

rear access into the courtyard with a combined bin and bike storage separate to the residential use. There would be 3 levels of residential accommodation above, which would comprise of 7 No 1 bed flats in the second building and 6 No. 2 bed flats in the first building, each unit meeting national standards for sizes and daylight requirements. There would be access to an enclosed roof amenity area via an enclosed staircase for the first building. On the roofs of both buildings photovoltaic panels are proposed, with a small amenity area on the roof of building one.

- 3.3 Vehicular access to the site would be off Swiss Road via an underpass beneath the first floor of the second building, with a clearance of 2.5m and a width of 3.5m. 5 car parking spaces are provided for the proposal. Cycle racks and bin storage would be provided for the flats, with the former only provided for the larger of the two commercial units. Small areas of landscaping are also proposed, within the courtyard and to the front of building two.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Housing Delivery Position Statement March 2022

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS21	(Developer Requirements)
CS4	()
CS8	(Community Safety)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

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)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Site Notices: 2

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control - No Comment

Communities Manager - No Comment

Community Infrastructure - Comments

CIL

The CIL rate is set out in our Charging Schedule and all the appropriate documentation and current rates can be accessed from this page:

<https://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

The amounts in the Charging Schedule are indexed according to the year in which the CIL liable permission is issued. If the permission is issued in 2023 the original rates in the CIL Charging Schedule will be increased by 58.48%. The Design and Access Statement dated October 2022 has not taken into consideration the application of CIL Indexation.

In CIL Form 1 the buildings are stated to still be in use and this should be checked by the Case Officer at the time of their visit.

S106

The application suggests that the provision of Affordable Housing is not viable and this will need to be tested to confirm this is indeed the case. The need for a S106 could arise to cover the provision of affordable housing or could arise out of further consultee responses.

However, we would expect this application to need mitigation in respect of the Solent Recreation Mitigation Strategy and Nutrient Neutrality. This can be addressed through a Unilateral Undertaking unless a 'wider' S106 is required.

The Case Officer would need to consider the ("Definitive") Solent Recreation Mitigation Strategy (SRMS), details accessed from:

www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy

The current scale of charges is available on our website using the link above. The rates are indexed 1 April each year.

Nutrient Neutrality

See the Council's Position Statement on Nutrient Neutrality

<http://www.havant.gov.uk/nitrogen>

And 'Guidance for developers': <https://www.havant.gov.uk/nitrogen-developers>

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

Latest version accessible from:

<https://www.havant.gov.uk/community-infrastructure-levy>

If a more expansive S106 agreement is necessary there are HBC monitoring fees to be considered for any HBC 'Heads of Term', see below for detail. There may also be HCC monitoring fees.

HBC Monitoring Fees: As part of the 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We already have an agreed schedule of charges and these are currently as follows:

- £798.00 per non-financial head of term (outside the scope of VAT)
- 5% of cost per financial head of term (outside the scope of VAT)

Councillor Gwen Robinson - No Comment

Councillor Mike Sceal - No Comment

Councillor Peter Wade - No Comment

Countryside Access Team - No Comment

County Archaeologist - No Objection

There are no archaeological sites currently recorded at this location, and the existing structure on site will have compromised the archaeological potential of the location. Accordingly I would not raise any archaeological issues.

Crime Prevention -Major Apps

Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance advises: "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides." It continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult." Plot number 1's ground floor windows can be easily accessed from Swiss Road, this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder some defensible space should be provided along this elevation, to allow the windows to be defended by planting.

The external access door to the residential cycle store is a double door, in this situation this is not ideal with the second leaf often becoming insecure. This increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder the external door to the cycle store should be a single doorset.

A combined cycle and bin store is provided for use by the retail units. This store does not appear to be fitted with a roof, which makes the store insecure. A cycle store

should provide protection from the elements, which this does not. This does not comply with the Parking, Supplementary Planning Document. To be comply with the required standards, the combined bin and cycle store should be fitted with a roof.

