
Site Address:	Ward Court, 65 Sea Front, Hayling Island		
Proposal:	Form 5 no. 2 bed flats at roof level and provide new cladding and render finish to existing building.		
Application No:	APP/19/00722	Expiry Date:	23/10/2019
Applicant:	Mr Jones Ward Court		
Agent:	Mr Willis Harrington Design Architects	Case Officer:	Tina Pickup
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a 1960's five storey building comprising 54 residential flats located on the south side of Sea Front. It is constructed of pale red bricks with panels of white/cream render with white windows, doors and balcony railings. The building is sited approximately centrally within its walled grounds, though it is noteworthy that the red lined application site includes a tapered strip of land in front (to the north) of the front boundary wall which is laid out as parking spaces. Vehicular access is taken centrally along the frontage of the site and the front forecourt area contains two separate detached garage blocks and the remainder is entirely hardsurfaced for access and other parking spaces.
- 1.2 Within the site the land slopes down to the south and the internal access drive passes by the western side of the building to a row of additional parking spaces set against the southern boundary wall. These spaces are at a lower level than the building and surrounding grassed amenity area. This southern boundary wall effectively retains the beach side land level which is slightly higher and there is a row of mature planting/hedging on the beach side.
- 1.3 The building itself is arranged with 3 rear blocks such that most flats have a sea view. At roof level there are 3 service blocks, which are quite large, with sloping roof to Sea Front and flat to the beach side. Within the grounds there is an outdoor swimming pool within the eastern most recess between blocks. Otherwise the rear grounds are grassed for shared amenity and they slope slightly.
- 1.4 Immediately to the west of the site is Norfolk Mews, a Grade II Listed building comprising a curved terrace built circa 1825, part of an incomplete crescent that is 4 storeys, and basement area, such that it reads in street scene terms slightly higher than Ward Court. It is constructed of yellow brick walls in Flemish bond. This crescent fronts the beach (south) and to its north there is a row of predominantly tightly knit 3 storey dwellings and flats that front Sea Front highway and the separation between the rear of Norfolk Mews and the rear of these buildings is minimal. Noteworthy is number 63 Sea Front which drops in height to a two storey dwelling at the western end and therefore close to the eastern end of the application block of flats (an electricity substation site divides them). This dwelling has a small south facing rear garden of about 4.5m in length and it is surrounded by existing 3 to 5 storey flats.
- 1.5 Opposite the site, on the northern side of Sea Front are more substantial detached

dwellings set in moderate plots, largely screened to the road frontage by high brick walls. To the west of the site is a private unmade road where vehicles generally park parallel to the sites western boundary wall (this road and parking area lies outside the red line application site). Beyond, number 75 is a low bungalow.

2 Planning History

92/50951/002 - Infilling of 5 No. alcoves to provide storage areas on South elevation, PERM,25/03/1992

3 Proposal

- 3.1 Form 5 no. 2 bed flats at roof level and provide new cladding and render finish to existing building.
- 3.2 The application proposes the complete refurbishment of the external appearance of the existing block of flats through the application of a mix of insulated render and aluminium cladding panels to all elevations with the addition of a contemporary style sixth floor comprising 5No 2 bed flats. This new upper floor would be flat roofed with standing seam roof, and be clad in aluminium cladding panels with aluminium windows and doors and glazed balustrades. The proposed upper floor would cover virtually the full footprint of the existing block (just inset by about 0.5m from the eastern end) and include terraces of some 3m depth on the south elevation. The palette of materials proposed for the scheme includes a mix of off white, cream with 2 tones of grey.
- 3.3 During the course of determining this application additional and amended plans have been sought providing a street scene with Norfolk Crescent and revised site and parking plan, showing the provision of 5 parking spaces against the southern boundary wall. A supporting parking and accessibility statement has been provided.

