

Recommendation: **GRANT PERMISSION**

02/55395/005 - Display of internally illuminated shop facie sign, double sided projecting sign, ATM sign and various non illuminated information signs to front (north) elevation. Display of internally illuminated sign to rear (south) elevation., PERM,14/10/2002

00/55395/004 - Installation of satellite dish to south elevation., PERM,14/11/2000

00/55395/003 - Erection of non-illuminated free-standing Public Notice Board to northern boundary of car park, PERM,25/08/2000

97/55395/002 - Construction of disabled persons ramp at front entrance, PERM,05/06/1997

94/55395/001 - Proposed pedestrian entrance ramp., WD,15/04/1994

90/55395/000 - Extension of existing vehicular access onto Selsmor Road., PERM, APP/16/00123 - Display of 1No. fixed illuminated ATM surround., PERM,06/04/2016

APP/16/00125 - Installation of new access door and relocation of 1No. ATM with illuminated surround., PERM,06/04/2016

APP/18/01320 - Display of 1No. externally illuminated fascia sign; 1No. non illuminated flush mounted fascia sign., DEL,

3 Proposal

- 3.1 First floor rear extension to building in order to create 2No. 1 bedroom flats at first floor level, accessed from the existing staircase to the side of the building. Change of use of ground floor to become a retail/pharmacy unit (A1) with revised front entrance; Natwest ATM to remain in position.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

HY2	(Hayling Island Mixed Use Allocations)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Compliance with Approved Document B fire protection to escape route to be considered at each level

Building Regulation application for this work will be required and may raise additional issues

Planning Officer Comment: *An informative shall be included with any decision*

Community Infrastructure

Updated Comments:

We would thank the applicant for submission of the additional evidence regarding the closure of NatWest. This confirms that the branch closed 10 November 2015. As the building was not in use for 6 months of the three years preceding the decision date then CIL will apply to the existing floorspace.

We note that a new 'CIL Additional Information? Form has been submitted, however, as the proposed use is for both retail and flats the entire development will be CIL Liable (although these figures need to be checked by the case officer):

Residential 160.80sqm
Retail 155.90sqm

This scenario and the principle of the relevant CIL Liability is outlined on page 10 of the Developer Contributions Guide:

<http://www.havant.gov.uk/sites/default/files/documents/Update%20Dec%202018.pdf>

The CIL rate is set out in our Charging Schedule (indexation based on the year of decision applies):

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

In respect of the Solent Recreation Mitigation Strategy Unilateral Undertaking, these rates will increase if a decision is made on or after 1 April 2019. See

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

Original Comments:

I would like to add the following to my earlier response in respect of CIL:

Building needs to be in use 6 months of the three years preceding the decision date for the existing floorspace to be taken into consideration when calculating the CIL Liability as set down in the CIL Regulations.

To enable us to calculate the CIL Liability for this proposal we will need to know the use of the existing premises including the date they were last in use. We believe that NatWest may have been closed in November 2015. If appropriate proof cannot be provided then the whole development may be CIL Liable. Building needs to be in use 6 months of the three years preceding the decision date for the existing floorspace to be taken into consideration when calculating the CIL Liability as set down in the CIL Regulations.

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission were issued in 2019 the amount of indexation would be 39.73%.

Additionally, 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 dwellings and their respective number of bedrooms. See

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

Crime Prevention

No comment

Engineering Services,

No drainage observations

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application.

Natural England Government Team

Thank you for contacting Natural England regarding the above-mentioned development.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

For applications within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the Chichester Harbour Conservancy.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Planning Officer Comment: *An informative shall be included with any decision*

Planning Policy

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the Borough. The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and some weight must be afforded to this emerging plan. The following policies in the adopted Local Plan are of particular relevance:

- CS4 and AL3 Town, District and Local Centres
- DM13 and DM14 Car and Cycle Parking on Development
- DM21 Shopfronts, Signs, Security Shutters and Advertisements

In the Pre-submission Plan the following policies are of particular relevance:

- C5 Mengham District Centre
- IN3 Transport and Parking in New Development
- E1 High Quality Design

Principle of Development

The site falls within the Mengham District Centre as defined by policy CS4 of the adopted Local Plan, and more specifically, the primary frontage as defined by policy AL3. These policies seek to promote and protect the vitality and viability of town centres, placing a particular emphasis on A1 shopping uses. Policy C5 of the new Local Plan continues this stance, and adds a specific focus on maximising residential uses above ground floor where appropriate. The proposal for a change of use of the ground floor A2 unit to A1, and the addition of upper floor residential uses is therefore entirely consistent with local policy for this area.

