining adjacent two-storey retail premises

- * Formal parapet wall detailing introduced
- * Flat rear facade incorporated as opposed to the more articulated layout originally approved

West elevation adjoining adjacent two-storey retail premises

- * Formal parapet wall detailing introduced
- * Flat rear facade incorporated as opposed to the more articulated layout originally approved

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)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS4	()
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Adjacent St Faiths Conservation Area

5 Statutory and Non Statutory Consultations

Building Control

No response received.

Community Infrastructure, Planning Policy & Urban Design

S106 requirements

This application is a variation to the permission granted under APP/10/00992 (granted 25 February 2011) which commenced before the permission expired on 25 February 2014. The proposed changes do not change the nature or quantum of development originally approved, and consequently there are no direct S106 infrastructure requirements arising as a result of these changes. Similarly, this application will not require contributions under the Solent Recreation Mitigation Strategy due to the date of the original permission.

CIL requirements

As the original permission pre-dates the Havant Borough Council CIL Charging Schedule provided that there is no increase in floorspace arising from this application no CIL charge will arise on this occasion - this will be confirmed formally at decision.

Officer comment: *The issue of floorspace has been raised with the agent, who has confirmed that the proposed scheme results in a net reduction of 80sqm compared with that originally approved under APP/10/00992.*

Conservation Officer

Assessment:

The current application seeks to make variations to the previously approved scheme, some of which relate to the external appearance of the building. On the south elevation (the West Street frontage), such alterations include the removal of some features such as brick detail window headers, pitched canopies over windows, the subdivision of shopfront windows and some loss of detailing on the shopfront pilasters and loss of the corbel features and the repositioning of an entrance to the flats on the front West Street frontage. A parapet wall is introduced on the west and east elevations.

Overall the changes are fairly minimal in scale. However, whilst the proposed changes do not result in harm to the adjacent conservation area, I do feel that the loss of certain features as referred to above, dilute the overall quality of the scheme. In particular, I would like to see the shopfront detail retained such as the pilaster detail and corbel detail as shown on the original scheme. With regard to the repositioning of the flats entrance on the front, this is not ideal as it interrupts the flow of shopfronts. However, the entrance does still retain a glazed frontage which is proportionate in size to the others along this frontage and overall, no significant harm will result.

Conclusion:

No objection. Please apply Conditions 2/3/10 from APP/10/00992

Officer comment: *Following receipt of these comments, amended plans have been secured which have restored the corbelling and pilaster detailing to the principal West Street elevation.*

Crime Prevention -Major Apps

No response received

Natural England Government Team

No response received to Habitat Regulations Assessment and Appropriate Assessment sent to them by LPA on 27 February 2020.

Planning Policy, PPUD

Given that this application is for minor material amendments relating to the design of a scheme with an existing permission, Planning Policy have no comments to make.

Regeneration

No response 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: 42

Number of site notices: 2

Statutory advertisement: 31/01/2020

Number of representations received: None

7 Planning Considerations

- 7.1 This application has been submitted pursuant to S73 of the Town and Country Planning Act, in order to seek approval for a form of development on the site which differs from the original APP/10/00992 permission - this principally relating to the elevations, footprint and internal layout of the approved building, with consequential amendments for the access and servicing layout for commercial and residential occupiers.
- 7.2 The Council has conducted a Habitats Regulations Assessment (HRA) 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, when considering the impact of the S73 changes in the context of the project approved under APP/10/00992 and which is still extant, there was not likely to be a significant effect on any Solent European Sites (as defined in the application's HRA) due to any increase in recreation or decrease in water quality that might result from the development.
- 7.3 The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have chosen not to make any representations within the standard 21-day period for consultation. The HRA has therefore been able to be completed on this basis and concludes that the proposal would not lead to a likely significant effect on European site integrity.
- 7.4 In other respects, S73 (2) of the Act states: *On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.*
- 7.5 The matters considered under the original application which are not affected by the proposed changes - which comprise the principle of development; housing provision; and financial implications - therefore do not fall to be reconsidered.