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
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

Conservation Officer

Site Description

The site comprises a 5-storey residential block of apartments dating back to the 1960's. It is built in a double 'U' shape formation with a flat roof and projecting lift shafts. It is constructed from brick with UPVc windows and plastic cream cladding panel sections to break up the brick massing. There are inset balcony areas to each flat on the south elevations with white painted decorative railings.

The building fronts onto the Sea Front at Hayling Island. The neighbouring building to the east is Norfolk Crescent which is a Grade II listed terrace row of 5-storey housing, dating back in part to 1825.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy CS11 of the Core Strategy 2011 states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy 2011 states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan 2014 states that development proposals must conserve and enhance the historic assets of Havant'.

Assessment

The proposal includes the refurbishment of Ward Court and the addition of a recessed 6th floor to provide a further 5no. flats. The refurbishment would include the rendering of the existing brick work, replacement of plastic cream panels with new aluminium cladding panels (grey) and new glazed balustrades. The new 6th floor would be of a flat roof design and encompass the existing lift shafts. It would feature some full height glass aluminium frame glass doors and windows and a glass balustrade along the front edge.

It is not clear from the plans whether the 6th floor addition will make the overall building higher than the adjacent Norfolk Crescent. As it lies in close proximity, it is important to establish these height differences to fully assess the potential impact of the development on the adjacent listed building. I would therefore request that a streetscene plan is submitted which shows the two buildings side by side. Once provided, I will provide a further updated consultation response.

Further response following submission of additional streetscene plan – DN:111

Further to my previous response a further plan has now been submitted which shows the building side by side with the adjacent listed building – Norfolk Terrace. This shows that even with the inclusion of the recessed 6th floor, the building would not be significantly higher than Norfolk Terrace.

As highlighted by the Heritage Statement (HS) by AH Heritage Planning, Norfolk Terrace is a very unique building within its setting, surrounding by mixed styles of architecture reflecting seaside development at various points in history. Another historic building, the Royal Beach Hotel, sits in close proximity to the east of listed terrace.

The HS has assessed that the significance of Norfolk Terrace derives from its historic and architectural / aesthetic value of its standing structure and that its seafront setting is considered a major contributor to its heritage significance. The mixed quality of the surrounding architecture already forms parts of its setting. I concur with the conclusion that the refurbishment/betterment of Ward Court and the six floor which would be recessed, would result in a negligible impact on the setting and significance of Norfolk Terrace.

Recommendation – No Objection subject to the condition below:

1. Materials samples to be provided

County Ecologist

The application is not accompanied by any ecological information, and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and recent GIS mapping. The existing Ward Court is a modern, multi-storey structure which is likely to be of limited ecological interest. The proposed works will comprise a new storey of dwelling flats as well as new external cladding. Based on my review of the application site I would not raise any overriding concerns in relation to the physical works: the building's roof is predominantly flat except for three slopes of tiled roof in sound condition.

Given the building's limited ecological value, its height and prominent position, this is an excellent opportunity to provide ecological net gain. The installation of a series of

nesting boxes for common swifts would be a simple and effective measure to achieve this. Therefore, if you are minded to grant permission, could I suggest that a minimum of six common swift nest boxes are installed on the exterior of the refurbished structure. These should be installed beneath the eaves of the highest flat-roofed sections on the northern elevation. There are various designs for self-contained swift nest boxes and these can easily be incorporated into the fabric of a new structure or fitted to the exterior. The boxes do not require routine maintenance and pose no risk to public health and safety.

The redeveloped building shall incorporate a minimum of six nesting boxes for common swifts. These shall be installed as per manufacturer's specifications and be retained in perpetuity in a condition and location suited to their intended function. Reason: to protect and enhance biodiversity in accordance with the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Crime Prevention

None received

Southern Water

No Objections

Formal application required for connection to the public foul sewer - Informative requested;

Council's Building Control should comment on adequacy of soakaways to dispose of surface water; if any sewer now deemed to be public found crossing the site then an investigation will be required;

Hampshire Highways

As parking is the responsibility of the LPA and I am aware of your Traffic Teams comments then I leave it to the LPA to make a decision on this aspect of the proposal.

