

APP/22/00595 - Condition 4 - Please refer to the Material Schedule and elevations attached Condition 5 - Please refer to Construction Management Plan attached which provides full details for the material storage compound., UNK,

3 Proposal

- 3.1 Change of use of part of ground floor to provide residential entrances, first floor structure with terraces and a second floor rear structure with mansard roof to provide accommodate for 4No. flats 2 x 1 bed and 2 x 2 bed) (Retrospective). Parking, cycle and bin storage are proposed to the rear.
- 3.2 The brick finish would match the existing, with a slate mansard roof. New weather board cladding, would be provided between the 2 new windows to the front of the development.
- 3.3 Planning permission was granted on 5/6/20 under reference APP/20/00084 for 'Change of use at ground floor (part rear storage area to provide stairway) and first floor and alterations incorporating mansard roof above first floor to front; proposed two storey extension above ground floor retail unit to rear, and roof terraces to form 4flats - 2No 2 bed and 2No 1 bed'. Conditions 4 (materials) and 5 (Construction Plan, including Materials Storage Area) imposed on APP/20/0084 have been discharged. That said, the materials for the proposed development have changed.
- 3.4 The main changes proposed by this application are:
- Removal of the 2nd floor mansard element fronting London Road.
 - Removal of the balconies at 1st and 2nd floor to the rear.
 - Changes to the fenestration and materials.
 - Internal changes.
 - Stepping of the terraced spaces between flats 1 and 2.
 - Changes to cycle provision from 6 to 4.

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)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control - Comment

Building Regulation consent will be required for this work

Route of escape via residential staircase should meet the needs of AD B re MOE provisions re opening (doors / windows) close to route of escape (4 bed stair)

Smoke vent needed on staircase via window or alternative method (4 bed stair)

Route of escape from Flat 1 should comply with AD B also as above width also controlled

Separation of commercial and domestic above should be compliant with AD B Fire and E Sound

Bin store design to comply with AD H requirements

Officer Comment: *the above issues would be dealt with under the Building Regulations Application.*

Community Infrastructure - Comment

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>

Councillor Gwen Robinson - No Comment

Councillor Mike Sceal - No Comment

Councillor Peter Wade - No Comment

Developer Services, Southern Water - No Objection

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Officer Comment: *The development proposals would not extend the footprint of the existing building which lies above the foul sewer, with all works of extension occurring at or above first floor level. If permission is granted, the precautionary comments of Southern Water would be an informative.*

Engineering/Drainage - No Comment

No drainage observations

Environment Agency - No Comment

Hampshire Highways - Comment

The Highway Authority wish to make the following comments.

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Hampshire Wildlife Trust, Beechcroft House - No Comment

Norse South East, Operations Director - No Comment

Natural England - 2nd Consultation

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 European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

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. This advice is provided on the basis that your authority is assured and satisfied that the nutrient budget calculations are suitably precautionary and accurately reflect the proposal. We recommend that water use of 110 litres per person per day is secured.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

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. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Natural England - 1st Consultation

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is here- [Planning and transport authorities: get environmental advice on planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/planning-and-transport-authorities-get-environmental-advice-on-planning)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- [Protected sites and areas: how to review planning applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications)

Further guidance is also set out in Planning Practice Guidance on the natural environment [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment) and on Habitats Regulations Assessment [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appropriate-assessment)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Nutrient Team - No Objection

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

The applicant is however advised 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 - No Concerns

Portsmouth Water have reviewed the application and associated documents for APP/22/00853 and have no concerns regarding impacts to groundwater quality. Therefore, we do not recommend any planning conditions to be included on the planning permission.

Property Services Manager - No Comment

Royal Society for the Protection of Birds - No Comment

Traffic Management Team - No Objection

The Traffic Team have no adverse comment to make.

Waste Services Manager - No Comment

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: 19

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments received.	

7 **Planning Considerations**

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Appropriate Assessment has concluded that the avoidance and mitigation packages proposed would be sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development proposed. The HRA has been 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 requisite mitigation packages have been secured.

- 7.1 In other respects, and 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 on the design and the character and appearance of the area
- (iii) Impact on amenity
- (iv) Highways and Parking provision
- (v) CIL

- (i) Principle of development

- 7.2 The principle of development of the site has already been found to be acceptable by the grant of planning permission for a first and second floor extension under reference APP/20/00084. The current application seeks to amend the proposal as set out above. The application as currently applied for has been built out on site.

- 7.3 The site lies both within the built up area and the Waterlooville Town Centre as defined by policies CS4 and AL3 of the adopted local plan. These policies seek to promote main town centre uses on the ground floor, in order to protect and enhance the vitality and viability of the centre, with a focus on shopping uses. The application would not impact on the ground floor retail user, which would only incorporate small areas at the front and rear to provide access to the flats at first floor. In principle, residential development is considered appropriate in a support role to town centres. Since the previous grant of planning permission, the Council has published its latest Five Year Housing Land Supply Update (November 2021) which shows that the Borough has 3.9 years housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Significantly, the proposal would result in the provision of 4 flats which is recognised would make a small contribution to the Council's housing stock and should be afforded weight in the overall planning balance accordingly