Parking

Policy DM13 and DM14 of the adopted Local Plan and Policy IN3 deal with parking in new development and require local parking standards to be met. Minimum standards are set in the Havant Borough Parking SPD (July 2016). The parking standards in the SPD apply to all developments for the provision of one or more residential units (gross) and all developments that result in the creation of non-residential floorspace. The application proposes two car parking spaces for the residential element – I assume one for each of the proposed flats. The SPD requires 1 car parking space for a 1-bed unit, and 2 spaces for a 2-bed unit, so the proposal does not comply with these standards. I can see no information on cycle parking, and spaces would be required by the standard.

There is not an increase in commercial floorspace, and therefore there is no requirement for additional parking to be provided. However, it appears that by allocating existing parking to the flats, there may in fact be no spaces remaining for the commercial use, which again would not be compliant with parking standards. Available public parking nearby may be a consideration in the balance of whether this is acceptable.

Design, Shop Front and Signage

Some changes to the front elevation, and new signage are also proposed. Policy DM21 of the adopted Local Plan contains specific provisions covering shopfronts,

signs and advertisements. Policy E1 of the new Local Plan seeks high quality design in all developments. Regard will need to be had to these provisions.

Conclusion

The principle of this development is supported by local planning policy, but the level of parking proposed and the detailed design should be key considerations in assessing the acceptability of this proposal.

Traffic Management

The Traffic Team would raise the concern that there should be 3 car park spaces made available for the 2 proposed flats, under the Parking supplementary planning document July 2016. KRC

Planning Officer Comment: See section 7

Waste Services Manager

I have no concerns over waste collection regarding this planning application, thank you

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: 1

Statutory advertisement: Not applicable.

Number of representations received: 6

Comment	Officer Comment
This planning permission should be granted. Hobbs needs larger premises to manage the demand for it's exemplary services and two additional residential units will save another new build.	See section 7
I wholeheartedly support this application. Hobbs need the extra space to continue their excellent service to us.	See section 7
I fully support this application. Hobbs definately need the extra space provided by these premises	See section 7
Excellent idea Hobbs are an amazing chemist but need bigger premises	See section 7
As a local trader opposite, support application 100% lloyds are well below service level for Hayling and cannot cope with demand, not only in service but also supply of products.	See section 7
We need another one chemist	See section 7

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) Impact on the application site
- (v) Parking
- (vi) CIL/Planning Obligations

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 In addition the site is located with the Hayling Island District Centre and within a parade of shops. The proposal would result in a change of use at ground floor and additional residential use at first floor in the form of 2No. 1 bedroom units which would make a modest contribution to the Boroughs housing needs and provide affordable housing which would comply with policies CS17 and CS9 of the Havant Borough Local Plan (Core Strategy).

7.4 Within the town centre policy CS4 states that (amongst other matters) planning permission will be granted for appropriate district centre development proposals that:

5. Encourage high quality, mixed-use development in designated centres that retain active ground floor frontages

The change of use within the district centre is considered appropriate. The current application would ensure a use in the current vacant unit, improving the viability of the ground floor use and enhancing the local economy. Notwithstanding the marketing position, Policies CS4 and AL3 seek to promote the vitality and viability of the centres. The proposed use is appropriate to a district centre location and would contribute to and enhance its vitality and viability. Based on the Planning Policy response it is clear that the target retail representation rates set out under policy AL3 would continue to be met following implementation of the development. On balance therefore the change of use proposed is considered appropriate in the context of Mengham District Centre.

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

7.5 As noted above the A1 use complements the district centre and would provide a service for local residents. As such it is considered a sustainable development that is appropriate to the character and appearance of the area.

7.6 The development would result in a minor changes to the appearance of the front of the building with revised signage which would require a separate application for advertisement consent. The proposed change of use would maintain the existing and original footprint of the unit with access remaining at ground floor as reflected in the submitted drawings.

- 7.7 The site falls within Mengham District Centre as defined by Policy CS4. This policy encourages appropriate town centre development proposals which support small and independent businesses; moreover, Policy CS4 seeks to promote the vitality and viability of the identified district centres. Therefore, the appropriate re-use of current vacant units are supported by this policy.
- 7.8 The external works that form part of the proposal shall be to the south elevation of the building which is not readily visible from the public domain of Mengham Road. Selmore Road runs to the south where the works would be viewable however the development would be sat within a streetscene where other first floor works are present and development to a similar scale and design. Alongside being built in matching materials to that of the existing development the works are considered to result in an acceptable visual appearance from this position.