Landscape Team

- The current landscape vernacular of adjacent building façades consist of off white render and brick. We feel that the proposed beige render is not appropriate and all proposals should adhere to planning policy CS16.

- There is a lack of clarity in relation to the proposed parking provisions for the additional 5 no. flats and any amendments to the existing layout will need to be submitted for comment.

- Further details on building material specification for the development requiring submission including material type, product reference and colour to understand how the proposed development will affect the existing streetscape.

Officer Note

The 'beige' has been confirmed as BS 10 B 15 which is a Creamy White/Gardenia and considered appropriate to the overall palette

Natural England

Consultation on HRA

Nutrient Neutrality

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

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

No adverse comment to make on this application. We would like to note though that there appears to be insufficient existing parking for the development as a whole.

Waste Services Manager

None 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: 76

Number of site notices: 2

Statutory advertisement: 09/08/2019

Number of representations received: **33 letters** have been received in total; **15 objections on the original plans** and a further **6 objections on the revised plans**;
7 support

to the original plans and 4 support for the revised plans

In addition I **neutral letter** has been received, neither supporting nor objecting, but pointing out various faults with the existing building

Comment	Officer Comment
The objections to the original plans raise the following points:	
<u>Loss of gardens</u> for car park - associated loss of area for amenity & visually unattractive; loss of outlook & privacy for ground floor flats, particularly from use of area between blocks; detrimental to health	Noted - key issue - see section 7
<u>Noise & pollution</u> from cars coming and going, reversing, exhaust fumes, headlight nuisance	
Creates 6th floor - no other 6 storey building on Hayling, not a City	Noted - each application considered on its merits
<u>Noise & disruption during construction</u> works; scaffolding, will take years; displaced parking during construction; trapped in flats when lifts out of action	Noted but a temporary disruption - see section 7
<u>Parking</u> - already congested, no space for more cars; confusion as to how many spaces to be provided - why 8 spaces when only 5 flats? level of parking unclear; existing spaces not big enough for modern vehicles; prestigious flats will bring large SUV type vehicles additional 2 spaces either side of entrance a bad idea as refuse lorry a tight fit and has knocked over wall; Double yellow lines along Sea Front & Stamford Av & Staunton Av, so parking in side roads in heavy demand; by 5.45pm spaces all full	Noted - see section 7
Devaluation of properties	Not a valid planning consideration
Hayling cannot support addition of more dwellings, infrastructure collapsing	Hampshire Highways have not objected on capacity grounds of highway network
<u>Visual Impact</u> - current building large & unattractive - extra layer on more overbearing & unattractive, reducing light to properties opposite; dense and crammed in;	Noted - see section 7
<u>Listed Building</u> next door, impact on streetscene	Noted - see section 7
<u>Overdevelopment</u> - loss of gardens will result in overcrowded urban slum building	Noted - see section 7

In High Winds a vortex is formed in space between southern wings, creating a whirlwind - not best place to park cars; Water runs off balconies and this parking area would flood	Amended plans removed spaces from this area
<u>Loss of light</u> - semi circular roof terraces will overshadow flats below; Existing top floor flat in SW corner a penthouse with skylight in its hall & bathroom - proposal to build round these will take light from these rooms and downgrade status of this flat; maintenance of these skylights would be difficult;	Noted - see section 7
loss of daylight, privacy & outlook to properties opposite	Separation distances sufficient to mitigate
<u>Design & Materials</u> - not seen any formal report that demonstrates building can withstand weight of another storey; Ward Court built using High Alumina Cement so additional weight of would cause concerns; modern trend to convert to grey and white bland facades should not be applied to ward court;	Building Regulations matter Noted - see section 7
<u>Cladding</u> - after Grenfell object to any form of cladding	Noted - Building Regs matter for fire retardancy
<u>Human Rights Act 1998</u> - I have right to continue having a pleasant outlook and garden space should be respected & protected; top floor flat owners have right to have no-one living above; Article 14 would also be engaged, discrimination against elderly and disabled residents when lifts are out of action;	Noted but separate to Planning legislation
<u>Wildlife/Biodiversity</u> Enjoy watching birds, bees & insects on mature plants; increased carbon emissions causing further damage to fragile wildlife; recently noticed colony of Ivy mining bees (<i>Colletes hedera</i>) nesting in area to be lost for car park; gardens also an over wintering refuge for common lizards; assume wildlife that will be destroyed will be taken into account and compensated for by national planning policy that requires a net gain in biodiversity; disturbance to bats that frequent garden area - they fly around the rectangular areas proposed for parking which will result in loss of bats habitat; note bats protected	Ecology advice received for net gain - see section 7 below Bats - see section 7 below

