
Site Address:	Land to rear of 13 Middle Park Way, Havant		
Proposal:	Demolition of 8No. garages and erection of a 2 storey dwelling to provide 4No. of 1 bed flat.		
Application No:	APP/18/00313	Expiry Date:	20/06/2018
Applicant:	Mr Ali		
Agent:	Mr Chan	Case Officer:	Rachael McMurray
	PWP Architects		
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site is located in Leigh Park in Havant. It is situated on the corner of a service road to the rear of a commercial parade of shops on the corner of Middle Park Way and Purbook Way. The service road is connected by the two roads. There are residential units above the majority of the ground floor units. Residential development lies to the north and west of the site however, the building to the immediate north of the service road is a veterinary practice.

The existing site comprises 8no. redundant garages which are attached to the rear of the Co-op and another convenience store 'The Best One' at the east side and a single garage at the South side.

The service road is currently used for deliveries to the shops and also for access to the first floor residential units. Parts of the service road, mainly the former landscape buffers are currently in a poor condition and used for fly tipping of rubbish.

2 Planning History

09/67983/003 - New shop front. Variation of Conditions 2 and 3 to Planning Permission 07/67983/001 to allow A3 and A5 use between the hours of 1700 and 2230. Existing use to remain., PERM,01/12/2009
09/73212/000 - Change of use from Class A1 to Class A5. New extract ducting to rear elevation., PERM,13/08/2009
09/73212/001 - Discharge of Condition No's 2, 3, 5, 7 and 8 of Planning Permission 09/73212/000., PERM,07/12/2009

3 Proposal

Demolition of 8No. garages and erection of a 2 storey, pitched roof dwelling to provide 4No. 1 bed flats. The flats would be accessed from the service road and it is proposed that the existing pavement which runs along the rear of No's 1-9 Middle Park Way is extended up to the entrance of the proposed flats. The entrance would be recessed slightly into the building. The proposal includes a cycle store and bin storage area.

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)
CS21	(Developer Requirements)
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Access to comply with Approved Document B5 Fire Authority access requirements

Flat 1 entrance door should be fire rated to protect means of escape from Flats 3 & 4.
This would include Flat 2 window also
This is covered by Approved Document B Vol 2 Section 5 part 5.25

Bin storage to comply with Approved Document H6 requirement

Officer Note - this will be added as an informative to a decision notice

Community Infrastructure, Planning Policy & Urban Design

This will be subject to Community Infrastructure Levy and Solent Recreation Mitigation Strategy Contribution. See the Havant Borough Council Developer Contributions Guide for additional information.

www.havant.gov.uk/planning-and-environment/planning-policy/community-infrastructure-levy/developer-contributions-guide

Crime Prevention -Minor Apps

These apartments will be to the rear of the shops accessed via the service road. In this position there is very little natural surveillance of the dwellings, this increases their vulnerability to crime and anti-social behaviour. Planning guidance advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime all ground floor glazing should incorporate a pane of laminated glass compliant with BS EN 356:2000 class P1A.

The plan shows a combined cycle and bin store, such stores increase the opportunities for crime. Planning guidance advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime the cycle store should be separate to the bin store.

Although the proposal creates 4 apartments (2 of which are 2 person apartments) yet there is no provision for parking, other than to use the carpark to the front of the shops. In this position there is no natural surveillance of the parked vehicles from the

dwellings. Planning guidance advises that "Natural surveillance of parked cars is an important consideration." Therefore, I recommend that some parking is provided with natural surveillance from the apartments.

To provide for the safety and security of residents and visitors lighting along the service roads should conform to the relevant sections of BS 5489:2013.

Officer note - an amended plan was submitted which included a secure gate between the bin store and cycle store areas.

Environmental Health

The bedroom window closest to the units could allow in sufficient noise to create a nuisance, especially if these are older units. It's also dependent on whether they are only aircon units which will be turned off at closing time i.e 11 p.m ? or whether they are condenser / chiller units for cold room fridges which in this weather especially will be running a lot during the night. Also how high is the bedroom window in relation to the parapet wall around the units on the Co-op roof?

Normally with new builds the following condition would apply:

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 commercial / business premises to be provided alongside the housing.

If this cannot be met, it would be a case of what forms of mechanical ventilation can be employed to ensure sufficient ventilation for the occupants.

Further response:

Also please include standard informatives covering times of working, dust control, no bonfires and external lighting, to any positive decision.