7.6 Therefore, having regard to the relevant policies of the development plan it is considered that the main issues arising from the changes proposed in this S73 application are:

- (i) Effect on the St Faiths Conservation Area and Streetscene
- (ii) Access and Parking
- (iii) Effect on Neighbouring Properties

(i) Effect on the St Faiths Conservation Area and Streetscene

7.7 This brownfield site is located in West Street in Havant Town Centre. Permission was granted in 2010 for its demolition and the erection of a 3-storey building with commercial uses on the ground floor and flats above. The site has now been cleared in preparation for redevelopment.

7.8 The site itself is not within the conservation area boundary but is immediately adjacent to the St Faiths Conservation Area to the south east and the Black Dog Conservation Area to the west. As such, Section 72 of the LB&CA Act is relevant. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

7.9 In assessing the development the subject of APP/10/00992, the officer assessment stated:

The proposal has been designed to have regard to the scale and character of this part of the shopping centre. Its design and form provides a suitable rhythm and vertical emphasis that contributes positively to the character of the conservation area. The treatment of the eaves and fenestration is relative to the character of Havant Town Centre. The shop front details and materials should be subject to planning conditions.

7.10 The changes the subject of this application maintain the overall scale and character of the approved scheme, albeit with revisions to the fenestration on the West Street frontage. Following amendments received during the course of the application, the detailing of the shopfront has been restored to that originally approved.

7.11 Overall it is considered that the character of the new building and the contribution it will make to its Conservation Area setting will be preserved with the changes proposed, and on this basis the proposed changes are acceptable.

(ii) Access and parking

7.12 In assessing the development the subject of APP/10/00992, the officer assessment stated:

The site lies within Havant Town Centre and is in an area close to the bus and train stations where a reduction of on-site parking or no parking provision is acceptable. The 5 parking spaces provided for the residential units is considered to be acceptable. The servicing area for the shop units is acceptable and is in accordance with existing provision and location.

7.13 The proposed revisions to the approved plans maintain the original approval's provision for 5 residential parking spaces to the rear of the site; a 17-bay cycle store; and separate retail and residential bin stores, each accommodating 4 bulk bins.

Recent revisions to the adopted Parking SPD have highlighted Havant town centre's status as the most accessible location in the Borough, and the proposed amendments are considered to have no implications for car and cycle parking demand, nor bin storage, as the number of flats remains the same - indeed, with the nature of the flats moving from 14 x 2-bed to 8No. 2-bed flats and 6No. 1-bed flats, the overall demand may be argued to decrease. Consequently the provision originally secured through the APP/10/00992 approval for car and cycle parking and bin storage, and maintained in the current amendments, are acceptable.

- 7.14 In terms of access arrangements, the revisions to the internal layout of the proposed building have the consequence of requiring all deliveries for the shop units to be taken through the pedestrian rear access doors, which also serves as the residential access to the car and cycle parking and bin provision - the originally approved servicing doors having been omitted from the scheme. This is considered to comprise a negative aspect of the scheme, in that it will compromise what goods can be brought into the shop units.
- 7.15 Concerns raised by the case officer over the potential risk of residential occupiers having to access the rear yard area through a commercial service yard have been addressed by amended plans which formally segregate the pedestrian zone from the service yard - although it must be recognised that this in itself introduces a still further contrived servicing arrangement. It is however considered that a segregated service access could be achieved from the service yard to at least the eastern of the two units, should a future occupier require it.
- 7.16 Furthermore, the introduction of a front (West Street) access for residents of the flats is considered a positive aspect of the revised proposals, as it will offer a better overlooked alternative access point for occupiers of the development, giving direct access to the main shopping frontage.
- 7.17 Overall, whilst the changes proposed by this application introduce some contrived arrangements for servicing of the commercial units, the resulting scheme should still be capable of acceptably functioning with the access and parking arrangements proposed.

(ii) Effect on neighbouring properties

- 7.18 In assessing the development the subject of APP/10/00992, the officer assessment stated:
The proposal has a similar footprint to the original building andIt is not considered that the current scheme would cause either an unacceptable or greater level of detriment....
- 7.19 The submitted plans demonstrate that the scale of the proposed development will essentially match that of the extant approval - and in terms of footprint, by simplifying the layout the extent of the rearward projections relative to adjacent commercial development will be less than that approved. The detailing of the east and west elevations of the building will alter, by introducing a parapet wall, however this is not considered to have any adverse impact on the amenity of adjoining occupiers. Furthermore the nature of the revised fenestration will not introduce any new areas of potential overlooking to adjoining uses.
- 7.20 Overall the effect of the changes on neighbouring properties is considered to be benign. It is noted that no letters of representation have been received.