species	
Ownership - as residents we own flats and roof - building on roof is stealing;	Noted and consequently applicant served Notice on all owners, and issued a Certificate B
Non-compliance with Development Plan Policy, Highway safety and traffic	see section 7 below
The supports for the original scheme note the following points:	
Excellent way to provide additional quality sea view properties without increasing footprint	Noted
Fits in well with surrounding properties; will provide smart & appealing appearance to building, uplift and asset to foreshore/seafront	Noted
Enhances now ageing block of flats; Ward Court almost 50 years old & showing its age; unique opportunity to reinvest in Ward Court	Noted
Despite losing my position as a top floor flat, totally support as flats set back;	Noted
Building has serious problems - water ingress, damp, rot and corroded wall ties; soon will be un-insurable, unsaleable & unsafe - large sums of money needed to fix problems & development will fund refurbishment	Noted
Disruption and inconvenience will be worth it in long run	Noted
gardens only partly affected and sure bushes and flowers will be planted as barrier	Noted - landscaping condition would provide
will not impact the greatly run down listed building; colour scheme chosen to blend with the crescent	Noted
penthouse proposal is modest & set back, does not take property above existing height of current building;	Noted
New properties will have unparalleled views	Agreed
Following re-consultation on amended plans the following new points have been raised:	
House adjacent already light deprived and overlooked & overshadowed by Norfolk Crescent & Ward Court; south facing garden gets virtually no sun due to heights of these buildings & my garden & home has very little privacy	Noted - see section 7

as some windows look directly into my bedroom and kitchen; another storey will deprive home of even more of what minimal sunlight it gets;	
Astounded new parking spaces reduced from 10 to 5 on basis of a current surplus; parking disputes rife; submission hides fact that all spaces except 16 along frontage are owned by individual flat owners and allocated with flat numbers - they are not available for general use or by others; this is policed by a parking company who issue £100 fines if no permit displayed; currently insufficient parking spaces and many too narrow;	Noted - see section 7
Parking Statement misleading as of 73 spaces only 16 not owned and are unallocated spaces; unused spaces owned by flats are not available for other users; 16 frontage spaces intended for Visitors but often used by flats who have more than 1 car; 16 spaces often at capacity; noted that Land Registry ownership cuts diagonally across frontage so that 5 spaces to east of frontage are not actually in site ownership, but on highway; demographics have no bearing on parking situation; not 20 surplus spaces as stated; asinine to think 5 prestigious flats won't have allocated spaces; doubt statement that "increased utilisation of existing spaces" as in fact existing spaces already quite heavily used;	Noted - see section 7 Agreed re demographics - see section 7
from ground floor flat only real view is of garden and loss for parking will reduce quality of life and devalue property;	Noted - see section 7 Value of flat not a valid consideration
levels of parking not clear and how much earth would be removed;	Agreed - would need condition; see section 7
Seafront road access greatly reduced when parking fully utilised as reduces visibility of oncoming traffic; walking space around cars is limited with no defined edge to the road and huge puddles in rainy periods; this has been reported to SEHants Traffic Dept	Noted - Understand Transport Team investigating this
Welcome removal of spaces between blocks but does not address outlook from flats 19 & 20; worse now with retaining wall blocking those flats off	Noted - see section 7

