

DELEGATED OFFICER REPORT

Site Address: 39 London Road, Cowplain, Waterloooville, PO8 8DF
Proposal: Erection of first floor rear and side extensions and dormer extension.
Retention of ground floor shop (Class E1 commercial unit) and change of use of ground floor, first floor and second floor ancillary storage and office accommodation to 8No bed HMO.
Application Type: Full Planning Permission
Application No: APP/24/00291 Expiry Date: 23/07/2024
Applicant: Mr Wright
Corbiere Homes Ltd
Agent: Mrs Dana Knapp Case Officer: Lesley Wells
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site lies on the north west side of London Road, with vehicular access off Park Lane to the south, with a public car park to the rear.
- 1.2 The building, which is semi detached, is currently a shop (Class E) over 2 storey, with vehicular access and parking to the rear. The site lies within Cowplain District Centre a Secondary Frontage.
- 1.3 The proposal and access would be sited wholly within Flood Zone 1 and would remain so, on current information, with climate change up until 2115.

2 Planning History

PAP/17/01268 - Installation of galvanised metal bin store in rear yard of property,
PERM,25/01/2018

3 Proposal

- 3.1 Erection of first floor rear and side extensions and dormer extension. Retention of ground floor shop (Class E1 commercial unit) and change of use of ground floor, first floor and second floor ancillary storage and office accommodation to 8No bed HMO.
- 3.2 The existing building would be extended to the side and rear, with the rear roof raised to match the height of the roof to the front which together with a new side dormer would facilitate accommodation in the roof space. The frontage to the commercial unit would be reduced in size with the fenestration changed, to provide a separate entrance to the HMOs.
- 3.3 Two car parking spaces are proposed to the rear off the existing vehicular, together with cycle and bin storage. Landscaping is also proposed to the rear.

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 Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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)

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, Havant Borough Council

No adverse comments

Community Infrastructure - Comments

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

CIL charge for additional gross internal area.

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, please refer to Planning Policy. Advices already sought regarding charging structure and reply to follow from Policy.
- b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

We understand BNG is considered to be de minimis and this must be verified.

Officer Comment: *BNG is not required as the proposal falls below the applicable thresholds of 25sqm of on-site priority habitat or 5m of on-site linear habitats, which was verified by the case officer's site visit as the rear of the site is hard surfaced, with areas of patchy grass and moss.*

Former Councillor Carly Scannell - Hart Plain - No Comment

Councillor E Shimbart - Hart Plain - No Comment

Councillor James Blades - No Comment

Crime Prevention -Minor Apps- No Comment

Developer Services, Southern Water - No Objection

The proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination.

Southern Water requests that the following condition be added to any planning consent; Prior to the commencement of development, details of the rainwater harvesting system including measures to prevent contamination of the water supply and any discharge to public sewers will need to be submitted to and approved by the Local Planning Authority.

Prior to occupation of the development, maintenance responsibilities and regimes for the rainwater harvesting system will need to be submitted to and approved by the local Planning Authority.

Our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:
<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

We request that should this planning application receive planning approval, the following informative is attached to the consent:

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Officer Comment: *If permission is granted the suggested condition and informative would be recommended as conditions.*

Ecologist, Planning Policy Team - Final Comment

The application is now accompanied by a Bat Emergence Survey Report (Sylvatica Ecology, August 2024). No bats were observed emerging from the building and it is considered that roosting bats are not currently a constraint.

If you are minded to grant permission, can I suggest that the following informative note is added to any permission:

Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during development works - should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Officer Comment: *If permission is granted the above informative would be added to the decision notice.*

Ecologist, Planning Policy Team - 1st Comment - Further Information

The application is accompanied by a Bat Roost Potential Report (Sylvatica Ecology, January 2024). The building is considered to offer potential for supporting roosting bats and further survey works are recommended. The results of these surveys, and any mitigation/compensation measures considered necessary, will be required prior to determination.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Environment Agency - No Comment

Environmental Health Manager, Community Group - Final Comment - No Objection

I'm satisfied with the outcome of their investigation, showing that the flue only served a now decommissioned boiler. So, no further concerns in that regard.

