
Site Address: 153 Milton Road, Cowplain, Waterloooville, PO8 8RE
Proposal: Development consisting of the conversion of the roof space and the installation of rear and front dormers, to provide 2No. 1 bed flats together with bin and cycle store.
Application Type: Full Planning Permission
Application No: APP/23/00973 Expiry Date: 04/03/2024
Applicant: Mr Martin
 Martin Ralph
Agent: Mr Evans Case Officer: Tina Pickup
 Martin Ralph
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to the northern most 2 shop units with flats above, within the terrace of shops and flats located on the west side of Milton Road, Cowplain, opposite Hart Plain Avenue. The row of shops are set back with their own frontage access road and parking, and are of uniform design with consistent eaves and ridge height, and rhythm to regular first floor fenestration. They are constructed of dark brick and tile. As ground floor shops with first floor flats the site comprises a mixed use building.
- 1.2 To the rear there is an access road serving the rear of the shops and a parking/servicing yard. The rear of the application building has an overhang at first floor i.e. the depth of the first floor flats is deeper than the shops below. This undercroft area is used for the parking of 5 cars and the existing first floor flats are accessed via this undercroft area. The flats above have a terrace enclosed by glazed balustrade, providing some outdoor space.
- 1.3 To the immediate north of the site is a relatively new flat development on the corner of Milton Road and Pyrford Close. The building on the corner is 2 1/2 stories i.e. there are rooms in the roof space, and the other buildings on Pyrford Close are 2 stories. The wider area is mixed, with a public house opposite and residential properties surrounding, and Hart Plain Infant and Junior schools close by. Despite the mixed use area the site is not identified as a Local Centre in policy terms. The site is outside any current or future flood zone.

2 Planning History

The original permission for the site:

98/51762/2 - Construction of 2no ground floor shop units and 2no bedroom self contained first floor flats and widening of Milton Parade access road. Permitted 30/7/1998 - conditions required 5 parking spaces
03/51762/003 - proposed second floor one bedroom flats - Withdrawn

APP/23/00659 - Prior Approval for development consisting of the conversion of the roof space and the installation of rear and front dormers, to provide 2No. 1 bed flats together with bin and cycle store., Refused 09/10/2023- *as wrong application type, not permitted development subject to prior approval*

3 Proposal

- 3.1 Development consisting of the conversion of the roof space and the installation of rear and front dormers, to provide 2 No. 1 bed flats together with bin and cycle store.
- 3.2 The proposal includes two small dormers and one roof light window in the front roof slope, and two large flat roofed dormers in the rear elevation, each with a Juliet opening. Internally each flat would be 1 bed 1 person units (measuring 43.70 sqm and 37.70sqm). The proposal includes the provision of a bin and cycle store at the northern end of the undercroft, negating an existing parking space.
- 3.3 During the course of determining this application the rear dormer was amended from a large single one, to two separate dormers, and a Highways Technical Note has been submitted to justify the lack of on site parking.

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)
CS9 (Housing)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No adverse comments

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the HRA, instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Crime Prevention

None received

Environment Agency

None received

Hampshire Highways

This proposal will generate a minimal amount of additional multi modal trips and is well located to shopping and other facilities. The provision of additional parking facilities is a matter for the LPA.

I confirm the Highway Authority have no objection to this proposal.

Natural England

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 25 April 2024, 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.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.

Norse South East

None received

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development.

The details of other schemes have been published on the Partnership for South Hampshire's

website at: <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

Portsmouth Water Company

None received

Waste Services Manager

None received

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: 21

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
will block a significant amount of the view from our property which we worry could affect the value of our property. Also concerned about the level of noise and disruption that the construction will cause. Work from home so the noise could have a significant impact on my job	Noted - see section 7 below Any construction disturbance would be temporary only and any excessive noise can be investigated by Environmental Health
Object to the development on the basis that if allowed to proceed my privacy will be seriously compromised as the rear elevations / windows of the proposed development will result in overlooking	Noted - see section 7 below

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
- (v) Compliance with Habitats Regulations
- (vi) CIL

(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. The Council's Five-Year Housing Land Supply, Updated at March 2023, indicates the Borough's housing land supply position as 1.81 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. It is accepted that the proposal for two additional dwelling units, within the main urban area of Waterloo, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

- 7.3 Current policies AL2 and CS17 direct development towards the built up urban areas, and encourage making the most effective use of land; and policy CS9 supports housing that achieves a suitable density that respects the surrounding landscape, character and built form. Policy CS16 seeks High Quality Design that respects its local context. These policies align with National Planning Policy Framework (NPPF) and should therefore be afforded weight in the determination of the application, as detailed below.

