

in minor changes to the rear elevation, namely the blocking up of windows and the creation of a new entrance door. Dropped kerbs are proposed on both Dunsbury Way (extension of existing) and Bishopstoke Road (new).

Private and secure unloading will occur to the rear of the application site which is required given the sensitive use of the site. Car parking for visitors and customers is located to the front of the site.

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)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

If the use of this building is regarded to be similar to 'Nursing and Residential Homes' then CIL is not chargeable for this portion of the development. However the self contained flat will be CIL Liable and the CIL Additional Information Form should be resubmitted including all the floorspace figures for the separate elements of the development and the declaration completed regarding the date the building was last in use.

Additionally, instructions should be passed by the Case Officer to the CI Team in the usual manner to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, in respect of the self contained flat. The charge is based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>.

Environmental Health Manager, Community Group

No Objection, subject to condition that the development is carried out in accordance with the approved noise assessment.

Highways Engineer, Development Engineer

The Highway Authority has no objection 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, PPUD

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: 68

Number of site notices: 1

Statutory advertisement: Not applicable.

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) Impact on highways
- (v) CIL and SRMS

- (i) Principle of development

The site is located within the established urban area as defined by and Policies CS17

and AL2 of the Local Plan. Policy CS17 supports new development within the urban area and prioritises previously developed land. In line with the NPPF the development of this brownfield site is supported.

The site falls to the north east of Leigh Park Local District Town Centre as defined by Policies CS4 and AL3. The NPPF states that applicants should demonstrate a sequential approach which shows the use cannot be accommodated in a town centre location, and then only if a town centre location is not available should edge of centre locations be used. In demonstrating flexibility on issues such as format and scale, the applicant should demonstrate there are no suitable, viable and available sites within or well connected to the town centre.

Sequential test

It is recognised that a sequential test is required to confirm that there are no other suitable or available sites within this centre, that test is set out below.

Leigh Park District Centre is a purpose-built 1950s shopping precinct built to serve the community of Leigh Park. The centre's retail offer is orientated towards meeting the day-to-day shopping needs of the immediate catchment population for convenience and some comparison goods. It is a vulnerable centre in need of regeneration with a relatively high vacancy rate, which has become a less attractive place for people to visit and businesses to invest in. The regeneration of this district centre needs to improve the quality of commercial uses combined with public realm and highway improvements, which is identified within the local plan to enable regeneration of this area.

The existing branch of end of life services along Dunsbury Way includes a number of ancillary services such as offering meeting rooms, an on-site chapel, mortuary (including mortuary transfer chambers), reception and arrangement rooms. On-site parking for visitors is also required, with the key requirement for sites being vehicular access to the rear to allow the deceased to be brought into the mortuary. The proposal will replace the existing end of life service located at 224 Dunsbury Way.

The applicants have undertaken a study of retail provision in Leigh Park, and in accordance with national guidance have considered a sequential approach to retail development, taking into consideration the suitability of other sites within the defined district centres, which could have potentially accommodated the proposals being considered. Furthermore this assessment has provided scope for flexibility of the format and scale of the proposed store. The NPPG that informs the NPPF is clear that if there are no suitable sequentially preferable locations, that the sequential test is passed.

The NPPF states that: "Local planning authorities should apply a sequential test to planning application for main centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should be out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local authorities should demonstrate flexibility on issues such as format and scale." In this respect, the NPPG recognises that an operator's business model is a genuine planning consideration which will determine the parameters of the sequential test. The application has come forward with an explanation of the current business model, this outlines they need to have a floor area of 180 sqm, and to have secure loading and

unloading is key for finding appropriate sites, as well as the requirement for having on-site parking. The applicant also needs to be able to subdivide any unit to create the ancillary offerings with a sensitive use such as an end of life service provides, which includes reflection rooms, arrangement rooms and mortuaries.

There are two main parameters set out in the NPPF which govern the search for alternative sites under the sequential test. Sites must be:

- Available - alternative sites should be available for development now or within a reasonable period of time (determined on the merits of a particular case, having regard to, amongst other matters, the applicant's suitability criteria and timescales), and;
- Suitable - with due regard to the requirement to demonstrate flexibility, alternative sites should be suitable to accommodate the proposal.

The type of retail offer and the size and characteristics required of a site for retail development by the applicant have been set out above. Informed by this, alternative sites within and around the edge of the district centre of Leigh Park has been considered. The applicant has outlined that a number of empty units do exist within the District Centre. However, these units do not provide either the required floor space for this application, neither do they provide the required parking for the use and/or those visiting the facility. Overall, it is concluded that there are no sequentially preferable locations to the application site. Accordingly, the proposal therefore accords with the sequential test in retail terms as set out in the NPPF and NPPG, and in policy CS4 of the Local Plan (Core Strategy) 2011.