more	
Council's Parking SPD at footnote to table 4B requires an additional 20% of unallocated spaces for visitors; not enough spaces for residents, let alone visitors - mine put off from visiting because of lack of parking in immediate vicinity; Parking standards derived from 2011 Census which forecasts modern households have 2 cars; SPD also states parking should not cause undue impact but shortage already causes tensions and will increase with 5 new flats with double cars;	Noted - see section 7
Without planning permission to offset the costs of improvements, the bill will be huge to each resident	Noted

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 on Listed Building
- (iv) Impact upon residential amenity
- (v) Parking and accessibility issues
- (vi) Wildlife and Ecology inc bats
- (vii) Other matters
- (viii) Compliance with Habitats regulations
- (ix) CIL

(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. The NPPF 2019 sets out a presumption in favour of sustainable development with a requirement to balance the three overarching objectives of economic, social and environmental roles. Policy CS6 (Regeneration of the Borough) identifies South Hayling as an area where development that positively contributes to the social, economic and physical regeneration of the borough will be supported. The proposal for 5 additional flats would increase the density of the site and thus maximise residential development on a brownfield site.

7.3 The Pre-Submission Havant Borough Local Plan 2036 currently has limited weight in decision making but does indicate the direction of travel. Emerging policy H3 relates to Housing Density and seeks to maximise and make optimal use of each site.

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

7.4 The existing five storey block of flats is dated in appearance and suffers from

water ingress. The proposed external facade refurbishment would resolve the problems of material decline and would provide an enhancement of the architectural appearance of the building. The proposed palette of materials includes a mix of off white and beige render to cover the existing brickwork; grey aluminium cladding panels over the existing cream window panels; new glazed balustrades in grey. This change in external appearance from predominantly traditional brick and white trim would result in a more contemporary visual appearance.

7.5 The context of the site includes a mix of architectural styles and buildings, although the buff/yellow brick of the adjacent Norfolk Crescent does dominate (see separate section on setting of LB). The proposed use of beige and off white render would respect and heed the more traditional visual character of the area whilst including a grey element to add a contemporary flair. It is considered that this balance and palette of materials would provide a visual enhancement to the site and its immediate setting, in accordance with policy CS16.

7.6 In terms of the proposed additional floor this would be provided in a slightly recessed form and would sit proportionately on the host building. It would replace the existing projecting lift shafts and as such the overall visual additional bulk and mass would be minimal when viewed obliquely from the street level close to the site. Longer distance views of the site, from the beach, include other buildings of a similar height and profile such that the added height would not appear out of context or visually harmful.

(iii) Impact on Listed Building

7.7 Section 66 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 listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly a Heritage Statement (HS) has been submitted in order to assess the impact of the proposed development on the heritage significance of Norfolk Crescent. This notes that its seafront setting is considered a major contributor to its heritage significance and the poor and shabby condition of many of the minor elements of the setting of the Listed Building, the tired nature of Ward Court being one. The HS concludes that the refurbishment and addition of recessed 6th floor would offer an improvement to the Listed Building's setting and the scale and mass are broadly similar to the existing building which would have a negligible impact on the setting and significance of the Listed Building.

7.8 A streetscene plan has been provided during the course of determining this application which demonstrates that the 6th floor addition would not be significantly higher than Norfolk Terrace. The Council's Conservation Officer agrees with the conclusions of the HS and raises no objection to the proposal. It is considered that policies CS11 and DM20 are met in that the proposal would protect and enhance the designated heritage asset.

(iv) Impact upon residential amenity

7.9 In terms of impact on neighbouring amenity it is considered that the refurbishment to the external facade would provide an improved outlook for residents directly opposite and adjacent the site on Sea Front.