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

- 7.4 The terrace of shops with flats above in Milton Parade is a uniform roofscape with no other dormers or roof light windows to date, so the proposed front two dormers and roof light would be the first. However there are 2 modest flat roofed dormers in the new flat development adjacent, Chapel Court, as well as flat roofed dormers on the pub opposite. The proposed front dormers are modest and would not dominate the roofslope. It is considered that they would not be visually harmful to the appearance of either the host building or the streetscene.
- 7.5 To the rear there are no other dormers within the roofscape of the Milton Parade terrace, but there are some rooflights. Again there are 2 small dormers on the flats adjacent - one facing the site and one at right angles facing west. A few of the bungalows that are in Sunnymead Drive and Pyrford Close have rear dormers. As a rear service road the visual appearance of the immediate area is functional and somewhat commercial, and dominated by hardsurfacing and vehicles.
- 7.6 As originally submitted the rear dormer was to be one single long one, spanning the two flats below. This was considered to be over large and dominant, and not a good design solution. Amended plans have visually broken the dormer into two, by providing a central recess, creating a visual separation and shadow line between. This would give the impression of 2 separate dormers which would each be visually better related and in scale with the flats below, resulting in a more domestic scale.
- 7.7 Despite the amendments it is acknowledged that the rear dormer is large and dominant and does not generally comply with the aim of the Borough Design Guide SPD. But in the context of the site, at the rear of a parade of shops, in a mixed area, it is considered that the visual harm to the character of the area would be minimal. Generally the dormer would only be visible from either private areas or the service road itself, not the wider public streetscene.
- 7.8 Overall the design and appearance of the proposal is deemed not significantly materially harmful, and therefore appropriate in context to the main building and its setting, and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy).
- 7.9 In terms of the intensification of use of the site and introduction of two additional flats, the area is already characterised by flats above shops, and the proposed use is not considered inappropriate to the locality.

(iii) Impact upon residential amenity

- 7.10 In terms of quality of living for future occupiers, the proposed flats are minimal in size, but do meet the Nationally Described Space Standards for 1 bed 1 person units (which requires a minimum internal floorspace of 37 sqm if a shower is proposed). There

would be no outdoor space for future occupiers but Juliet balconies are proposed to achieve some amenity. Overall it is considered that the standard of accommodation would provide future occupiers with an adequate quality of living, and such small units suit some people.

- 7.11 In terms of impacts on neighbours, there is a 20m separation from the rear dormer proposed to the garden of 22 Pyrford Close, the nearest residential bungalow, with intervening garage block and outbuildings. The introduction of the rear dormer may add to a perception of being overlooked by the occupier of number 22, but it is considered that any actual loss of privacy into the rear garden would be minimal, largely by virtue of the intervening structures. Since the first floor flats already have open rear terraces, and other second floor dormers exist in the flats adjacent, then the additional sense of overlooking and loss of privacy is considered to be marginal.
- 7.12 In terms of the relationship with the flats on the corner, Chapel Court, the proximity of the developments is much closer. But the dormer alignment would be set marginally in front of the west facing dormer in Chapel Court (which serves a living room) so no back overlooking would be possible. Since the alignment is only marginally offset then it is considered that the side bulk of the proposed dormer would not materially affect the outlook from or light to the west facing dormer in Chapel Court.
- 7.13 The south facing dormer in Chapel Court (which serves a bedroom) would face the side of the proposed dormer - again no cross overlooking or loss of privacy would result but the outlook from this existing dormer would be slightly compromised by the proposed bulk of the new dormer. But given an 8m+ separation and southerly aspect it is considered that any impact on light loss or outlook would be very marginal.
- 7.14 More generally the flats in this adjacent development to the north have a small amount of shared amenity space outside, with a row of bicycle stores against the shared boundary. There would be some views down into this space from the proposed Juliet balconies, but as a shared space it is already overlooked by other flats within Chapel Court. It is not considered that in this established built up area, there would be significant additional overlooking or loss of privacy to justify a reason for refusal.
- 7.15 Third party comments also note the potential for disturbance during construction, but this is not a direct planning amenity consideration - it is accepted that all development can result in some construction disturbance, but this is normally short term and if it becomes a nuisance in terms of noise, dust, hours of working etc, can be investigated by Environmental Health under their separate legislation.
- 7.16 Overall, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(v) Highways and parking