To reduce the opportunities for crime and disorder and reduce the fear of crime, a high level of lighting should be provided within the underpass and the courtyard parking area.

Officer Comment: *Cycle storage would be located within enclosed areas as would some of the bin storage. The remaining bin storage would be sited within the underpass, which would provide protection from the elements. Provision of lighting would be conditioned if permission is granted.*

Planting has been provided in front of Plot 1 to provide a defensible space

Developer Services, Southern Water - Comment

The applicant has not stated details of means of disposal of foul drainage from the site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements
In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h
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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Officer Comment: *if permission is granted, the comments of Southern Water would*

be an informative on the Decision Notice.

Early Years - No Comment

Economic Development - Support Principle

The suite is underused on a potentially prime location in the town centre that would benefit from redevelopment, a principle that has already been accepted.

Therefore the principle should again be supported as it will generate town centre footfall and remove unattractive buildings whilst providing much needed new homes

Environment Agency - No Comment

Environmental Health Manager, Community Group - No Objections

This application seeks demolition of an existing building to provide 15 flats at upper levels and commercial unit on ground floor. The proposed site appears to be situated within an area characterised by mixed residential and commercial operations and the possibility of noise impacting on the future residents are quite obvious. Therefore, whilst I have no objections to the proposed scheme, I can advise that should planning permission be granted the sound insulation performance for the flats should be adequate and sufficient to ensure that the future occupiers of the flats are not exposed to unacceptable level of noise intrusion.

Accordingly, I have recommended the **following conditions**.

Sound transmission reduction condition

Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed within the separating walls between the proposed dwellings and existing commercial premises that share a party wall to limit airborne sound transmission.

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). Once agreed in writing by the Local Planning Authority the approved details shall be installed prior to the development being occupied and retained thereafter.

Sound Insulation Condition

A scheme of noise insulation/reduction shall be submitted to ensure that the noise level of 35 dBLAeq,16 hour in living rooms and bedrooms during the daytime (0700 to 2300 hours) and 30 dBLAeq,8 hour and 45 dBLAmax during the night time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Where these levels cannot be met with windows open appropriate acoustic ventilation should be provided so that the room can be sufficiently ventilated. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given above are not compromised.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy

Framework.

Plant Noise condition

The rating level of the noise determined by the cumulative sound emissions of all items of plants shall be at least 5 dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To obtain required sound insulation and prevent noise nuisance”.

Construction/ Demolition Management

No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP), to include details of:

- (a) provision of boundary hoarding;
- (b) hours of operation;
- (c) means to control dust and emissions to air;
- (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority.

The CMP shall be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality.

In terms of other Environmental Health matters such as Air Quality, and land contamination matters, my colleague may provide further comments under a separate consultation response.

Officer Comment: *if permission is granted, the above conditions would be included in the decision notice. No response has been received in respect of Air Quality.*

Hampshire Highways - Final Comment - No Objection

The applicant has submitted a revised Design and Access Statement and drawings which the Highway Authority have reviewed and have the following comments to make.

Visibility

The applicant has confirmed that hedging partially obstructs the left hand splay which will be maintained to ensure that this does not obstruct past the 0.6m height restriction. To the right, the splay is partially obstructed by an existing substation which was previously deemed acceptable by the Highway Authority under the extent scheme (planning reference APP/16/00963). In this instance, the Highway Authority are satisfied that due to the low flow nature of the access point, the slightly obstructed visibility to the right will not lead to a highway safety issue. Considering the above, no further visibility splays and tracking are required to support this access arrangement.

Refuse/Servicing

The applicant has confirmed that the drag and carry distances for refuse accord with the requirements as laid out within Manual for Streets. Additionally, refuse

arrangements for the retail units are to be inline with the refuse arrangements for the residential units. The Eurobin has been replaced with regular size 'wheelie' bins to allow for manoeuvring within the 0.9m spacing and for refuse collection to be undertaken as proposed. This is noted.