7.10 However one representation has been received claiming loss of light to garden

and rooms, and loss of privacy from the increased height and additional windows in such close proximity. This particular property has an existing poor relationship with both Ward Court and Norfolk Crescent, with a back to back separation of only some 4.5/5m. It is acknowledged that the rear garden and facade are already overshadowed and overlooked. It is considered that this rear garden currently only receives sunlight in the morning, when the sun comes from the east, obliquely through the gap between buildings. At other times of day the shadow from the existing Norfolk Terrace and Ward Court would largely cover the rear garden area. Accordingly the proposed additional height at the eastern end of the building would not result in a loss of existing sunlight in the afternoon and evenings because none exists. The morning sun from the east would be unaffected by the proposal so it is considered the proposed development would have a neutral impact on the shadow line and light available to this property. Furthermore the layout of the proposed flat in the north east corner would result in an obscure glazed bathroom window being closest to the affected property, with a further bedroom window on the north and east elevation. As a result the additional overlooking and loss of privacy from these rooms is likely to result in a non-material harm to privacy and neighbouring amenity.

7.11 In terms of impact on the amenity of existing residents of Ward Court there are *three* main consequences of the development: one relates to the loss of roof lights to existing top floor flats; one to the effects of the increased parking and its associated loss of garden amenity area and noise/disturbance, pollution from vehicle movements; and the temporary disturbance during construction. These will be considered in turn:

7.12 *Loss of top floor roof lights* - One existing top floor flat in the south western corner has 3 roof lights. The proposed layout would create a tunnel around the roof lights to maintain some light to the rooms below. This would inevitably reduce the light received to the rooms below but is considered a reasonable compromise to ensure some light is maintained. These roof lights serve a hallway and bathrooms and not main habitable rooms. On this basis there would be unlikely to be significant material harm to the occupiers of this flat.

7.13 *Increased parking area and associated loss of amenity area* - this is one of the key issues in the consideration of this application and has resulted in the reduction of the proposed number of spaces to serve the development from 12 to 5. Two of the original 12 spaces were impractical adjacent the existing entrance, and the 10 at the rear would have resulted in the total loss of the green space and amenity area up to the swimming pool and between the blocks at the western end. This would have had an adverse impact on the outlook from these flats and enjoyment of the use of the area to residents. In particular the use of the area between the blocks, which is set at a higher level, would have resulted in further encroachment of vehicle movements and associated noise, fumes and lights, harmful to the amenity of the occupiers of adjacent flats. On balance it was considered the gain to amenity from the removal of 5 spaces outweighed the harm from loss of 5 spaces - see parking section below.

7.14 The amended plans show the continuation of the existing retaining wall with a landscaped buffer, which would provide a degree of separation from the 5 parking spaces from the closest flats. It is accepted that the outlook from and amenity of, in particular flat number 20 on the ground floor, would still be compromised and reduced. These ground floor flats do not have sea views, by virtue of being lower, and hence rely on the gardens for their outlook and enjoyment. However the wider gain of the proposal needs to be assessed against this modest harm, and on balance it is considered that the amended layout provides an acceptable compromise in terms of retaining as much amenity space as possible and protecting closest residents amenity.

A more detailed plan of the retaining wall, levels and landscaping, would need conditioning to ensure adequate screening and provision of replacement planting to provide a pleasant outlook for the affected ground floor flats.

7.15 *Temporary disturbance during construction* - whilst many of the letters of representation note the inconvenience during building works and fears of being trapped in their flats, unfortunately this is not directly a planning matter. It is accepted there is often disruption from construction and this is a temporary inconvenience and needs to be managed by the applicant. Issues of any noise, working hours, bonfires etc during construction are all Environmental Health matters and standard Informative's can be added advising the applicant of their responsibilities in this regard. However given that the site is very tight it is considered appropriate to impose a condition requiring details of contractors parking and storage to minimise inconvenience to residents.

