

Recommendation: **GRANT PERMISSION**

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)
CS9	(Housing)
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)

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No comments at this time

Community Infrastructure, Planning Policy & Urban Design

CIL Liable. Please agree figures on CIL 'Additional Information Form'.

Instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking. This should be based on each of the three new dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Conservation Officer, Development Control

No Objection

The site is located immediately adjacent to the St Faiths Conservation Area. Formerly two separate dwellings the building is now used as a Care Home facility. The proposals seek a change of use from C2 (residential institutions) back to C3 (dwelling houses). It is also proposed to erect a new chalet bungalow to the rear of the site.

Fully support the change of use of the existing buildings back into separate dwellings. The removal of the link extension in particular will have a positive impact on the setting of the nearby conservation area.

The proposed chalet bungalow is set to the rear of the site and is not visible from any public view points within the conservation area. The size and design of the structure also appears appropriate in this context and as such I have no objections.

Developer Services, Southern Water

No objections.

Natural England

No objection subject to the appropriate mitigation being secured.

Appropriate Assessment

Thank you very much for consulting Natural England on the Appropriate Assessment for HRA and AA - APP/18/00447. 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 the Solent Recreation Mitigation Partnership Definitive Strategy (SRMP) 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.

Protected Landscapes – Chichester Harbour AONB

The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Officer Note - it is considered that the application site is far enough from the boundary of the Chichester Harbour AONB so as not have a material impact.

Highways Engineer, Development Engineer

There is no new access to the highway and this application should be determined by the Planning Authority using Standard Highway Guidance. However as the two houses are going back to their original use and the car parking and turning for all the properties is provided it would be difficult to refuse this application for a highway reason.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 16

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2 letters of representation were received. The points raised are summarised below.

Comment	Officer Comment
No application to provide, albeit on a temporary basis, or perhaps later under a further application, a permanent vehicle access to Juniper Square. Therefore is one to assume that any materials being removed from the site during demolition will exit via Orchard Road? With any new construction materials being delivered by the same route? Will any contractors vehicles also be accommodated on site? Or is it envisaged that they will be parking in this already heavily congested area of Juniper Square? Perhaps accessing the site via a temporary pedestrian access? I have no objection to the change of use to a residential site. Hopefully, upon completion if approved, it will prove to be much quieter and far less intrusive than the existing business for all concerned.	The application proposes that the existing access from Orchard Road is utilised for all three proposed properties. A condition can be included on a permission which requires details of where construction vehicles will park and where materials would be stored.

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 / St Faiths Conservation Area
- (iii) Impact upon residential amenity
- (iv) Parking and highways considerations
- (v) Ecological considerations
- (vi) Other matters

(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 and the impact on the St Faiths Conservatration Area. The existing care home provides services to 15no. residents and employs 9no. members of staff and the proposal would result in a loss of employment within the Borough if approved. However, the current staff / resident ratio is unviable and the home is not able to expand to provided further bed spaces to sustain the level of staffing. The existing building falls short of current care standards such as provision of en-suite bedrooms for every room. The business / care facility therefore has a very limited future hence the proposal for residential

development. It is noted that the he nursing home was formerly 2no. separate dwellings therefore the change of use to an original use is supported in principle. Both the conversion into two dwellings and the construction of the detached dwelling at the rear would contribute to the well needed housing supply within the Borough.

(ii) Impact upon the character and appearance of the area/ St Faiths Conservation Area

- 7.3 Orchard Road is characterised by mainly detached dwellings, most of which have a traditional style appearance with some use of original materials. The separation No's 2 and 4 Orchard Road back into detached dwellings is more in keeping with the character and tradition of the road. No. 4 has previously been extended on the south elevation to include a flat roof, two-storey extension. This extension is out of keeping with the character of the main house however, it is proposed to remain as part of the conversion and therefore cannot be refused. Other than the removal of the link extension, the proposed external physical changes are very limited.
- 7.4 The proposal for the chalet style bungalow in the rear garden would require the subdivision of the existing garden. However, part of the garden has already been section off to provide part of the existing parking area. Even with the subdivision of the existing space, each dwelling could still achieve a rear garden depth of 10m or over which is in accordance with the Council's design guide for new dwellings. The existing vehicular access would be used to serve the new dwelling. It would be a form of backland development however, in terms of scale it would be subservient to the main dwelling and internally only single storey and would therefore have limited impact on the character on the area or be highly visible from Orchard Road. It would be more visible from Juniper Square however, there is currently no frontage onto the streetscene and the boundary fence would remain in situ.
- 7.5 Overall it is considered that the proposed development can accommodate a layout which provides adequate amenity space and parking provision and would therefore not result in a cramped or congested layout and would accord with the relevant policies in the local plan.
- 7.6 The site is within the St Faiths Conservation Area. 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 assets 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.
- 7.7 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'.
- 7.8 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.