Officer Note - the agent has confirmed they will accept that condition and can meet the BS requirements.

Highways Engineer, Development Engineer

Although the car park is Public Highway the access road is not maintainable at the public expense and I understand is in the ownership of a third party.

The existing use of the development site is eight garages and the proposal is for flats and therefore the number of trips for these two different uses could result in a decrease in private vehicular access, although there will be an increase in other means of travel pedestrian and cycling especially as there are no allocated spaces within the proposals.

The proposals must include bin storage provision and collection point.

The existing problem with this area is it is untidy nature with indiscriminate storage of waste.

It is considered that it would be impossible to refuse on highway safety grounds based on the increased movements on the adopted highway ie the car park but it should be refused on planning safety grounds, unless a condition could be imposed that the access road is to be regularly maintained and lit.

Officer note - it would be reasonable to apply a condition for external lighting within the application site only as the remainder of the service road is owned by other parties.

Natural England Government Team

Appropriate Assessment

Natural England has reviewed the Appropriate Assessment.

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).

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: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: A total of 4no. objections were received. The main points raised are summarised below.

Comment	Officer Comment
Land at the rear of the service road is privately owned and no consent for access if given.	This is not a planning consideration.
Removal of window to a first floor store room without consent of owner.	This is not a planning consideration.
Service road is not safe for future residents and will block the entrance to the flats.	Please see planning considerations section below.
No parking is provided for the residents. A parking survey should be undertaken to look at the potential impact on the shopping parade.	A parking survey was undertaken and submitted to the LPA on 12/6/18 with neighbours re-consulted.

The survey produced states there are 18 parking spaces and 10 notional ones, although residents use the notional ones it doesn't make it right!	Please see planning considerations section below
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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 nearby residential amenity and commercial properties
- (iv) Parking and highway considerations
- (v) Ecological considerations
- (vi) Other matters

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would provide 4no. additional residential units which would make a contribution to the Borough's well needed housing stock. The floor area of the flats have been designed to those stated in the 'technical housing standards' by the DCLG.

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

Although they are located at the rear of the service road and therefore not highly prominent, the garages are in a poor state of repair and are in need of improvement. They have not been used for the parking of vehicles for a number of years and are in fact too small for larger, more modern vehicles. Furthermore the service road and the landscape buffers are being used for litter, rubbish storage and also fly tipping. The service road does not have a high level of surveillance and for this reason, attracts antisocial behaviour. The area is in need of improvement and upgrading. Other units along the shopping frontage have residential units at first floor level which are accessed from the rear service road.

The proposal would increase the scale of built form on this rear corner from flat roof single storey up to two-storey level with a pitched roof. The design is a fairly modern approach with dark framed windows and a mixture of brick, render and timber cladding materials. It is considered that these materials would complement those already used in the local vernacular. Overall the design would vastly improve the character and visual impact of this part of the service road. It would also include windows which would provide natural surveillance over this section of the service road. The development would include an integrated communal bin and bike store which therefore avoids these being required to park/store on the service road.

(iii) Impact upon nearby residential amenity and commercial properties

With regards to future occupiers of the proposed building, concerns have been raised that residential accommodation in this location would be unsafe, particularly for children, due to the use of the access road for deliveries. However, it is noted that the existing pavement which extends along the rear of No's 1-9 on the east side of the service road and which is used by the residents of those flats, would be extended up

to the entrance of the proposed flats so that residents could be able to make use of the safer pavement. Furthermore, the front entrance is recessed back from the pavement so that future residents would step into a porch area and then onto the pavement, allowing more time to visually assess the service road. The flats would contain only 1no. bedroom and therefore are more likely to be occupied by single persons or couples as opposed to family groups.

The first floor, east facing elevation of the development would be adjacent to 4no. air conditioning units which sit on top of the flat roof section of the Coop. However, the units are set back 4m from the east elevation and there are no windows in this elevation. The Council's Environmental Health Officer has been consulted and has advised that the new building should be sufficiently mitigated in terms of acoustic measures, particularly as these units are operated 24/7. They have suggested an appropriate condition to this effect which seeks to ensure that the residential amenity of the properties are not impacted upon by any external noise levels.

There is an existing window in the rear of the 'Best One' shop at first floor level, which serves a store room. This is shown in the application as being removed as it would be blocked up by the new east elevation of the proposed flat block. Concern has been raised by the owner of this unit however, the applicant would need to secure permission from the relevant land owner to facilitate this window removal. The window serves a store room and not a residential flat or habitable room and therefore no significant loss of amenity would occur as a result.