(v) Parking and accessibility issues

7.16 The proposed development is for 5 No 2 bed flats and the adopted Parking SPD would normally require 2 allocated spaces for each such flat ie 10 on site spaces (Note - visitor spaces of an additional 20% only apply to major residential developments of 10 units or more). Due to the need to balance the effect of additional parking spaces on residents amenity, see paragraph 7.13 above, then in this case only 5 spaces are being proposed to serve the development ie 1 per flat. This shortfall has been justified with the provision of a Parking Support Statement and Accessibility Statement. Subsequent letters of representations disagree with some facts within these statements (eg reliance on demographics and the numbers and sizes of existing spaces available), but it is noted that the existing parking provision for the existing flats is not under consideration - current parking standards cannot retrospectively be applied to existing development and the issue relates to whether sufficient parking could be provided on site to meet the additional demands of the proposed development.

7.17 In this respect the 5 spaces proposed are all of adequate size to meet current standards (2.4m x 4.8m is the minimum set out in the Parking SPD) with a 6m distance for turning to enable vehicles to turn and leave in a forward gear. Therefore their size and layout is acceptable. With respect to the shortfall of 5 spaces, it is noted that the site is close to bus stops (within 4 minutes walk) for the routes 30 and 31 which serve Havant town centre every 20 minutes in the week and Saturdays; and every hour on Sundays. Once in Havant, the town is recognised as being highly accessible with train and main bus station for onward journeys. It is also stated that within a 10 minute walk there is a post box, post office collection office, convenience store, tea rooms, hairdressers and West Town with its services is also within 10 mins walk. Overall it has been demonstrated that the site is reasonably accessible to daily services for residents with alternative public transport an option.

7.18 Parking in the immediate surrounding roads is generally restricted with double yellow lines and visitor parking at the site is currently limited to just the 16 spaces at the front of the site (all others are allocated to owners) and these are already in high demand. However it is noted that the site is located close to the seafront beach public car parks which could be used by visitors to the site. The Parking SPD also requires provision of secure cycle storage, based on 2 bike spaces per 2 bed unit. These are not currently shown on the submitted plans but there is scope within the grounds to find a suitable place for an additional cycle store for 10 bikes - as such this could be conditioned and would help to provide alternative methods of transport for future

occupiers.

7.19 On balance it is considered that the provision of just 1 space per flat would provide sufficient parking for future residents given the sites location and proximity to services and public car parks. As an exception to the standard parking requirements, the proposal can be accepted in this instance.

(vi) Wildlife and Ecology inc bats

7.20 The County Ecologist has noted the opportunity on a high building for the installation of swift boxes, beneath the eaves of the highest flat roofed sections on the northern elevation. Initially the applicant resisted the provision of nest boxes, citing unsightly bird droppings that would be difficult to clean. However advice from the ecologist has confirmed that swifts are very different from house martins and swallows and swift boxes are self-contained and swifts do not linger at the box entrance hole to defecate. They enter very infrequently (often just once per day when feeding young) and do not congregate or cling to buildings or perch. Emerging policy E14 seeks to achieve biodiversity net gain and the taller building offers the opportunity to provide swift artificial nest boxes as a cheap and effective method of providing much needed nesting habitat for a species that has undergone huge declines in recent decades. This information has been explained to the applicant.

7.21 Third party representations have also been received noting that bats have been seen flying around the site. Advice from the County Ecologist noted that the presence of bats flying in the area is not an indication that bats may roost at the site as there are numerous buildings locally that could support roosting bats. He noted that Ward Court is generally in sound condition with brickwork and window surrounds appearing to be tight with soffit/fascia areas well sealed. It is his opinion that there would be a general lack of suitable bat access/egress opportunities and it is unlikely that roosting bats are present. Therefore he raises no concerns in relation to roosting bats based on the unsuitability of the building - though an Informative can be added reminding the developer of their obligations under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 should any bat be found.