- 7.9 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. It is considered that overall the development 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.
- 7.10 The Council's Conservation Officer has been consulted and has advised that they are fully supportive of the change of use of the existing buildings back into residential dwellings. Also the removal of the link section will have a positive impact on the setting of the conservation area.

(iii) Impact upon residential amenity

- 7.11 As only No. 2 Orchard Road is proposed to be extended at the rear, only No. 23 Grove Road could potentially be affected. However, the north elevation of the proposed two-storey extension would be over 20m in distance from the rear elevation of No. 23 and would not contain any windows in the facing elevation. Overall it is considered that impact would be limited and as such, accord with Policy CS16 of the Local Plan.
- 7.12 With regards to the proposed single storey dwelling, the ridge height for this has been kept low and therefore the visual impact is unlikely to impact on the outlooks from the new properties and also those to the west in Juniper Square.
- 7.13 The proposed parking area is located in the same place as the one used by the existing care home. Overall the vehicular trips are likely to reduce with the proposed residential use and therefore the impact on the residential amenity would be lessened with regards to any vehicular disturbance.

(iv) Parking / highway considerations

- 7.14 Both the existing vehicular access and parking are would be utilised for the new development. The trip generation is likely to reduce compared to the trips generated by staff and visitors and therefore this use would result in a reduction of vehicular activity on the site.
- 7.15 Two parking spaces are to be provided for the new dwelling in the rear garden which meets the Council's adopted standards. However, the two converted dwellings require 3no spaces each (as they have 4no. bedrooms) in order to meet the adopted standards. Only 2no. space each are being proposed on site so there is a shortfall of 2no. spaces. The Council's Parking SPD advises that where parking is proposed on the adjoining highway network, a parking survey of the local area must be carried out to establish if there is capacity for the parking of additional vehicles.
- 7.16 A parking survey has been submitted as part of the application comprising six surveys carried out at times when on road parking would be at a peak (i.e. evenings and weekends). The parking survey concluded that the application site is located only 100m from the defined town centre where a lesser parking standard applies. For this reason, the survey has indicated a high demand for on street parking daytime during

the working week when on street parking capacity is limited by a working day parking restriction (TRO). This is not unexpected as Orchard Road provides free, all day on street parking within a short walk of the town centre. The survey revealed that there was capacity on the highway network for additional car parking. It concludes that the development would result in an increase of up to two vehicles parked in Orchard Road overnight and at weekends, but that would not have a significant impact on existing residents or highway safety. It is considered therefore that the application meets the requirements of the adopted parking SPD and Policy DM13 of the Local Plan.

(vi) Ecological considerations

7.17 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.

7.18 This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into the legal agreement to secure the mitigation package and paid the relevant contribution.

(vii) Other matters

7.19 The development is liable for a CIL payment of £7593.14 which is payable on the commencement of development.

8 Conclusion

The application is considered to be acceptable for the reasons set out in Section 7 - Planning Considerations above and as such is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00447 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:

Proposed Site Plan - DN: 05.92
Proposed Block Plan - DN: 03.P1
Proposed Floor Plans Plots 1 and 2 - DN: 06.P2
Proposed Elevations Plot 1 - DN: 07 P2
Proposed Elevations Plot 2 - 08.P2
Proposed Plans and Elevations Plot 3 - DN: 09.P2
Proposed Streetscene - DN: 10 P1
Parking Survey received on 10 July 2018
Design and Access Statement P1
Proposed Context Elevations DN: 15 P2

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until details of existing and finished floor (of the new dwelling to the rear of No's 2-4 Orchard Road) and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 4 No development of the new dwelling to the rear of No.s 2-4 Orchard Road hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

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.

- 5 Notwithstanding any description of materials in the application no above ground construction works shall take place on the new dwelling to the rear of No's 2-4 Orchard Road hereby permitted until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the 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 and CS16 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 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 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension or outbuilding permitted by Classes A, B, C or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the new dwelling to the rear of No's 2 and 4 Orchard Road without the prior approval of the Local Planning Authority.
Reason: To protect the amenity of the area and to secure satisfactory levels of private amenity space for future residents and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 8 The dwellings hereby approved shall not be occupied until details of cycle parking for each dwelling has been submitted to and approved in writing by the Local Planning Authority. All such approved details shall remain in situ thereafter.
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.
- 9 The external materials used following the demolition of the single storey link building between No's 2 and 4 shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.