- 7.17 In terms of traffic generation, Hampshire Highways raise no objection noting that the development would generate minimal additional trips and is well located to shops and facilities
- 7.18 To meet the Parking SPD each 1 bedroom unit should have 1 on site parking space and 1 long stay cycle space. However no parking spaces are proposed and the existing 5 bay undercroft parking area would be reduced to 4 spaces due to the

proposed bin and cycle store. The secure cycle storage would meet standards and encourage more sustainable methods of transport for future occupiers. Since no on site parking is provided this alternative cycle storage is considered important and should be conditioned.

- 7.19 In light of the lack of on site parking, which amounts to a deficit of 3 spaces, a Highways Technical Note, including parking survey, has been submitted. This notes the site is well served by buses with bus stops close to the site on 2 routes enabling access to Portsmouth and Havant, including their train stations for onward journeys. It also notes the site benefits from within walking distance of a multitude of local facilities.
- 7.20 The parking survey undertaken covered roads suitable for safe parking within a 2 minute walk away and included 2 week night surveys and 2 day time surveys, including a Saturday. This demonstrated that there were a total of 27 spaces available in the survey area, and overnight at least 22 were available, and during the day at least 18 were available. This high level of availability of on-street parking spaces would readily be able to accommodate the 3 parking spaces associated with this development without causing harm to the convenience and amenity of neighbouring residents.
- 7.21 Therefore it is considered that the development proposed, in a relatively accessible location, would not result in any harm to highway safety or amenity, and can be considered to comply with policy DM13 and supported.

(vi) Compliance with Habitats Regulations

- 7.22 The proposal would result in the net gain of two, one bedroom flats which need to comply with the Habitats Regulations. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development resulting in the gain of two additional 1 bedroom dwelling units.
- 7.23 Using Natural England's updated Methodology in January 2024, the planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.24 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £999.50 to address the potential recreational harm from the new development. Therefore, it is considered that the recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, April 2023, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £3,546.08 as nutrient mitigation. This is based on the development achieving a water

efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.

- 7.25 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 and raise no further objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(vii) CIL

- 7.26 The development is CIL liable for the net additional internal floor space, which amounts to 202.56sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council in 2013 and the levy to be charged for this development would be £80 + indexation per square metre on new floor space. The net gain in floor space amounts to 202.56sqm which results in a Liability of £27,562.63. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The provision of two additional flats would contribute to the Borough's housing need and represents a modest benefit. There would also be some economic benefits arising from the construction and future spend of occupants; and a social benefit from the provision of two new households in an established urban area in a sustainable location. It is considered that the identified adverse impacts arising from this development are very minimal (visual harm from large dormer, and slight increase in perception of overlooking) and would not outweigh the benefits. Therefore the tilted balance benefit of this development prevails.
- 8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall, the proposal is therefore considered acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00973

(A) 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:

BLOCK PLAN AND LOCATION PLAN, PROPOSED GROUND AND FIRST FLOOR PLANS - Drawing Number 23.001.D010 Rev A
PROPOSED SECOND FLOOR PLAN, ROOFSCAPE LAYOUT AND ELEVATIONS - Drawing Number 23.001.D011 Rev A
Highways Technical Note by Nick Culhane
Solent Nutrient Budget Calculator

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The cycle and refuse 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: To provide secure cycle storage for future residents to comply with the Parking SPD 2016 and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5

The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.