8 Conclusion

- 8.1 The proposed revisions to the elevational treatment and layout of the development approved under APP/10/00992 are considered to be relatively minor and will not result in any harm to the impact of the development on the character and appearance of the Conservation Area, nor its impact on neighbouring properties when compared with the scheme originally approved. With regard to access and parking issues, it is recognised that the proposed changes result in some contrived servicing arrangements for the commercial units. Set against this are improved access arrangements for residents of the flats from the West Street frontage. Overall, the resulting scheme should still be capable of acceptably functioning with the access and parking arrangements proposed.
- 8.2 This S73 application is therefore recommended for approval. In drawing forward relevant conditions from the APP/10/00992 permission which this will replace, reference will need to be made to the conditions discharge material submitted in respect of APP/10/00992 and approved under APP/13/01236 which has not been resubmitted in this case. Given that work has already commenced in line with the designs submitted in this application, no time limit for commencement is required.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01260 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Ground Floor Plan 19055-420B
Proposed First Floor Plan 19055-421A
Proposed Second Floor Plan 19055-422A
Proposed Roof Plan 19055-423A
South Elevations 19055-520B
North Elevations 19055-521B
East #1 Elevations 19055-522B
East #2 & North Elevations 19055-523A
West Elevations 19055-524A

Reason: - To ensure provision of a satisfactory development.

- 2 Unless otherwise agreed in writing with the Local Planning Authority, the construction of the building hereby permitted shall comprise the following external facing and roofing materials:

Face Brickwork - Ibstock Brick Ltd. 'Ivanhoe Olde Village'
Quoin and Column brickwork - Ibstock Brick Ltd. 'Ivanhoe Cream'.
String Course Feature brickwork - Ibstock Brick Ltd 'Bexhill Purple Multi'.
Cills, balcony slabs, fascia brackets - reconstituted stone as Elegant Stone Ltd. 'Windsor'.
Roof Covering - Spanish Slate Quarries 'Del Carmen' natural slate, Terra Cotta accessories.

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.

- 3 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to Policies CS11, 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 plan and particulars approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014, which specify the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site. Throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of highway safety and having due regard to Policies CS11, CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development shall be carried out strictly in accordance with the plan and particulars approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014, which specify the provision to be made for a material storage compound within the site. The approved compound shall be available throughout the contract period and no materials shall be stored anywhere else on the site.

Reason: To safeguard the amenities of the locality and in the interests of highway safety and having due regard to Policies CS11, CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The development shall be carried out strictly in accordance with the specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site throughout the implementation of the same, approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times when such implementation is in progress.

Reason: To safeguard the amenities of the locality and in the interests of highway safety and having due regard to Policies CS11, CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, the external lighting of the site shall accord with the plans and particulars

approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014.

Reason: To safeguard the amenities of the locality and in the interests of highway safety and having due regard to Policies CS11, CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development shall be carried out strictly in accordance with the programme of archaeological work and written scheme of investigation approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014. Prior to the commencement of any above ground development, a report shall be produced in accordance with that approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication.
Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 Unless otherwise agreed in writing with the Local Planning Authority, the detailed design of the shopfronts (including the fascia and indicative signage) shall accord with the plans and particulars approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014.
Reason: To safeguard the amenities of the locality and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM21 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 10 Unless otherwise agreed in writing with the Local Planning Authority, demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 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 Policies DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 12 The rear service area shall be kept clear of obstruction and be kept available for the manoeuvring of vehicles. No fencing or means of enclosure other than that shown on the approved plans shall be provided in this area without the prior written approval of the Local Planning Authority.
Reason: In the interests of highway safety and having due regard to Policies DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Unless otherwise agreed in writing with the Local Planning Authority, the method of demolition and construction for the development shall be carried out in accordance with the scheme approved pursuant to Discharge of Condition application APP/13/01236 dated 23 January 2014.
Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered, and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 Unless otherwise agreed in writing with the Local Planning Authority, foul drainage from the development shall connect to the public mains foul sewer.
Reason: The mains foul water sewer is in close proximity to the site and there is a presumption for connection to this system, and having due regard to Policies CS16, CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.