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

- 7.4 As stated above, the proposal retains the retail element at ground floor, thereby retaining an active frontage within the Town Centre, which is promoted by adopted policy. A first and second storey element (with the latter incorporating a mansard roof) has already been accepted on the site by the previous permission, which replicated the mass and bulk of adjacent development at first floor (i.e. No. 262 to the south west), with amenity space for and between flats 1 and 2. As to the second floor element to the frontage onto London Road, this has been deleted from the proposal, with the only changes proposed to this elevation being the number and size of the proposed windows (ie 2 as opposed to 4), with new weatherboard cladding in between, which are minor in nature. The loss of the mansard roof on the frontage elevation, effectively retains the current appearance of the building from London Road, which was previously enhanced by the 2nd storey element in this direction. However, by retaining the status quo, this is not considered to undermine the integrity of the overall scheme such as to warrant a refusal of planning permission.
- 7.5 The first floor element to the rear would still be designed with a mansard roof, with the main changes to this elevation being the removal of the balconies to the first and second floors, which previously provided private amenity spaces for flats 3 and 4. When challenged on these changes, the agent advised it was not possible to provide these balconies due to Building Control and safety issues. The loss of the two balconies, whilst undesirable, would not materially impact on the character and appearance of the area to the rear of the site, which whilst creating a more bland rear facade, on balance, would not materially detract from the overall design such as would warrant a refusal of planning permission.

(iii) Impact on amenity

Impact on existing amenity

- 7.6 The impact on neighbouring properties was fully assessed when the previous application was granted. The proposed changes would remove the 2nd storey element to the front with alterations to the fenestration on the south west elevation. The removal of this 2nd storey element would retain the original relationship with neighbouring properties. The changes to the fenestration on the south west elevation would not be materially different to those granted under the previous permission and would not adversely affect amenity.

Impact on future amenity

- 7.7 The front section of the property, at first floor, (which formerly housed storage space for the retail unit), would be converted to 1No. single person 1 bed flat, with access from London Road. A further 3 new flats – 1No. 1 bed flats, and 2No. 2 bed flats - are proposed to the rear of the property in a new first floor structure, with access to the rear. All of the flats would comply with the Government's Technical housing standards - nationally described space standards, with windows provided in the primary accommodation.

- 7.8 Flats 1 and 2 would have access to their own private terraced areas, which would be 3m x 7.9m and 4m x 8m respectively in size, which as previously found, is considered to be acceptable in this town centre location. As to Flats 3 and 4, the loss of their balconies, which previously provided private amenity space for future occupier(s) has been deleted from the proposal. The agent has advised the reasons for this was non-compliance with Building Regulations with the opening and head height on the second floor and with the first floor potential problems with larger commercial delivery vans backing into the balcony and safety issues around users of the balcony accidentally dropping elements onto commercial staff.
- 7.9 As set out in Havant's Design SPD, "...the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens.". The proposal does not incorporate communal gardens and therefore the loss of the balconies is undesirable, albeit it is acknowledged that within a short walking distance off Maurepas Way to the north west, there is public amenity space. When assessed against the benefits of the proposal, providing much needed housing within the Borough, for which there is a recognised shortfall, it is considered that the loss of the balconies would not "... significantly and demonstrably outweigh the benefits..." as to warrant a refusal of planning permission.

(iv) Highways and Parking provision

Highways

- 7.10 No changes are proposed to the access to service this development. Therefore, the Highway Authority has no comments to make on the proposal.

Parking

- 7.11 As with the previous proposal 3 car parking spaces are proposed, which includes an existing garage, which falls below the size requirement of 3m x 6 m in Havant's SPD, but would still be of a size that would accommodate a vehicle, with 1 parking space closes to the retail unit available for deliveries etc., during the day. Only 4 cycle spaces are proposed as to 6 previously provided.
- 7.12 When permission was previously granted, regard was had to the advice in Havant's Car Parking SPD and the centralised, sustainable location of the development within Waterlooville Town Centre, the convenience of public transport and the availability of Rockville Drive car park adjacent to the site, with the potential for occupiers to purchase a season ticket for this facility if further parking is required by the respective residents. Since the grant of this permission these material considerations have not changed. Therefore, the level of parking proposed is still considered to be acceptable in this sustainable town centre location in accordance with the advice in Havant's SPD.
- 7.13 As to cycle provision, for the proposed development only 4 spaces are shown, with 6 required by Havant's Car Parking SPD. This minor shortfall in cycle provision does not outweigh the housing benefits this development would bring, especially having regard to the current shortfall in the Borough's housing land supply.

(v) CIL

- 7.14 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Waterlooville.
- 7.15 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross new internal floor space for the development has been calculated by the agent as 250 sqm which generates a current CIL liability of approximately £29,642.86. Exemption is not being sought.

8 Conclusion

- 8.1 The principle of residential development at the site was previously found to be acceptable. The proposed changes to that previously granted, as set out above, are also considered acceptable in planning terms. The proposal would not adversely impact on the appearance and character of the area, or residential amenity and in parking/cycle terms is acceptable. The proposal accords with the development plan when considered as a whole, Havant's Car Parking and Design SPDs and the National Planning Policy Framework and conditional planning permission is recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00853 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 and Site Plans - Drawing No. 19/3/00
Proposed Floor Plan - Drawing No. 19_3_110
Proposed Elevations - Drawing No. 19_3_210
Existing Plans - Ground Floor - Drawing No. 19/3/01
Material Schedule dated June 2022
Construction Plan 19/03/01
Construction Phase Health & Safety Plan dated 10.08.21

Reason: To ensure provision of a satisfactory development.

- 3 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.

- 4 The materials to be used in the construction of the development shall accord with the submitted Schedule of Materials dated June 2022 hereby approved.

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 Development shall be carried out strictly in accordance with the Construction Plan and Construction Phase Health & Safety Plan hereby approved, with particular reference to the materials storage compound, which shall only be used for the storage of materials throughout the built development stage, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of amenity and in accordance with Policy CS16 of the Havant Borough Core Strategy March 2011 and the National Planning Policy Framework.

6 **Prior to occupation**

No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

7

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

8 **Post occupancy**

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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.