

Recommendation:

CS16	(High Quality Design)
CS20	(Transport and Access Strategy)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)

DM18 (Protecting New Development from Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

The bedroom will require a means of escape window, as this would be considered an inner room, as the only exit would be through the kitchen/lounge.

Bin storage will be required for the converted dwelling.

Comments received back from the agent:

The bathroom is considered to be an acceptable inner room, so it doesn't need an egress window. The proviso is that the bedroom window complies with:

- Bottom of clear opening no more than 1100mm above floor level (inside)
- Minimum width of opening 450mm
- Minimum clear area 0.33m²

I believe that the bedroom window conforms as a 'minimum standard egress window'.

Environmental Health Manager, Community Group

I have looked over the context of the proposed conversion, and whilst I note that several potentially contaminating land uses feature within the planning history for the wider site, the highest risk activities were refused / not implemented, and the moderate risk activities were not directly coincident with the building subject of this application.

I would consider the nature of the proposed accommodation-, it's likely target market-, and the lack of any external amenity space to be factors which make it reasonable to conclude that this development may be considered to be on the 'lower-end' of the contamination-sensitivity scale.

Given the quantum of development, and the lack of groundworks necessary for the conversion (which it is understood has largely been implemented already), it would not be considered to be reasonable or proportionate (relative to the low risk status of the site) to require confirmation of absence of significant contamination.

It is considered reasonable to conclude, on the basis of the available site history, that significant contamination is not likely to be present. On that basis, I have no adverse comments to make, and I propose no conditions.

Hampshire Highways

The proposed change of use will have little if any change in vehicle trip generation. I therefore confirm the Highway Authority have no objection to this proposal.

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: 43

Number of site notices: 1

Statutory advertisement: Not applicable

Number of representations received: 0

7 Planning Considerations

- 7.1 The change of use of offices to dwellinghouses can be permitted development under Class O of the GPDO, subject to certain criteria and then subject to a 'prior approval' process to go through. Consequently the principle of the change of use is considered acceptable. Having regard to the relevant conditions of the GPDO the only issues that can be considered as part of this prior approval relate to:

- (i) Transport and highways impacts of development
- (ii) Contamination risks on the site
- (iii) Flooding risks on the site
- (iv) Impacts of noise from commercial premises on the intended occupiers of the development.
- (v) Other matters including Appropriate Assessment and Contributions

- (i) Transport and highways impacts

- 7.2 As a change of use application there is no new floorspace proposed and the previous office staff would have utilised the allocated parking to the front of the site. The existing car parking and access would not be altered as and the proposal has sufficient parking to comply with the requirement of one space as set out under the Havant Borough Council Parking SPD. As such there are no concerns over the transport and highways issues and the Highway Authority have no objection to this proposal.

- (ii) Contamination risk on the site .

- 7.3 This development comprises of conversion works and no new build. The curtilage of the premises contains predominantly hard surfaced car parking with little scope for ground interruptions. Comments received from Environmental Health advise it is considered reasonable to conclude, on the basis of the available site history, that significant contamination is not likely to be present. Consequently with regard to contamination risks, there are no concerns.

- (iii) Flooding risks on the site .

- 7.4 The site is not within either Flood Zones 2 or 3 and as such there are no flood risks concerns associated with the proposal.

(iv) Impacts of noise from commercial premises on the intended occupiers of the development

- 7.5 The site is located to the west of West Town Local Centre and the surrounding area is a mix of predominantly residential with some commercial uses, which are relatively discreet in nature. On this basis, it is not considered that there are any in-principle noise concerns associated with the surroundings which will prejudice the amenity of the future occupiers of the development.

(v) Other matters including Appropriate Assessment and Contributions

- 7.6 Building Control have raised concerns over the provision of refuse bins. This is not strictly a relevant matter but it is noted that there is ample room within the front parking area to provide sufficient refuse collection area. An Informative can be added bringing this to the attention of the applicant.
- 7.7 With respect to development undertaken by the GPDO, the Conservation of Habitats and Species Regulations (2017, as amended) (hereafter referred to as the Habitats Regulations) sets out at Regulation 75 that it is a condition that development that is likely to have a significant affect on a European site must not be begun until the developer has received written notification of the approval of the LPA under Regulation 77 of the same regulations. For the avoidance of doubt, this report is not the approval under Regulation 77 of the Habitats Regulations. In this instance the site lies within 5.6km of the Solent SPA where additional recreational pressure is likely to have a significant effect. Appropriate mitigation is possible through a financial contribution towards to the Solent Recreation Mitigation Strategy before development commences. In this instance this contribution would relate to 1 No 1 bed flat (currently attracting a contribution of total £383.30). At the time of the determination of this application, the Unilateral Undertaking has been signed and returned and £346 of the required payment of £383.30 has been received. The remaining amount of £37.30 would be payable before the commencement of any works.
- 7.8 Recent case law has also introduced the impact on the water quality of European sites from new development. Natural England advises that developments need to be nutrient neutral to ensure that there is not a determinate impact on water quality. HBC has a recent Position Statement on how to achieve nutrient neutrality and an Implementation Plan will be produced detailing the mitigation and costs for new development. Since this would be a requirement under the Habitats Regulations for the applicant to resolve and mitigate before development commences, and is not a requirement of the Prior Approval, then in this instance the nutrient neutrality issue does not need to delay the issuing of this decision. It is noted information has been submitted by the agent regarding nutrient neutrality, however an appropriate assessment has not been carried out by the LPA as part of the determination of this application. However it is recommended that an informative be added reminding the applicant of his responsibilities under the Habitats Regulations to resolve these issues, through the securing of avoidance and mitigation packages, before commencement.
- 7.9 With respect to CIL, the information provided indicates that the floorspace has been in use for 6 months in the last 36 months, and as such the change of use of existing floorspace does not result in a CIL Liability.

8 Conclusion

- 8.1 The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to transport, contamination, flooding or noise from commercial premises arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informatives.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PRIOR APPROVAL** for application APP/19/00906 subject to the following conditions

- 1 The development shall be completed within a period of 3 years starting with the date of this prior approval.
Reason: To comply with the requirements of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg no. P100 Location plan
Drg no. P120 Existing floor and elevations plans
Drg no P130 Proposed floor and elevations plans
Planning statement dated August 2019

Reason: - To ensure provision of a satisfactory development.