

APP/17/01141

Construction of 43no. retirement apartments for older persons including communal facilities, parking, associated landscaping with access from Stakes Road and 2no. commercial/retail units fronting onto London Road. Revised scheme from Planning Permission APP/15/00896 (21.12.17). Approved under delegated powers on 21/12/17.

Request to Discharge Condition No's 3,5,6,7,8,9,10,13,14,15,16 and 17
Approved on 9/3/18.

3 Proposal

- 3.1 Variation of Condition 2 of Planning Permission APP/17/01141 relating to the increase of 43no. units to 46no. units including 2No.1bed and 1No. 2bed units at second floor level. The total increase in floor space would be 172.8sqm.
- 3.2 The agent has advised in a covering letter that the reason for the additional units, is for the scheme to be more financially viable given the additional build costs which have increased since the scheme was first granted planning permission (via an appeal decision) in 2016.
- 3.3 Also a recent government ruling (which is yet to go through Parliament) means that flatted developments such as this would not be able to charge ground rent. This income was initially factored in to the scheme and the potential loss of this could risk the scheme becoming financially unviable to deliver.
- 3.4 The general layout of the site would remain the same as the scheme approved under APP/17/01141 in terms of the access from Stakes Hill Road and the position of the building in relation to the site boundaries. The site would retain 32no. parking spaces, plus a buggy/cycle store. With 46no. units this equates to 0.69 spaces per unit compared to the previously agreed 0.74 spaces per unit for 43no. units.
- 3.5 A S106 agreement has been signed and agreed for Planning Permission APP/17/01141 which secured contributions towards affordable housing, the Solent Recreation Mitigation Scheme (SRMS) and a Traffic Regulation Order (TRO). Alterations to this agreement, by means of increased contributions for affordable housing and SRMS would be via deed of variation to the legal agreement.

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

CS2 – Employment

CS9- Housing

CS11 – Protecting and Enhancing the Special Environment of the Borough

CS14 – Efficient use of Resources

CS16 – High Quality Design

CS17 – Concentration of Development with Urban Areas

DM7 – Elderly and Specialist Housing Provision
DM13 – Parking (residential)

Havant Borough Local Plan (Allocations) July 2014

AL1 – Presumption in Favour of Sustainable Development
AL3 – Town, District and Local Centres
DM20 – Historic Assets

Listed Building Grade: N/A
Conservation Area: Adjacent – St Johns

5 Statutory and Non-Statutory Consultations

Arboriculturalist

No objections

Conservation Officer, Development Control

No objections

County Archaeologist

No objections

County Ecologist

No objections

Developer Services, Southern Water

No objections

Environmental Health

No objections

Hampshire Fire & Rescue

No objections

Highways Engineer, Development Engineer

No objections

Housing

The method used to calculate the new contribution towards affordable housing figure of £54,000 is agreed and accepted.

Landscape Team, Havant Borough Council

No objections

Local Lead Flood Authority HCC

Further drainage calculations are required.

Officer note - the condition relating to drainage has already been discharged and therefore this condition would not be reapplied.

Planning Policy

No policy comments.

Traffic Management

No objections

Waste Services Manager

No objections

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: 54

Number of site notices: Not applicable.

Statutory advertisement: 27/04/2018

Number of representations received: 0

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) Highways and Parking considerations
- (v) Ecology
- (vi) Other matters

(i) Principle of development

7.2 The principle of redevelopment of the site to residential (specialist elderly housing) has been accepted through the granting of Planning Permission APP/17/01141. As such the application is considered to be acceptable subject to the usual development control criteria.

7.3 Policy CS9(2) of the Core Strategy requires the provision of affordable housing either on site or a contribution in lieu of. A sum of £50,000 was secured on the existing planning permission towards affordable housing and the application is proposing that this is increased to £54,000 by way of a variation to the existing legal agreement. However, a full viability assessment has not been submitted.

7.4 In theory, a revised viability assessment could test whether more money could be available towards affordable housing. However, the increased contribution amount is based on the previous build costs and these have undoubtedly increased since 2016. Therefore, a revised viability assessment may conclude that there is less or no funds available for an affordable housing contribution. The Council's Housing Manager has been consulted and is satisfied with the increased amount and the justification. The increased sum has been incorporated into the Planning Obligation entered into in

respect of APP/17/01141 via a deed of variation completed 22 August 2018 in substitution of the original wording.