The applicant's Planning Statement points out that the proposal falls below the threshold (2,500m²) for which a retail impact assessment is required as set out in the NPPF, therefore this is not required.

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

The proposed changes largely relate to changes to the external elevations. The front elevation is proposed to be altered to provide a new entrance designed to ensure access for

all users. As there is a requirement for the private unloading of the deceased to the rear of the building, a vehicular entrance will be created to allow this. A single storey extension is proposed to enable the construction of a purpose built cold room/mortuary. It is considered that the proposed changes would not have a significant adverse impact on the character and appearance of the property or that of the immediate and surrounding area.

(iii) Impact upon residential amenity

The applicant has submitted a noise assessment, which has been considered by the Environmental Health Team, with regard to the proposed plant machinery, which comprises 3 condenser units to service the mortuary. The Environmental Health Officer has raised no objection to these details. As such subject to a condition to ensure that the development is carried out in accordance with this noise assessment, outlining that the proposed noise and acoustic measures would not result in a significant adverse impact on the amenities of neighbouring properties with regard to noise. It is considered reasonable in this instance to place a condition restricting the use to A1 End of life services (which is what is applied for) in order to be able to control the use of the site, in the interests of the amenities of the neighbouring residential properties. As other A1 uses could include general retail, which would result in an intensification of use at the site, including further highway movements.

(iv) Impact on highways

The National Planning Policy Framework (NPPF) states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. As has been outlined this proposal is for a relocation of the existing facility further along Dunsbury Way. Given this fact and that the Highway Authority have raised no objection to this application it is not considered that the development would have a significant adverse impact on the safety or free flow of the highway network.

The proposed flat, which is a 2 bed unit, has been provided with one allocated parking space. The adopted Havant Borough Residential Parking and Cycle Provision SPD parking standards require that a 2 bed unit provides 2 car parking spaces. However this SPD identifies areas around Leigh Park local centre to be a highly accessible location where reduced or even zero standards of vehicle parking provision can be considered in order to maximise the use of land and discourage use of the private motor vehicle. Furthermore, paragraph 3.06 of the Standards recognises that on brownfield sites outside of town centres, it may be possible to reduce the number of car parking spaces where the development is within a reasonable distance of good public transport links. It is therefore considered that given the highly sustainable location of the development that this proposal, with one parking space for the residential element, is considered to be consistent with the aims of the SPD.

(v) CIL and SRMS

The residential element of the development is CIL liable and a liability notice based on the proposed floor area, with a contribution of £5,932.14 has been sent to the applicant.

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 a legal agreement to secure the mitigation package.

8 Conclusion

The development is not considered to have a significant adverse impact on the highway network, character and appearance of the area or on the amenities of

neighbouring properties. Furthermore, the development makes adequate provision in the form a financial contribution toward impact on the SPA. The applicant has outlined that a number of empty units do exist within the District Centre. However, these units do not provide either the required floor space for this application, neither do they provide the required parking for the use and/or those visiting the facility. Overall, it is concluded that there are no sequentially preferable locations to the application site. Accordingly, the proposal therefore accords with the sequential test in retail terms as set out in the NPPF and NPPG, and in policy CS4 of the Local Plan (Core Strategy) 2011.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00764 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 - 18-XXX-101
PROPOSED GROUND FLOOR PLAN- 18-XXX-200 VER 1.0
PROPOSED FIRST FLOOR - 18-XXX-202
PROPOSED NORTH & EAST ELEVATION 18-XXX-303
PROPOSED SOUTH & WEST ELEVATIONS - 18-XXX-302
PROPOSED SITE PLAN 18-XXX-201
Plant Noise Impact Assessment - September 2018 undertaken by Mayer Brown
Planning Statement dated July 2018
Reason: - To ensure provision of a satisfactory development.
- 3 The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in the Plant Noise Impact Assessment Version 1.0 dated September 2018. Any changes to the proposed plan prior to installation will require an updated acoustic assessment to be submitted to and agreed in writing by the Local Planning Authority. Any such agreed variation shall be carried out in accordance with any subsequent approved details.
Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.
- 4 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 policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The development hereby permitted regarding the business use shall be used only for A1(End of Life Services), and for no other purpose whatsoever including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To restrict the use of the premises in the interests of local amenity as residential properties are around the application site, and associated further highway movements, having due regard to Policies CS16, DM14 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework..