

4 Policy Considerations

National Planning Policy Framework

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)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL3	(Town, District and Local Centres)
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Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency:
No response received

Development Engineer:
No objections raised however there are queries over how waste will be collected.

Officer comment: See consultation response for Waste Service Manager below.

Retail and Town Centre:
No objections

Waste Services Manager:
No details relating to waste collection provided.

Officer Note- these details were provided by the agent on 8/12/16 and advise that the bins proposed are 2x1100L for general waste and 2x1100L for recycling to serve all the flats, this was advised to be over sufficient by Chris Haynes the operational services manager. These will be kept in a secure store and placed the other side of the boundary wall onto the access road behind the property on collection day to be emptied.

FAO Landscape Team:
No objections. Conditions associated with planting proposals and hard surfacing may be appropriate.

Traffic Management:
No parking is proposed

Environmental Health:

I am concerned with the A3 use which has been proposed, which may require the use of extraction equipment, therefore leading to potential noise, vibration and odour issues, especially to the residents of the flats at this address. Furthermore the ground floor flats are directly adjacent to the two proposed commercial units at a point where one would expect a commercial kitchen to be positioned, plus other flats are directly above. I mention this at this time, as retrospective acoustic proofing, especially for impact noise, will be both disruptive to all parties, and costly to install.

I would ask that the following conditions be imposed and the following informatives be added to any consent granted.

Condition 1:

The applicant to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, and internal walls and floors, 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 internal or external noise levels.

Condition 2:

If a cafe / restaurant is to occupy one or both of the commercial units which required a commercial extraction system to be fitted, I would expect an additional application to be made at that time with the relevant information provided as to proposed mitigation measures as depicted by an acoustic assessment if so required, and information related to odour control measures.

Reason: To ensure the residential amenity of the adjacent and neighbouring properties is not impacted upon by any internal or external noise / vibration levels and odours.

Informatives:

Regarding Hours of Work:

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

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

Regarding Bonfires:

You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

Regarding Dust Control:

You are hereby requested to ensure that dust mitigation measures are put in place, to prevent any potential dust nuisance from occurring during the demolition, excavation, clearance and construction phases of the development.

This is in order to protect the occupants of nearby residential properties from dust pollution.

Regarding light pollution:

You are hereby requested to ensure that any external lighting that may be installed on this site, within the grounds or attached to the proposed building, is so positioned so as not to cause nuisance. This is in order to protect the occupants of nearby residential dwellings from light pollution.

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: 9

Number of site notices: At least one site notice exists - check the number.

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) Appropriateness of the design
- (iii) Impact on the neighbouring properties
- (iv) Impact of the extended use
- (v) Highway / parking considerations
- (vi) Developer contributions

(i) Principle of development

The site is located within an urban area where development is considered to be acceptable in principle subject to other development management considerations. In terms of the change of use of the ground floor, the site is located within a designated shopping centre. Relevant policies are Policy CS4 and Policy AL3 (Local, town and district centres) of the adopted Allocations Plan, Policy CS16 (High Quality Design), Policy CS9 also applies as new housing is proposed. and Policy DM5 (Control of A3, A4 and A5 uses).

(ii) Appropriateness of the design

The proposed external changes to the existing building are fairly minor and include only alterations to fenestration configuration. The extension to the rear part of the second floor would be in keeping with the form and character of the existing building and a continuation of the existing flat roof. It is considered that the proposal would not have a harmful impact on the visual amenity of the streetscene.

(iii) Impact on the neighbouring properties

The site backs on to a service road which serves the other commercial premises along Park Parade as well as the residential properties above. Due to the separation distances, it is unlikely that the proposed second floor extension would have an adverse impact on the closest residential properties to the rear which form part of Bordon Road. The adjoining neighbour at No. 6 Park Parade is a commercial unit at ground floor with residential flats at first and second floor levels. It is unlikely that the amenity of occupiers of these flats would be affected. It is considered that the proposal accords with Policy CS16 in this respect.

Environmental Health have responded to advise that conditions should be placed on any approval for details of any noise making equipment to be supplied to and agreed by the LPA prior to any installation.

(iv) Impact of the extended use

The existing building is a bank and therefore falls under use class A2. The proposed use is a flexible use including A1/A2/A3. This is considered to be consistent with Policy AL3 of the Allocations plan, retaining and providing a unit in line with a main town centre use within a defined centre. As such, the vitality, viability and shop front within the town centre would be retained. If the future units were to be occupied as Class A3 use, this may require an extract flue and system. Environmental Health have proposed conditions relating to details of these to be provided which would seek to protect harmful noise and odours.

(v) Highway and parking considerations

The development does require to provide 9no parking spaces to meet the adopted parking standards. The proposal fails to meet this requirement. However on balance, the site is in a fairly sustainable location in a local centre which can be easily reached by public transport. It is also close by to public car parks and there is some on street parking nearby. The agent for the application has also advised that the future tenants may be able to obtain parking permits to use the public car park in Tidworth Road which at present is under utilised. The proposal includes secure cycle parking. Overall it is considered that the provision of 5no. units in this location would contribute to the need for housing in the Borough and as the future occupiers could make use of nearby public car parks, this outweighs the shortfall in the provision of parking.

In terms of servicing for the commercial units, vehicles could use the rear service road or the layby on Somborne Drive. The Highways Officer has not objected to the proposal on highway grounds. Further information was required in terms of waste provision for the development and information was provided to explain that the bins proposed are 2x1100L for general waste and 2x1100L for recycling to serve all the flats. These will be kept in a secure store and placed the other side of the boundary wall onto the access road behind the property on collection day to be emptied.

(vi) Developer contributions

The proposal is CIL liable for £10,856.07. It also requires a payment of £759.2 (Plus monitoring and admin fee) towards the SRMP. This contribution has been made to the Council and the proposal therefore accords with Policy DM24 in this respect.

8 **Conclusion**

The proposal is considered to comply with the relevant local and national policies by providing a mixed use development in a sustainable location. As such, the application is recommended for permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00859 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 external materials used 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed floor plans and elevations - DN: KAD 04
Site plan, existing floor plans and elevations - DN: KAD 01

Reason: - To ensure provision of a satisfactory development.
- 4 The cycle parking 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.

- 5 Details of the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, and internal walls and floors to 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 all living and bedrooms shall be provided and agreed in writing by the Local Planning Authority prior to the occupation of any of the residential or commercial units.

Reason: To ensure the residential amenity of the future occupiers or neighbouring properties is not harmed by any internal or external noise levels and having due regard to policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The unit shall not operate as a Class A3 use unless details relating to the proposed commercial extraction equipment system including noise mitigation measures as identified by an acoustic assessment if so required and information relating to odor control measures, to be fitted have been submitted to and agreed by the Local Plan Authority. At all times thereafter the approved system shall be maintained in full working order.

Reason: To ensure the residential amenity of the adjacent and neighbouring properties is not impacted upon by any internal or external noise / vibration levels and odour and having due regard to policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.