The applicant has also confirmed that the fire tender is able to access the retail units and dwellings in accordance with Manual for Streets guidance with access to be via Swiss Road to the rear and London Road at the front.

In response to the Highway Authorities previous comments, bollards are proposed to the rear of parking spaces as shown within drawing KAD-10-A-PP Rev C and hatching has been provided for the 1.92m X 4.8m area to ensure that vehicles do not obstruct the movement of bins from the bin store to the bin collection point. This is agreed to be appropriate mitigation.

Parking

The applicant has confirmed that 5 cycle parking spaces are to be provided for the larger retail unit within the rear courtyard. No cycle parking spaces are provided for the smaller retail unit. Havant Borough Council as the Local Parking Authority should confirm whether this cycle parking quantum is acceptable. The Highway Authority will be satisfied subject to written confirmation from Havant Borough Council that this provision is agreed and should be reconsulted for further comment should the LPA have any concerns with the cycle parking quantum.

Site Access Mitigation

The 2.5m height clearance for the flats has been reinstated on drawing KAD-10-A-PP Rev C. A commitment has also been provided within the Design and Access Statement regarding the provision of warning signage to indicate the height of the underneath passage to be located on the rear elevation. This is agreed.

Having regard to the above, the Highway Authority provides no objections to this planning application subject to the following conditions:

ACCESS CONSTRUCTION PROVISION

No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be subsequently maintained so thereafter.

Reason - To provide satisfactory access and in the interests of highway safety.

CONSTRUCTION METHOD STATEMENT REQUIRED

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Officer Comment: *If permission is granted the above conditions are recommended, together with an informative requiring a warning sign to be erected prior to occupation, stating the height of the underpassage.*

Hampshire Highways - 2nd Comment - Further Information Required

The Highway Authority wish to make the following comments. For clarity, the Highway Authority requested the following further information in our previous response dated 20th January 2023:

- ☐ Vehicular visibility and pedestrian intervisibility splays in accordance with Hampshire County Council Technical Guidance TG3;
- ☐ Refuse and servicing arrangements should be confirmed and required distances should accord with the requirements as laid out within Manual for Streets;
- ☐ Dimensions of parking spaces should be provided;
- ☐ Dimensions of the aisle width between parking spaces should also be provided;
- ☐ Further thought should be given to the number of proposed cycle parking spaces; and
- ☐ Further consideration should be given to the parking layout

The applicant has submitted revised drawings which the Highway Authority have reviewed and have the following comments to make.

Visibility

Whilst the applicant has submitted visibility splays in drawing KAD/10/A/PP Rev B these are not in accordance with HCC TG3 and should be revised. Additionally, pedestrian intervisibility splays are missing and should also be provided.

Refuse/Servicing

Refuse and servicing arrangements have not been confirmed for the site. The applicant should also confirm whether the required distances for refuse and the fire tender accord with the requirements as laid out within Manual for Streets.

Parking Drawing KAD/10/A/PP Rev B confirms the dimensions of parking spaces to be 2.4m X 4.8m. These are in accordance with Havant Borough Council's parking SPD and are thus considered acceptable. The aisle width has also been confirmed to be 6.0m which is acceptable as there is appropriate space for vehicles to manoeuvre into parking spaces.

There is no narrative within the revised Design and Access Statement regarding further consideration towards the number of proposed cycle parking spaces for the development. As per the Highway Authorities previous response, it is not agreed that ample secure cycle parking has been provided to counteract the limited proposed parking for the site. It is requested that further consideration is given towards the proposed cycle parking numbers.

It was also requested that further consideration was given to the parking layout as the current layout creates an awkward manoeuvre for those dragging refuse from the bin store to the bin collection space and for those trying to access the bike stores. Should a vehicle be parked outside of the marked bays this would block any movements. It is noted that this matter is still outstanding.

Having regard to the above, the Highway Authority require the following further information requested before a formal recommendation can be made:

- ☐ Vehicular visibility and pedestrian intervisibility splays to be provided in accordance with HCC TG3 guidance;
- ☐ Refuse and servicing arrangements to be confirmed and required distances should accord with requirements as laid out within Manual for Streets;
- ☐ Further consideration should be given to cycle parking numbers; and
- ☐ Further consideration should be given to the parking layout

Hampshire Highways - 1st Comment - Further Information Required

Sustainable Access

The site is located within Waterlooville Town Centre in close proximity to local shops. Regular bus services also serve stops near the site providing connections to Havant, Portsmouth and the wider area.

Site Access

Vehicular access to the development is via the existing dropped kerb to the rear along Swiss Road. Vehicular visibility and pedestrian intervisibility visibility splays should be provided in accordance with HCC Technical Guidance TG3 to ensure that the appropriate visibility can be achieved considering the alterations at the site boundary. It is noted that the aisle width for the access road is narrow (2.5m) however low vehicular flows are likely to be present and there is appropriate visibility to ensure that no reversing onto the highway occurs.

Refuse/Servicing

Refuse and servicing arrangements for the development should be confirmed. Carry distances and drag distances for refuse should be confirmed and should be in accordance with Manual for Streets. The Highway Authority reserve the right to request further information from the applicant on receipt of this further information. A fire tender should also be able to access dwellings within the required distance as laid out within Manual for Streets and this should also be clarified.

Parking Provision

The applicant is proposing 5 vehicle parking spaces and 15 cycle spaces. It is Havant Borough Council's responsibility as local parking authority to confirm whether these parking arrangements are acceptable. The Highway Authority however have the following comments to make.

The proposed cycle parking is 8 short of the long stay cycle requirements as laid out within Havant Borough Council's Parking Supplementary Planning document for residential development. It is not agreed that ample secure cycle parking has been provided to counteract the limited proposed parking on site. No consideration has been given towards cycle parking for the retail units and this should also be included within cycle parking numbers. Further thought should be given to the number of proposed cycle parking spaces.

Dimensions of the parking spaces should be confirmed to ensure they are in accordance with the standards as laid out within Havant Borough Council's Parking SPD. The aisle width in between parking spaces should also be confirmed to ensure there is appropriate space for a vehicle to manoeuvre.

Site Layout

The layout of the parking court in its current format creates an awkward manoeuvre for those dragging refuse from the bin store to the collection only bin spaces and for those trying to access the bike stores. Should a vehicle be parked outside of the allocated bays this would block any required movements. Further consideration should be given to the site layout based on these comments.

Recommendations

Having regard to the above, the Highway Authority require the following further information requested before a formal recommendation can be made:

- ☐ Vehicular visibility and pedestrian intervisibility splays in accordance with Hampshire County Council Technical Guidance TG3;
 - ☐ Refuse and servicing arrangements should be confirmed and required distances should accord with the requirements as laid out within Manual for Streets;
 - ☐ Dimensions of parking spaces should be provided;
 - ☐ Dimensions of the aisle width between parking spaces should also be provided;
- and
- ☐ Further consideration should be given to the parking layout

Housing Manager (Development) - No Comment 26/7/23

Landscape Team, Havant Borough Council - No Objection, but Comments

From a landscape perspective we do not object to the principal of this development however we have the following comments:

- We have concerns with the height of the proposed development in relation to the neighbouring units. The previously approved application for Clock house had the top floor set back to mitigate the over bearing nature of an additional storey in the landscape. As such this should be adopted on this development or omit the top floor.

- The intention to have an additional 3 storey unit which backs on to Swiss Road would be deemed to be too dominant in the streetscape and would be contrary to HBC design guides and planning policy CS16.

- The applicant must demonstrate a biodiversity net gain with this application. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. This should be done by implementing consider soft landscaping

Officer Comment: Please see Section 7 for response as to impact on streetscape. As to biodiversity net gain, this is not yet required under the legislation for this development.

Leisure Officer - No Comment

Local Education Authority - No Objection

The proposed development of 15 dwellings (8 eligible dwellings) is expected to generate a total of 3 additional primary age children and 2 secondary age children. This is based on a figure of 0.3 primary age and 0.21 secondary age children per new eligible dwelling which was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary and secondary age children on those developments.

I will not be seeking contributions towards primary or secondary provision as the area can accommodate this potential yield.

Officer Comment: *since the above comments were received the number of flats has been reduced to 13, further reducing the need for an education contribution.*

Local Lead Flood Authority – Final Comment – No Objection

The County Council has reviewed the additional information provided in response to previous comments. The issue relating to discharge rates has been clarified and the proposals are acceptable. The issue relating to the existing surface water drainage connection is less concerning now that the above point has been clarified. The restricted

discharge through an existing connection is likely to provide betterment. Re_use of the connection is acceptable subject to details being agreed with the asset owner. We are satisfied with the principles of the development and have no objection but recommend that the following conditions are applied to this application:

1.No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Drainage Strategy has been submitted and approved in writing by the Local Planning Authority. The submitted details should include: a. A technical summary (with updated plans and calculations as necessary) highlighting any changes to the design from that within the approved Drainage Strategy. b. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753. c. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

2.Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include; a. Maintenance schedules for each drainage feature type and ownership b. Details of protection measures.

Office Comment: *If permission is granted the above conditions are recommended.*

Local Lead Flood Authority HCC - 1st Comment - Further Information Required

This response does not reflect the position of Hampshire County Council as the Highway Authority. If there is a potential for the drainage features to be offered for adoption, this will need to be discussed separately with Highways development planning as they might not be considered acceptable by the Highway Authority.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

The County Council has reviewed the submitted documents relating to the above application.

The site is brownfield and within Flood Zone 1. The site is at very low risk of flooding from surface water.

No surface water drainage information has been provided. The applicant should review our surface water checklist

(<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>) and provide the required information on the existing and proposed drainage systems (including discharge rates and locations), providing a layout and calculations for storm events up to the 1 in 100 year event plus a peak rainfall allowance for climate change. Additional information including flood exceedance flow routes, water treatment in accordance with the simple index approach and maintenance information is required.

We require this further information before we can make a decision on whether to recommend to the Local Planning Authority that planning permission is granted.

As a statutory consultee, the County Council has a duty to respond to consultations within 21 days. The 21 day period will not begin until we have received sufficient information to enable us to provide a meaningful response. Please ensure all data is sent to us via the relevant Local Planning Authority. If you require additional guidance on providing the correct information, we recommend you use our Surface Water Management Pre-application service which will enable discussions with the reviewing engineer and scope out works that would address the points raised. For full details, please visit: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on pre-application advice request form.

Norse South East, Operations Director - No Comment

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 your 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 dated 17 April 2023, 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.

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.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

The application is supported by a nutrient budget, dated 22 February 2023, calculating that the proposal will result in an additional load of 9.59 kg Total Nitrogen per year discharging to Solent designated sites.

We note that an alternative occupancy figure has been used in the nutrient budget calculation. Please note that the Natural England Solent Nutrient Budget Calculator uses a default value for the number of residents per dwelling of 2.4, reflecting the national average from Office of National Statistics (ONS) data. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. However please note, unless there is a clear justification for them to differ, such rates would need to be applied consistently in line with other policy requirements/approaches used in relation to the scheme (e.g. for calculating open space requirements). These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Officer Comment: *A revised Nutrient Budget was submitted, following a reduction in flats from 15 to 13, resulting in a corresponding reduction in mitigation for nitrates. Therefore, the correct mitigation for nitrates would be secured for the proposal, via the associated S106 agreement.*

Nutrient Team - No Objection

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

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,300 per kilogram of nitrogen (as at 1/4/23) which is to be increased annually at the start of the financial year in line with the Cost Price Index. In addition, 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 applicant is aware of the mitigation charge for nitrates at Warblington.*

Planning Policy - Comments

Policy Status:

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough.