Residential properties lie to the west of the application site in Bransgore Avenue. The new first floor windows within the proposed building would look into the direction of the rear of No.s 32 and 34. However, these properties are over 20m in distance which is considered to be sufficient on planning grounds, so as not to result in an unreasonable level of overlooking. No objections have been received from the occupiers of these properties.

(iv) Parking and highway considerations _

Under the Council's adopted parking standards, 4no spaces should be provided for this development. The Council's adopted parking SPD advises that should a developer wish to use on-street capacity then they should firstly be aware of potential concerns relating to the character and amenity of the a road. If on-street parking is already an established part of the character, surveys should undertaken and submitted with the planning application to identify the current level and capacity of on-street parking in the vicinity of the site. Surveys should be undertaken and should include weekdays and weekends including late into the evening as this allows a true reflection of the parking arrangement.

As no parking is being proposed for the development, a parking survey has been submitted as part of the application to provide evidence for the use and capacity of the car park situated at the front of the development site. This identifies that the car park provides a total of 17 marked bays, although there are a further 10 notional parking spaces in the centre of the car parking and along a highway bank which have historically always been used for parking. There is no restriction of enforcement to stop the locals parking their cars on these spaces.

The survey, was carried out over 4 days, including evening hours which is the busiest time of use with residents visiting the convenience shops. The results show that at no time was the car park at full capacity (this is with the inclusion of the notional spaces)

and it retained spaces even at peak periods for potential resident parking. Overall therefore, whilst the application does not propose on site parking and therefore does not meet the requirements of Policy DM13, this is justified through the findings of the parking survey. Furthermore, it is also considered that the site is in a good sustainable location, close to bus routes and local services which may reduce the requirement for car ownership. The scheme does provide 4no cycle spaces which meets the standards for cycle parking. Two of these are provided in a secure cycle park area to the rear of the bin store. These factors, along with the benefits that the scheme provides such as new housing, regeneration and improvements to the built environment, outweigh the lack of parking provision.

With regards to highway safety, the service road is used for deliveries to both the Coop and 'the Best one'. This requires the larger delivery vehicles to enter from Purbrook Way along the service road then reverse out. The Council's Highways Engineer has advised that it would be unreasonable to refuse the scheme on highway safety grounds however, unless the scheme includes a condition that the access road is regularly maintained and well lit then it would be not be safe on planning grounds.

It is reasonable to impose such a condition to request these details so that the access road is made safe to use for the future residents. Furthermore, the front entrance is recessed into the building to allow further visual assessment of the road. A bollard is also proposed to be erected on the corner of the service road to prevent any delivery vehicles from reversing into the corner of the building. Overall it is considered with the appropriate mitigation, the development would be acceptable on highway safety grounds.

(v) Ecological considerations _

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.

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.

(vi) Other matters

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

8 Conclusion

The application is on balance, considered to be acceptable for the reasons set out above in the planning considerations section 7 and is therefore recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00313 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:
Location plan and existing block plan - DN: 1100
Design strategy 3 - DN: 1002
Design strategy 2 - DN: 1001
Design Strategy 21 - DN: 1000
Perspective View - DN: 1003
Proposed GF plan - DN: 1101Rev A
Proposed FF plan - DN: 1102
Proposed elevations - DN: 1301
Parking Survey - received on 25/6/18
Design and Access Statement
Reason: - To ensure provision of a satisfactory development.
- 3 Prior to the occupation of any units, the erection of the bollard and pavement extension hereby approved as shown on Drwg No. 1002 (Design Strategy 3) 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.
- 4 Prior to the occupation of any units, confirmation shall be provided that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, will meet BS8233:2014 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 commercial / business premises alongside the housing and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development shall take place until details of existing and finished floor 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Prior to the occupation of any units, an external lighting scheme shall be submitted and agreed in writing by the local planning authority. Any such agreed details shall be retained 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.
- 7 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 within the site for contractors' vehicle parking during site clearance and construction of the development;
(ii) The provision to be made within the site 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 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.
- 8 No development 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.
- 9 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(s) 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 policy CS16 of the Havant Borough Local Plan (Core

Strategy) 2011 and the National Planning Policy Framework.

- 10 The cycle parking and bin store 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 waste management having due regard to policies DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.