

APP/18/00733 - Prior notification for change of use from retail use (Class A1/ A2) or a mixed retail and residential use to C3 residential use for 3No. dwellings subject to prior approval covering flooding, highways and transport issues, contamination and impact on adequate provision of services falling within A1/ A2 and sustainability of the shopping area, where applicable; additionally any operational development necessary for conversion is subject to prior approval of design and external appearance.,
PAYA,25/09/2018

APP/18/00735 - Prior notification for change of use from retail use (Class A1/ A2) or a mixed retail and residential use to C3 residential use for 2No. dwellings subject to prior approval covering flooding, highways and transport issues, contamination and impact on adequate provision of services falling within A1/ A2 and sustainability of the shopping area, where applicable; additionally any operational development necessary for conversion is subject to prior approval of design and external appearance.,
PAYA,25/09/2018

APP/18/01019 - Installation of entrance door to front elevation., PERM,05/12/2018

3 Proposal

- 3.1 Prior notification for change of use from retail use (Class A1/ A2) or a mixed retail and residential use to C3 residential use subject to prior approval covering flooding, highways and transport issues, contamination and impact on adequate provision of services falling within A1/ A2 and sustainability of the shopping area, where applicable; additionally any operational development necessary for conversion is subject to prior approval of design and external appearance.
- 3.2 Prior notification application under Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 as amended seeks prior approval for the change of use of the existing building (retail use A1/A2) to C3 residential use.
- 3.3 Under the prior approval procedures the authority is only able to consider (a) transport and highway impacts; (b) contamination risks; (c) flooding risks; and (d) noise issues in connection with the development.

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)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager

In light of the applicant's comment that the "...layout is near identical to the approved 3 dwelling notification, however, instead of the entrance being provided via the rear, the units will be accessed via a door created on the front facade as per the most recently approved scheme"; Environmental Health considers that comments provided previously (APP/18/00735, CONS/18/01725, 29/08/2018) remain entirely applicable to this revised proposal.

For completeness, and avoidance of doubt, I can confirm that there are no materials concerns from a physical pollution 1 air quality 1 soil quality (ground contamination) perspective.

I had previously highlighted the agent of change principle, in respect of both noise and odour, and Mark had previously requested conditions to control noise within the dwellings, and external lighting. Standard informatives were also requested in respect of the construction phase.

Conditions 1 Informatives requested previously are reproduced below. It is assumed that Marks recommendations should be interpreted as "prior approval is considered to be required, and is recommended to be granted with the following conditions and informatives, in respect of consideration M.2 (e) [design...of the building]":

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq, 16 hour and at night (23:00 to 07:00) 30 dB L Aeq, 8 hour for bedrooms.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially traffic noise and potential noise from any nearby commercial/ business premises.

Condition 2:

No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance/ pollution.

[Furthermore based on the close proximity of neighbouring residential properties, that the following informatives also be included. These should also be addressed under the Construction Management Plan if one is required to be submitted.]

Informative regarding Hours of Work:

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank! Public Holiday, nor on any other day except between the following times: Monday to Friday: 8.00 - 18.00 and Saturday: 8:00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Informative regarding Dust Control:

You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site. This is in order to protect the occupants of nearby residential properties from dust pollution.

Officer Comment: This shall be included with the decision

Highways Engineer

The Highway authority have no adverse comment to this application.

Natural England Government Team

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations.

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

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. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Planning Policy

As the application is a prior notification, the Local Plan (Core Strategy) and the Local Plan (Allocations) as a whole cannot be considered. Nevertheless, under the Town and Country Planning (General Permitted Development) (England) Order 2015, the following matters are specific considerations in relation to prior notifications regarding changes of use from retail to residential use:

- (a) transport and highways impacts of the development,
 - (b) contamination risks in relation to the building,
 - (c) flooding risks in relation to the building, and
 - (d) whether it is undesirable for the building to change to a use falling within Class C3 because of the impact of the change of use
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A 1 or, as the case may be, A2 but only where there is a reasonable prospect of the building being used to provide such services,
 - (ii) where the building is located in a key shopping area, on the sustain ability of that shopping area.
 - (e) The design or external appearance of the building
- These comments address points (c) and (d)(ii) above.

Flooding risk: The site lies in Flood Zone 1. There is no objection to the proposal based on flood risk.

The Sustainability of the Shopping Centre: The proposal site lies in the secondary frontage of WaterlooVille Town Centre. While it is acknowledged that the site is in the secondary frontage as defined in policy, it is the council's aim to promote the vitality and viability of the town centres.