The following policies are of relevance:

- AL1- Presumption in Favour of Sustainable Development
- AL2- Urban Area Boundaries and Undeveloped Gaps Between Settlements
- CS2 – Employment
- CS4- Local District Town Centre
- CS9 – Housing
- CS16 – High Quality Design
- CS17- Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM2- Protection of Existing Community Facilities and Shops
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development
- DM24- Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Principle of Development:

The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan and as such, there is a presumption in favour of sustainable development, subject to other material considerations.

In addition, the site lies within Waterlooville District Centre and the Secondary Frontage as defined by 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. This proposal would retain an active ground floor frontage with a main town centre use, and would therefore be supported in policy terms.

Affordable Housing:

Policy CS9 of the Core Strategy indicates that a 30% affordable housing requirement will apply unless a lesser requirement is transparently justified on viability grounds. The applicant has submitted a viability assessment in the submitted Planning Statement. In such cases, there is a need to validate the viability of developments, and an independent third party valuation should be sought, to be requested at the developers cost.

Design

The adopted local plan requires high quality design in all development under policy CS16 High Quality Design (Core Strategy).

Noise and Amenity Considerations

It is noted that there would be no private amenity space for the new dwellings though it is noted that there are some Juliet balconies at second floor and above at the front of the site, and at first floor and above at the rear. The space between the front and rear buildings would be dominated by parking and bin storage.

In addition, the proposed dense nature of the proposal means that the development could be impacted by shadowing and a lack of sunlight. Therefore consideration

should be given as to the standard of living afforded to any future resident. The Council's Environmental Health Team will be able to offer further advice on this matter.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Conclusion:

The proposal would retain main town centre uses and an active ground floor frontage and so is supported in policy terms. However, the less than policy compliant level of affordable housing will need to be demonstrated to be acceptable through an open book appraisal, which in itself will need to be subject to an independent review.

Given the dense nature of the proposal, there will also be a need to consider whether an acceptable form of living accommodation can be achieved for any prospective residents.

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 Comments: *the above comments from Portsmouth would be an informative on the decision notice if permission is granted.*

Scottish and Southern Energy (Major Apps) - Comments

We have sent you the plans of our network records within the area requested. You will shortly receive responses each of the following; any High Voltage Mains cables and

Low Voltage Mains cables.

Attached to this email is the 'Guide to Interpreting' which includes the legends for the plans on pages 7-9.

If a Service Cable is not shown on our maps sent, and you require the Cable to be Traced, please contact the General Enquiries Department on 0800 048 3516 (option 3) or via email, ge@ssen.co.uk

If you need further information on our network in this area or a quotation for any required works, please contact the Connections & Engineering Department on 0800 048 3516 or via email, connections@sse.com

Southern Gas - Comment

Please find an extract from our mains records for your proposed work area, any SGN assets are described in the maplegend. 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.

SE Hants Clinical Commissioning Group - No Objection

As an Integrated Care Board, we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services, NHS services in primary, community and secondary care settings.

The increased demand would be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development; however additional workforce and building capacity within the premises will be required.

The ICB considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard.

Please see below the NHS investment projection that the ICB will consider should the application be granted by the Council.

The proposed contributions formula for developments under 2000 dwellings is: 15 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease).

This means that South Eastern Hampshire ICB will be looking for a contribution of **£2,400.00** of planning gain for health.

South Eastern Hampshire ICB identifies multiple practices (Vine Medical Group, The Village Practice, Oaks Healthcare, Homewell, Curlew Practice) could be impacted by this development in our ICB areas all the following practice boundaries cover this area. However, it is likely that Vine Medical Group will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore, we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

Officer Comment: Since the above consultation comments were received the number of flats in the development have been reduced from 15 to 13. Following the above contribution's formula, this has reduced the contribution to £2,080

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: 22

Number of site notices: 2

Statutory advertisement: 23/12/2022

Number of representations received: 0

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

- 7.1 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

- 7.2 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.
- 7.3 The applicant has provided 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 agreed to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

- 7.4 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.
- 7.5 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 agreed to enter into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

- 7.6 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 would be secured by the associated legal agreement.