(iii) Impact upon residential amenity

- 7.9 The proposed additional units and overall residential use at first floor and change of use at ground floor are considered acceptable in terms of impacts on surrounding commercial uses. It is noted no letters of objection have been received in relation to the development with 6 letters received supporting the proposal.
- 7.10 The development of the first floor works has the potential to impact the neighbouring dwelling at No 20 Mengham Road which consists a development to a similar scale and position as No 22 with a first floor flat the same scale and depth as the existing two storey element on No 22. From being to the east of this neighbour the works have the potential to impact light levels however it is noted that the works shall be set off from the neighbour by approx 4m which combined with a flat roof is considered to be set sufficiently away and have a sufficiently reduced bulk so as not to appear overbearing to No 20 nor impact light levels reaching the neighbour. The works, therefore, are considered to result in an acceptable neighbourly impact.
- 7.11 Four windows are proposed along the west side elevation of No 22 which shall look out onto the neighbour. Following a site visit it was noted that the first floor neighbours flat does not extend to the depth of the works proposed and is currently in line with the first floor development on No 22 as existing with no amenity space to the rear where the works drop to be single storey only. Due to this position of the neighbouring unit the windows shall over-look roof space only which is open to view from Selmore Road and as such, is unlikely to create significant additional over-looking as a result. Therefore privacy levels are considered to not be significantly impacted between the neighbours and the works considered to be acceptable.

(iv) Impact on the application site

- 7.12 Outside space is essentially only for serving the flats with an area for parking, bin and cycle storage. However given the sites district centre location there is limited private external space although this is not unusual in these locations. The residents would be adjacent to services and other facilities including the beach.
- 7.13 The flats are considered to be of an appropriate scale to ensure suitable living standards to any occupant. Windows are positioned in most elevations in order to create a light and open environment which is considered to create an acceptable living space.

(v) Parking

- 7.14 As originally proposed, there was concern that the application site could only provide two parking spaces onsite in a tandem arrangement when three would be required in order to comply with the Parking SPD and policy DM13 for 1No 1 bedroom flat and 1No 2 bedroom flat. Furthermore the proposed layout would require one of the cars to be moved each time the other flat wished to exit the site and therefore the useability of this space would not be sufficient and would be below standard. There was also no provision for cycle or bin facilities and concern was raised by the Traffic Team.
- 7.15 To address this the proposal has been amended and reduced in scale; now proposing 2No 1 bedroom flats with one parking space onsite alongside providing cycling facilities and bin storage. In order to accord with the SPD two parking spaces would typically be required to be accommodated onsite, however justification has been submitted with the application as to why the proposal is still acceptable. The justification raises that the application site is in a sustainable location of the district centre with close access to shops and facilities. It raises that a cycling provision is now accommodated onsite to encourage sustainable transport and that the flats would be served by bus links in close proximity to the south and west. Furthermore, public car parks are present to the north west and east of the application site should the residents wish to pay for a semi/permanent parking space. Due to these factors and the application site's position within the district centre there is considered to be sufficient opportunities in the locality in order to reduce the reliance on a private car. Therefore, on balance, the works are considered to not substantiate a refusal of planning permission based on parking alone and the impact caused is considered to be acceptable.
- 7.16 It is noted, however, that the submitted information does not demonstrate the form of the cycle store facility proposed. In order to ensure that the type of facility meets the expectations set out in the Parking SPD a condition is required.

(vi) CIL/Planning obligations

- 7.16 The proposal is subject to the Community Infrastructure Levy and following discussions about the floorspace calculation, revised forms have been submitted for the agreed gross internal floor space of 313.4sqm. Therefore the chargeable development requires a CIL payment of £30,998.18 and the Draft Liability Notice has been issued. The required Assumption of Liability Notice form has been returned.
- 7.17 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, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with

Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has submitted the completed legal agreement to secure the mitigation package.

8 Conclusion

- 8.1 In conclusion, the proposed change of use is considered to be acceptable subject to conditions. The proposal also complies with Policies CS4 of the Core Strategy as well as AL3 of the Allocations Plan. Therefore the application is considered to represent sustainable development and is recommended for permission.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01319 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:
arking Statement: Received 14.03.2019
Parking Layout Plan: Drawing No 38386
Proposed Layout/Floor Plan: Drawing No 38386 Rev 001 Received 14.03.2019
Proposed Block Pan: Drawing No 38386 Revision 01
Revised Location Plan: Drawing No 38386 Revision 1
Proposed Front and Rear Elevation Plan: Drawing No 38386-7
Proposed Side Elevation Plan: Drawing No 38386-8
Photographs of site: Received 11.01.2019
Reason: - To ensure provision of a satisfactory development.
- 3 Prior to first occupation of the residential development hereby approved, further details shall be submitted to and approved in writing by the Local Planning Authority of the cycle stores, which should provide for long stay, secure and weatherproof storage for the residents of the development hereby approved. The approved cycle stores shall be made available for use prior to the occupation of the residential development, and shall be retained for that use at all times thereafter.
Reason: In the interests of highway safety and sustainable development and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Parking SPD 2016 and the National Planning Policy Framework.

- 4 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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

- 5 The car parking, cycle storage and bin storage 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 sustainable development and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.