Environmental Health Manager, Community Group - Initial Comment - No Objection

I have read the documentation provided by the applicant, and can comment as follows:

This office has no objection in principle to this application for conversion of the balance of the building currently used for storage & office purposes, into rooms for residential accommodation.

I have noted there is a flue exiting the side of the adjacent building at 41-43 London Road and terminating at first floor level between 39 and 41-43. As there is a proposal to have windows serving rooms on the North, East & West elevations of 39 London Road on all floor levels (other than the ground floor shop), the applicant will need to confirm what the flue's purpose is, to ensure no nuisance is caused to future residents of the proposed HMO, where windows are openable and have trickle vents fitted.

The applicant should note that the Private sector Housing team at Havant Borough Council deals with HMO's, and can assist with any queries in relation to HMO regulations, licensing requirements and so forth.

If the Local Planning Authority were minded to approve this application, I would request that the following conditions and informatives be added to any positive decision notice:

Condition 1:

The applicant will need 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 properties is not impacted upon by any external noise levels, especially traffic noise.

Condition 2:

No floodlighting, street lighting or other form of external lighting scheme, including at or on dwelling units, shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants outside of and within the development from light disturbance / nuisance.

Informatives:

Regarding hours of work:

You are hereby advised 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: 08:00 to 18:00

Saturday: 08:00 to 13:00

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

Regarding site noise during conversion works:

The applicant is to ensure that details of measures to be employed to control the emission of noise during any demolition, excavation, clearance and construction works at the development be provided to the Environmental Health Pollution team, at Havant Borough Council. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, and Part 2: Vibration (BSI,2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria which should be followed. This is to ensure the residential and commercial amenity of properties in the vicinity is not impacted upon by any external noise levels.

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 properties from smoke nuisance.

Officer Comment: *the agent has confirmed that the flue at 41-43 London Road has been decommissioned, as the premises are now heated by electrical mean, with no external emanations. In view of this Environmental Health has raise no objection, with recommended conditions and informatives that would be included in the decision notice, if permission is granted.*

Hampshire Highways - Comments

The Highway Authority have no objection to the above application. The change of use will result in a similar amount of trips compared to the existing use, which is acceptable in this instance.

Parking is a matter to be considered by Havant Borough Council as the Local Planning Authority to ensure the proposed parking falls in line with their adopted standards. The Highway Authority note that two parking spaces are being provided by the applicant, however given the location this is acceptable in this instance.

Housing Manager (Development) - No Comment

Landscape Officer - No Objection

From a landscape perspective the proposals are not deemed to have any detrimental impact on the existing character and as such we have no adverse comments.

Recommend to condition soft landscaping, hard landscaping, boundary treatments and building materials.

Nitrates Team - No Objection

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/>.

Officer Comment: *the agent is aware there are alternative mitigation sites available from third party providers.*

Natural England - No Objection

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).

With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). 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 the named designated sites in the Solent region. 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 planning permission given.

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. Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

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.

Portsmouth Water - Comments

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground Radar survey is undertaken prior to any hand or mechanical excavation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. This documentation is available at <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>

Copies of guidance notes: Working near distribution apparatus and Guidance for working near or over a Trunk Water Main are enclosed. Please read carefully as the conditions will apply to any work you undertake in the vicinity of Portsmouth Water assets.

It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect our apparatus.

Please note Portsmouth water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company

Officer Comment: *If permission is granted the above comments would be an informative on the decision notice.*

Southern Gas Networks - stage 1

Please find an extract from our mains records for your proposed work area, any SGN assets are described in the map legend. On some occasions blank maps may be sent to you, this is due to your proposed work being in a no gas area but within our operational boundaries.

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

Officer Comment: *If permission is granted the above comments would be an informative on the decision notice.*

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: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None	

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, 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 Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites 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 packages.