(vii) Other matters

7.22 Third party representations have raised concern over fire retardency of any proposed cladding. The precise specification of the cladding would be subject to condition and the development subject to Building Control Regulations. At this later stage the specification of the materials would need to meet all current standards.

(viii) Compliance with Habitats Regulations

7.23 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 Councils 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.

7.24 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 and the appropriate contribution of £2,645.00 and associated Deed has been received.

7.25 The second is a package of measures based on the Position Statement on Nutrient Neutral Development. . The applicant has indicated a willingness to accept a Grampian style condition/legal agreement to secure the appropriate mitigation package prior to occupation.

7.26 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

(ix) CIL

7.27 The formation of the additional 5 flats would create an additional 661sqm which would be CIL liable. This currently triggers a CIL liability of £92,362.95 and the associated Draft Liability Notice has been sent to the applicant.

8 **Conclusion**

- 8.1 When balancing the sustainable objectives of the NPPF, it is considered that any limited harm to existing occupiers amenity from loss of outlook and the reduced parking provision ie limited environmental and social harm, is not so sufficient as to outweigh the clear social and economic benefits of the proposed development. The proposed additional five flats would make a modest contribution to the Borough's housing needs, make more efficient use of an urban site and provide a form of enabling development that would result in the refurbishment of the existing building with a resultant visual and environmental benefit. Furthermore, under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered the proposed development would have a negligible impact on the setting and significance of the adjacent Norfolk Crescent Listed Building.
- 8.2 Therefore, on balance overall, the proposal is considered to comply with the NPPF and relevant policies, including CS9, CS11, CS16, DM10 and DM20 of the adopted Local Plan and the application is recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00722

(A) 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:

Heritage Statement by AH Planning document ref AH842/1 dated May 2019
Location and Block Plan Drawing number 100 Rev A
Site Plan as Proposed Drawing number 101 rev D
Elevations as Proposed North, East and West Drawing number 106
South Elevation as Proposed Drawing number 107 Rev A
Fifth Floor Plan as Proposed Drawing number 103
Street Scene South Elevation as Proposed Drawing number 111

Reason: - To ensure provision of a satisfactory development.

- 3 The hereby permitted 5 flats 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 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, including

cladding, render, doors, windows, balcony balustrading and roof details and materials to be used for the hardsurfacing of the parking area and retaining wall around the parking area, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the precise 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, CS16 and DM20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No above ground development shall commence until levels and landscaping details of the hereby approved car parking area, relative to natural ground levels and the adjacent landscaping strip, and ground floor flats has been submitted and approved by the Local Planning Authority. This shall include a cross section showing the parking area, retaining wall, landscape buffer and ground levels, together with a detailed soft landscaping scheme. The landscaping scheme shall include the number, spacings, planting sizes and species of ground cover and shrubs to be planted, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved levels and landscaping shall be completed in full accordance with such approved timing provisions. Any shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be marked out and made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

- 7 No above ground works shall commence until full details and scaled plans of a secure cycle store to be provided within the site (to provide 2 cycle spaces per flat ie 10 cycles,) has been submitted to and approved in writing by the Local Planning Authority. The hereby approved 5 flats shall not be first occupied until the cycle store has been provided within the site in accordance with the approved details and thereafter retained and used solely for those purposes.

Reason: In the interests of accessibility and having due regard to the Havant Borough Council Parking SPD 2016, policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

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

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

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

- 9 No above ground development hereby permitted shall commence until details of the location and construction of the proposed six nesting boxes for common swifts have been submitted to and approved in writing by the Local Planning Authority . These shall be installed as per manufacturer's specifications before the hereby approved new flats are first occupied, and shall be retained in perpetuity in a condition and location suited to their intended function.

Reason: To protect and enhance biodiversity in accordance with the NERC Act 2006, and Policy CS11 of the Havant Borough Core Strategy March 2011 and the NPPF.