Waterlooville Town Centre specifically has been identified as an area in need of regeneration in both the Adopted Local Plan (Policy CS6), as well as the Draft Local Plan 2036 (Policy KS2), including through promoting a sustainable mix of uses. It is accepted that this can include residential uses, particularly in the southern section of London Road. On this basis, no objection is raised to this proposal.

Recommendation: No objection.

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: 20

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 The change of use of the premises proposed is the subject of recent changes to the General Permitted Development Order (GPDO) which have given a general permitted development right for such changes to take place with only 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 it is considered that the main issues arising from this application are:

- (i) Appropriateness of design and impact on the character of the area
- (ii) Transport and highways impacts of development
- (iii) Contamination risk on the site
- (iv) Flooding risks on the site
- (v) Impacts of noise from commercial premises on the intended occupiers of the development
- (vi) Other matters

(i) Appropriateness of design and impact on the character of the area

- 7.2 The proposal follows past permissions to alter the ground floor units to an A5/A3 use. Under a prior notification application planning permission was granted for the conversion for the first floor office space into two and three flats and the current application has now been submitted which proposes a change of use of the office space into three flats and a new entrance door to the front of unit 260 only.
- 7.3 This alteration is considered to not significantly alter the material visual appearance of the front unit along London Road. The door and access would permit a direct access to the flats above and would sit within the front elevation neatly retaining the existing appearance of the front of the unit in the majority.
- 7.4 The design and appearance of the proposal is deemed appropriate in context to the main building and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(ii) Transport and highways impacts of development

- 7.5 The site lies within WaterlooVille town centre which is surrounded by mixed use units with some residential dwellings at first floor. The proposal will create three one bed flats at first floor and as such there is an expected parking provision requirement within WaterlooVille Town Centre for a maximum 1 space per flat (allocated parking) or 0.6 spaces per flat (2 spaces) (unallocated) as recommended in the HBC Parking SPD (July 2016). No parking provision has been proposed for the current application.
- 7.6 From being positioned within the town centre the application site is considered to be in a sustainable location with bus links close by as well as parking compounds and car parks surrounding the site. This reduces the reliance of the occupants on a private car and provides a suitable travel provision to any future occupant. The highways officer has been consulted with and has raised no concerns with regards to the impact on the highway or transport issues and therefore, on balance, the application is considered to not substantiate a refusal in this regard.

(iii) Contamination risk on the site

- 7.7 The Havant Borough Council Environmental Control Officer has been consulted with and has identified that adding storeys building shall not adversely impact the conceptual risk status for the building. It is considered that the proposed application would not be impacted by contamination issues.

(iv) Flooding risks on the site

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

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

- 7.9 The site is positioned within the urban area and the town centre of Waterlooville where a certain level of noise is expected. The Havant Borough Council Environmental Control Officer has been consulted on the application and although no objection to the principle of the development has been raised there is concern over the noise from the proposed takeaway premises recently permitted on the ground floor to the residents occupying the flats. Two conditions and informative's in relation to the control over noise levels, lighting, dust and working hours have been requested to be included with any decision and it is considered that these measures shall satisfactorily address the concern raised.

(vi) Other matters

- 7.10 Under the Habitat Regulations the proposal results in new dwellings, for which avoidance and mitigation measures must be secured to protect the habitats and species of the Borough's European sites prior to implementation. Under the prior notification process it is not a requirement to seek this at planning application stage however, an informative shall be included with the decision to highlight the issue and seek to ensure that this is paid prior to implementation which without it, would make the development unlawful.

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 flooding, transport, contamination or noise arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions regarding noise and lighting.

9 RECOMMENDATION:

That the Head of Planning be authorised to Wrong Application type for recommendation code for application APP/18/01245 subject to the following conditions:-

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

Planning Statement: Received 28.11.2018

Block Plan: 01a Received 28.11.2018

Proposed First Floor Plan: Drawing No LR.260-262.PR.03

Proposed Ground Floor Plan: Drawing No LR.260-262.PR.02

Existing and Proposed Front Elevation Plan: Drawing No LR.260.EX&PR.01

Reason: - To ensure provision of a satisfactory development.

- 2 The development hereby permitted shall not be occupied unless and until further details of the proposed bin and cycle storage areas have been submitted to and approved in writing by the Local Planning Authority. The bin and cycle store shall be provided prior to occupation and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure that the dwellings are appropriately provided for in the interests of amenity and to provide for sustainable transport provision having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 3 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details include Location, Height, Type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance/pollution and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2018.

- 4 The development hereby permitted shall not be occupied unless and until details to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details.

Reason: To ensure the residential amenity of the property is not unacceptably impacted upon by any internal or external noise levels, including from commercial premises below having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.