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/commercial unit
- (iv) Flood Risk & Drainage
- (v) Access & Parking
- (vi) Landscaping
- (vii) Ecology/BNG
- (viii) CIL

(i) Principle of development

- 7.2 The site lies within the built-up area as defined by Policies CS17 and AL2 of the Core Strategy and Allocation Local Plans and as such, there is a presumption in favour of sustainable development, subject to other material considerations. In addition, the site lies within Cowplain District Centre and a Secondary Frontage as defined by Policies CS4 and AL3. As such, planning permission will be granted for proposals that provide main town centre uses and contribute towards their vitality and viability. In addition, high-quality, mixed-use development that retain active ground floor frontages are encouraged. The proposal would retain an active ground floor frontage, for a town centre use (ie 32 sqm) and would therefore be supported in policy terms.
- 7.3 It is also recognised that the site falls within a sustainable location in public transport terms with the site conveniently located to bus stops providing frequent and regular bus services, which would provide future occupiers with an accessible and realistic alternative means of transport to the private motor car. The site is also located close to shops and services, which lessen the need for individual travel.
- 7.4 Policy CS9 Housing of Havant Borough Core Strategy (2011) states, amongst other matters:
- "Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities."*
- 7.5 The conversion and extension of the existing building, would provide an HMO providing 8 bedrooms over 3 floors with shared kitchen and bathroom facilities for tenants which would be a 'Sue Generis' use (i.e. a class of its own).
- 7.6 The site falls within a sustainable town centre location with the principle acceptable, subject to other material planning considerations which are set out below.

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

- 7.7 The parade of commercial units along this part of London Road are a general mixture of design, with flat and pitched roofs with different external materials and frontages, with residential development above.
- 7.8 The existing front of the building is visible from London Road. The proposed frontage of the ground floor building would be reduced in size, with an additional entrance to provide access to the HMO on all floors, separate from the commercial unit. The first floor front dormer would also be extended to the north east over the proposed first floor side extension, similar in size to the existing dormer on the adjoining semi. Additional windows would be in this extended dormer, with one on the top floor in the apex. There is also an additional dormer to the eastern side, with a window to the front. Whilst these alterations would be visible from the street scene, due to the general mix of design, frontages and materials within the locality, the proposal would not materially impact on the character and appearance of the area, or on the building itself.
- 7.9 The proposal would be extended at first floor to the rear, with an increase in roof height to match the roof height to the front of the building. Due to the existing building to the north east which extends further to the north west, these proposals would not be out of context when viewed from the public realm to the south west or from the public car to the rear.

- 7.10 The proposal would not materially impact on the character and appearance of the area in accordance with policy CS16 of the Core Strategy.

(iii) Impact upon residential amenity/commercial unit

Impact on existing residents

- 7.11 At ground floor level the properties either side of the proposal are in commercial use, with residential above in respect of 37a. As to the first floor extension to the rear, this would be forward of No. 37a. Due to the orientation of this extension and its relationship with 37a to the south the proposal would not materially impact on the residential amenity of the occupiers of this property.
- 7.13 As to a window at first floor to the rear, this replaces an existing window in this elevation, albeit set further back into the site. This window would introduce some overlooking of the car parking area to the rear of 37 London Road, which would not impact on residential amenity.
- 7.14 As to No.43 the first and second floor are in residential use, with the ground floor in commercial use. A plan has been submitted showing the 45 degree overshadowing of the first floor bedroom window, which does not fall within the centre of this existing window and therefore would not result in an unacceptable loss of light and outlook.

Impact on Future Occupiers.

- 7.15 To comply with mandatory HMO licensing, the size of a double bedroom, should measure at least 10.22msq. The proposed rooms sizes reflect or exceed this area. Shared kitchens to provide cooking facilities would be provided on the ground (8.5 sqm) and first floor (17.4 sqm), with shared bathrooms on all floors. All of the rooms would have access to natural light. The Council's Environmental Health Teams was consulted with no objection raised, with conditions recommending acoustic mitigation measure employed within the building envelope and prior approval of any external lighting. If permission is granted such conditions are recommended.
- 7.16 An HMO Licence would be required for the proposal, which is not material to the determination of the application.
- 7.17 The type and size of the accommodation is considered to provide an acceptable standard of amenity for future residents.