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

- 7.5 The application is proposing alterations to the approved design to facilitate a further 3no. units within the development, at second floor level. This would involve the raising of the ridge height on three sections of the building by 1m and the inclusion of dormer windows and a further balcony on the rear / courtyard elevation. However, these would be on sections of the roof which are already set down lower than the higher parts so overall, the maximum height of the building as approved, would not increase. The amended roof sections would be on the west elevation (fronting London Road) over the retail unit. Also on the north elevation (fronting Stakes Road) on the north-east corner.
- 7.6 Overall the alterations to the scale and massing of the building are considered to be minor when viewing the building in context of the streetscene. The increased roof heights would be no higher than the already approved ridge height of the building and matching materials would be used. Overall the alterations would form a cohesive flow with the existing design. When read in elevation, the increased roofscape is generally suitably convincing. As a piece of townscape, it would still knit in well with the largely domestic scale of the adjoining development. The form, scale rhythm and articulation of the elevations works well in breaking down the mass of the building. Overall, the development results in a positive street frontage and therefore accords with Policy CS16 of the Local Plan.
- 7.7 The site is directly opposite the St Johns Conservation Area, including St Johns Church which is a Grade II listed building and the adjoining church yard. St Johns Church and its associated buildings and boundary treatments, are characterised by attractive flint work and include a low flint wall which extends along London Road. There are other buildings of historic character along each side of the road which reflects the historical character of the immediate locality.
- 7.8 Paragraph 132 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 134 of the National Planning Policy states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.9 With regards to local planning policy, Policy CS11 of the Core Strategy 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 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 states that development proposals must conserve and enhance the historic assets of Havant.

Paragraph 64 (Section 7 – Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 7.10 Given its proximity to the conservation area, the development, even with the proposed alterations, has been designed with this as a major consideration and makes use of a traditional building form and high-quality materials and detailing. It is considered that overall the development including the proposed alterations would enhance the setting of the conservation area and overall streetscene by providing a high-quality design. The proposal therefore accords with Policy CS11 and CS16 of the Local Plan.

(iii) Impact upon residential amenity

- 7.11 It considered that the proposed alterations to the roof to allow for the additional units would have a limited and negligible impact on the nearby residential amenity. All other nearby residential development is considered to be far enough in distance so as not be adversely affected by the proposed development either visually or in terms of marginally increased activity generated by the site. Overall the proposal is considered to be in accordance with Policy CS16 of the Local Plan.

(iv) Highways and Parking considerations

- 7.12 No further car parking is being proposed for the additional units. Therefore, the total number of spaces would still be 32 for 46no. units. This would equate to 0.69 spaces per unit. The previously agreed ratio was 0.74 spaces per unit. The 0.69 parking ratio has been previously agreed at another recent McCarthy and Stone development in Hayling Island (APP/16/00568). This site is in a similar location to the application site being in a local centre as defined by the Local Plan and also being served by a main bus route and also close by to convenience shops and local services.
- 7.13 Therefore, with the above permission in mind and recognising the sustainable location of the development site adjacent to a District Centre and with options for alternative modes of transport in the form of a regular bus service, it is considered that the reduced level of car parking proposed for the scheme is acceptable. The base permission also contains an age restriction condition included on any decision and the parking spaces to be conditioned to remain unallocated, (in order to maximise the flexibility of their use).
- 7.14 Furthermore, within the existing permission APP/17/01141, funds have been secured via the means of a legal agreement for a Traffic Regulation Order if required on the surrounding highway network for unsafe and unrestricted parking, if it becomes an issue.

(v) Ecology

- 7.15 This statement clarifies the processes that the Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017, to fulfil its duties as a competent authority under those regulations. 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.
- 7.16 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. 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 who have advised that provided the applicant is fully compliant with the Solent Recreation Mitigation Partnership Definitive Strategy and an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards this mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance on the integrity of the European site(s).
- 7.17 The contribution for the increased number of units is £1161 to the Solent Recreation Mitigation Strategy (SRMS). This is in addition to the SRMS contribution secured under APP/17/01141. This has been secured via a Deed of Variation, completed 22 August 2018, to the original legal agreement entered into in respect of APP/17/01141.

(vi) Other matters

- 7.18 The application would be liable for a further Community Infrastructure Levy (CIL) based on the additional floorspace being proposed. This amounts to £18,637.71 and would be in addition to the £284,586 secured under APP/17/01141. Total CIL therefore would be £303,223.71. This is in addition to the increased SRMS and affordable housing contributions.

8 Conclusion

The proposed revisions are considered to result in minor changes to the scale of the scheme overall and would not harm the character of the development or the visual amenity of the locality. Whilst the parking provision would not be increased, the ratio would be similar to a previously approved application in a similar sustainable location with access to local facilities, thereby allowing residents to be less dependent on a vehicle. Overall the proposal is considered to be acceptable and in accordance with the relevant policies of the Local Plan and is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00385 subject to the following conditions:

- 1 The development must be begun not later than 21 December 2020.
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:

Site and Ground Floor Plan - DN: AC 200 REV Q
GF Plan - DN: AC 210 REV K
FF Plan - DN: AC 211 REV J
SF Plan - DN: AC 212 REV J
Roof Plan - DN: AC 213 REV G
Proposed Elevations North and West - DN: AC 220 REV H
Proposed Elevations East and South - DN: AC 221 REV J (amended plan)
Proposed Elevations Courtyard - DN: AC 222 REV H
Proposed Streetscene - DN: AC 225 REV E

Reason: - To ensure provision of a satisfactory development.
- 3 The development shall be carried out in strict accordance with the Site Investigation and Contaminated Land Report by ACS approved by the Local Planning Authority on 23 May 2018 under reference APP/17/01141.
Reason: In the interest of the safety of the site and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 4 The development shall be carried out in accordance with the details approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141 with regards to contractors' vehicle parking and a material storage compound, comprising:
Site Set up Plan - Drwg No. SO-2168-05-AC-005-A.
Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The development shall not be brought into use prior to the completion of the implementation of all drainage provision in full accordance with the plans and particulars approved by the Local Planning Authority on 23 April 2018 under reference APP/17/01141 and comprising:
Drainage design report
Drainage drawings
Addendum report
Drainage Layout Drwg SO - 2168-05-DE-20
Manhole details - SO-2168-05-DE-21A
Pipework details - SO-2168-05-DE-22A

Drainage layout inc subs - SO-2168-05-DE-23

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The development shall be carried out in accordance with the levels details approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141, comprising:
Site Survey Party Wall Plan - SO-2168-05-AC-001-A
General Site Plan - SO-2168-05-AC-002-A
Hard Landscape Drawing - SO-2168-05-LA-003
Ground Beam Layout - SO-2168-05-SE-8377-002
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 The development shall be carried out in accordance with the sample panel of brick and flintwork and Drwg No. SO-2168-05-AC-099-A approved by the Local Planning Authority on 23 May 2018 under reference APP/17/01141. The approved sample panel shall be retained on site until the work is completed.
Reason: To ensure the appearance of the development is of appropriate quality and having due regard to policies and proposals CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 8 With regards to the surfacing of all open parts of the site agreed to be hard surfaced, the development shall be carried out in accordance with the details approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141, comprising:
Hard Landscaping Drwg - SO-2168-05-LA-003.
Reason: In the interests of the amenities of the locality 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 2018.
- 9 The development shall be carried out in strict accordance with the soft landscaping details approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141 and comprising:
Hard Landscape drawing SO-2168-05-LA-003
Soft Landscape drawing SO-2168-05-LA-004
Any tree or 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 due regard to policies CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No part of the development shall be first occupied until all means of enclosure including boundaries, screens or retaining walls have been carried out in accordance with the details approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141, comprising:
Construction details boundaries Drwg No. SO-2155-05-LA-006
Hard Landscape Plan Drwg No. SO-2168-05-LA-003
Soft Landscape Plan - Drwg No. SO-2168-05-LA-004
External Retaining Walls - SO-2168-05-SE-8377-006A
Reason: To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 Prior to the commencement of use of the building, the measures approved by the Local Planning Authority on 13 April 2018 under reference APP/17/01141 with regard to the eradication and/or control of Japanese Knotweed shall be implemented in full; those measures comprising:
Japanese Knotweed Assessment and Methodology
Completion report and warranty.
Reason: In the interests of the amenity of the locality and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 The proposed shop fronts (elevations and vertical cross-sections including the stall riser and fascia) shall be constructed in strict accordance with the details approved by the Local Planning Authority on 23 May 2018 under reference APP/17/01141; those details comprising:
Elevations SO-2168-05-AC-020-A
Super structure details SO-2168-05-AC-053A
Reason: To ensure the appearance of the development is of appropriate quality and having due regard to policies and proposals CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 12 The development shall be carried out in strict accordance with the acoustic report prepared by Parsons Brinkerhoff dated May 2017 and approved under reference APP/17/01141.
Reason: In the interests of the amenity of occupiers and the nearby locality and having due regard to Policy DM13 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2018.
- 13 With the exception of any site manager/warden's accommodation, at no time shall the sheltered apartments development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.
Reason: In order that the occupancy of the development is compatible with the limited amount of on-site parking provision, and having due regard to Policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.