Impact on commercial unit

- 7.18 The agent has confirmed that No. 41 London Road is used entirely for commercial purposes, both ground and first floor. There are three obscured windows at ground floor and one at first floor on the side of 41 London Road. The side element of the proposal would be approximately 2m closer to 41 London Road at first floor, which includes two windows servicing an en-suite and kitchen. These two windows would be obscurely glazed with limited opening - conditioned if permission is granted. The dormer would replace roof lights and would be set back into the roof, from the proposed first floor side extension. This dormer would have two windows to the front which would service a bathroom and stair well, and would be obscurely glazed.

The window in the side of the dormer to the rear servicing bedroom 7 would overlook the rear of no 41 London Road rear single storey building, which would not impact on the amenities of occupiers of this property.

- 7.19 Due to the orientation of No. 41 and its existing relationship with the application site, the rear first floor rear windows which services an office are already overshadowed. The first floor rear extension would further overshadow these windows due to its closer proximity (approximately 1.6m) and length (approximately 6m) but it is considered that such overshadowing on this commercial unit would not be so significant as to warrant a refusal of planning permission.

(v) Flood Risk & Drainage

Flood Risk

- 7.20 The proposed dwellings and access would be sited wholly within Flood Zone 1. National Guidance states that Flood Zone 1 is suitable for all types of development.

Drainage

- 7.21 Southern Water (SW) was consulted over the proposal who advised that their investigation indicates that they can facilitate foul sewerage /surface water run off disposal to service the proposed development. SW has sought approval of the foul and surface water drainage which would be via a condition. SW has also requested a condition relating to a rainwater harvesting system for the proposal. This condition is likewise recommended, if permission is granted.

(vi) Access & Parking

Access

- 7.22 No changes are proposed to the existing vehicular access off Park Lane. The Highway Authority has been consulted over the proposal, who has raised no objection, with the level of parking considered appropriate for its location, in this instance.

Parking

- 7.23 There are two existing car parking spaces to the rear, for the commercial retail unit on the site. Two car parking spaces are proposed to the rear of the site with access off Park Lane. Eight cycle racks and bin storage are also proposed to the rear.
- 7.24 The site falls within the Cowplain District Centre, Secondary Frontage, which is a recognised as a sustainable location in public transport terms with the site conveniently located to bus stops providing frequent and regular bus services, which would provide future occupiers with an accessible and realistic alternative means of transport to the private motor car. The site is also located close to shops, (including a Co-op convenience store), employment and services, which lessen the need for individual travel. There is also a public car park located immediately to the rear of the site in Park Lane. Havant's Car Parking SPD acknowledges that car parking provision within Town Centres, due to their higher level of accessibility, must be based on the nature and scale of development, access to shops and services together with public transport accessibility.

Additionally, Havant's Car Parking SPD, does not provide car parking standards for HMOs. In assessing the scale of the development, the proposal would provide 8 bedrooms, (plus a commercial unit) with direct access to shops and services, and public transport. Therefore, on the information available the level of on site parking, together with parking immediately to the rear, in a sustainable town centre location with access to a number of facilities, in this particular instance is considered appropriate.

- 7.25 The proposal would include a cycle area to the rear, together with refuse and recycle facilities for both the commercial unit and letting rooms.

(vii) Landscaping

- 7.26 The Council's Landscape Officer has been consulted over the proposal and has raised no objection, with a recommendation as to soft and hard landscaping, boundary treatments and building materials conditions. If permission is granted such conditions are recommended.

(viii) Ecology/BNG

- 7.27 The proposal is accompanied by a Bat Roost Potential Report, and a subsequent Bat Emergence Survey Report (BESR). The Ecologist has been consulted and following the submission of the BESR, is content that roosting bats are not currently a constraint to the development and therefore no objection is raised. However, the Ecologist recommends an informative on the decision notice if permission is granted if bats are found within the building during the works. Such an informative is recommended.

- 7.28 Biodiversity net gain (BNG) is a legal requirement for planning permission introduced for small sites such as this on 2nd April 2024. In this case the applicant has claimed an exemption from the BNG requirements due to the development proposal falling below the applicable thresholds of 25sqm of on-site priority habitat or 5m of on-site linear habitats. From the case officer's visit, it was evidenced that there rear of the site is tarmaced, with grass and weeds broken through parts of the tarmac area, mainly around the edges, where there are some shrubs. There are also moss patches on the tarmac. No evidence of priority habitat in the area to the rear which is basically a hardstanding area, lacking maintenance, used for car parking and at the time of the officer's visit included the siting of a storage container.

- 7.29 Having given due consideration to the nature of the proposal, it is clear that no priority habitat will be lost as a result of the works. On this basis it is agreed that the development is exempt from BNG requirements.

(ix) CIL

- 7.30 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the house in multiple occupation would be 89.1 sqm, which is calculated at £12,442.18.

8 **Conclusion**

- 8.1 The proposal is in a sustainable town centre, located close to public transport and other services and facilities, where the principle of development is acceptable. The development would not have an adverse impact on the locality or neighbouring properties and would not result in any changes to the access, with the level of parking acceptable for this sustainable town centre location. Drainage, highways, parking, landscape and ecology have been addressed or would be controlled by the imposition of appropriate conditions. Mitigation has been secured for nitrates and the SRMS. The development is considered to accord with the development plan as a whole with conditional planning permission recommended.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application PAP/24/00291 subject to the following conditions

1 **GENERAL**

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:

Plans

Site Plan Rev C - uploaded 17/1/25
Block Plan as Proposed uploaded 21/5/24
Proposed Floor Plans uploaded 21/5/24
Proposed Front Elevation uploaded 21/5/24
Proposed Rear Elevation uploaded 21/5/24
Proposed Side Elevation uploaded 21/5/24
Aerial Photograph uploaded 17/1/25
Email dated 5/1/25

Documents

Application Form
Bat Roost Potential Report dated 2nd January 2024, Sylvatica Ecology Ltd
Bat Emergency Survey Report dated 25 August 2024
Design & Access Statement , dated October 2023
Town Planning Statement, dated 2023
European Site Avoidance and Mitigation Checklist
Nutrient Budget Calculator

Occupancy Calculator

CIL Form 1 and 2

Agent's email dated 24/12/24 confirming exemption from BNG requirement

Reason: To ensure provision of a satisfactory development.

- 3 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.

- 4 No floodlighting, or other form of external lighting scheme, including at or on the building, shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants outside of and within the development from light disturbance / nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, the commercial unit on the ground floor (32 sqm) shall not be used at anytime for any purpose not falling wholly within the scope of Class E, restricting the uses to retail, leisure and offices only in the Schedule of the Town and Country Planning (Use Classes) Order 1987, as now amended.

Reason: To promote the vitality and viability of Cowplain Town Centre having regard to Policy CS4 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

6 **PRECOMMENCEMENT**

Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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.

- 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 ABOVE GROUND

No above ground construction works shall take place until details have been submitted to the Local Planning Authority that 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. The acoustic mitigation measures shall be fully employed prior to the occupation of the residential units.

Reason: To protect the amenities of the future occupants of the proposed dwellings and to ensure the residential amenity of the properties is not impacted upon by any external noise levels, including road traffic noise having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9 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 the locality and 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.

- 10 Prior to occupation of the development hereby approved, maintenance responsibilities and regimes for the rainwater harvesting system shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The approved scheme shall be implemented prior to occupation and thereafter maintained and retained.

Reason: To harvest locally available rainwater and to ensure a sustainable water resource having due regard to policies and proposals CS14 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to the occupation of the development hereby permitted details of the planting, in terms of sizes and species shall be submitted in writing to the Local Planning Authority for approval. The approved landscaping works shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The car parking 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.

- 13 Prior to the occupation of the development full details of the Electrical Vehicle Charging point shall be submitted to and approved in writing by the Local Planning Authority. The Charging Point shall be installed in accordance with the approved details prior to the occupation of the development and retained and maintained at all times thereafter.

Reason: To ensure the efficient use of resources having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015 (as amended), prior to first occupation of the extension hereby permitted the windows in the first and second floor on the north east elevation facing shall be fitted with limit stop mechanisms and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

15

1. 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.

16

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. 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.