- 7.7 In other respects, having regard to the relevant policies of the development plan and all other material considerations, 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 (for existing & future residents)
- (iv) Affordable housing & viability
- (v) Highways & parking
- (vi) Landscape
- (vii) Flooding & Drainage
- (viii) Impact on Archaeology
- (ix) Education
- (x) NHS Clinical Commissioning Group
- (xi) CIL & developer contributions

- (i) Principle of development

- 7.8 The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan and as such, there is a presumption in favour of sustainable development, subject to other material considerations. In addition, the site lies within Waterlooville District Centre and the Secondary Frontage as defined by 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. This proposal would retain an active ground floor frontage, for main town centre use and would therefore be supported in policy terms.

- 7.9 Additionally planning permission was granted under reference APP/16/00963 for *"Redevelopment to provide 30No.new flats (19No. 1 bed and 11No. 2 bed flats) comprising demolition of 81C London Road and construction of 1No. three storey block to the front with commercial unit on the ground floor and 1No. three storey residential block to the rear together with the addition of a third floor roof extension to the principal frontage building; conversion of commercial space at first floor to residential; with associated minor alterations, car and cycle parking, refuse storage facilities and landscaping,"* approved 31/3/17."

- 7.10 This permission included the demolition of 81C London Road, to be replaced with a 3-storey building fronting London Road, with 2-storey to the rear. The permission also granted a 4-storey element (built out to 3 storey), fronting London Road, Hambledon Road & Swiss Road i.e. the Clock House. The permission relating to 81C London Road could in theory still be built out, as it has been implemented. Therefore, the redevelopment of the site has already been accepted by the previous grant of permission, albeit overall at a different scale. As with the earlier permission, the proposal provides the opportunity to visually improve the appearance of the site and the regeneration of the area, contributing towards the vitality and viability of this town centre location.

- 7.11 The addition of 13 flats in such a location would contribute to the Council's overall housing requirement. The Council, at the time of writing the report, cannot demonstrate a 5-year land supply of housing, which is currently only 1.81 years, with a

20% buffer zone. When the permission was granted for APP/16/00963 in 2017 the Council benefited from a 5-year land supply.

- 7.12 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Core Strategy (2011) (Core Strategy) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.13 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a high-density development at 96 dwelling per hectare on a site of approximately 0.135 hectares.
- 7.14 The adopted Local Plan policies echoes the advice in the National Planning Policy Framework (NPPF).
- 7.15 Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.16 Paragraph 124 of the Framework supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character. Policies CS17 and CS9 together are broadly consistent with this approach.
- 7.17 The Framework goes further and sets out at Paragraph 123 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.18 The principle of making more efficient use of an existing urban sustainable site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of several detailed planning considerations as set out below.

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

- 7.19 The site falls within Waterlooville Town Centre, with the existing vacant 2 storey building in a poor and dilapidated condition as is the garage to the rear which are viewed from London Road and Swiss Road. The appearance of the existing building and the rear of the site significantly detracts from the appearance of the locality. Policy CS6 of Core Strategy positively promotes regeneration of Waterlooville Town Centre, with particular focus on London Road's public realm.
- 7.20 The proposal would demolish the existing vacant commercial building and the rear garage to be replaced with 13 No. flats with two Class E (Commercial, Business and Service) units on ground floor facing London Road together with parking and bin and cycle storage. The proposal would be split across two buildings over 4 floors, with the first building fronting onto London Road, and the second building fronting Swiss Road.

The design of the buildings would be contemporary in nature, flat roofed, part horizontal cladded to the front of the buildings, with two Juliet balconies on the southern elevation. The material palette would be grey cladding, white render, grey galvanised railings for the Juliet balconies, with anthracite fascia and soffits and anthracite UPVC windows and doors. An enclosed roof terrace would be provided for the first building, with photovoltaic panels on the roofs of both buildings.

- 7.21 The proposal would replace an existing two storey building in London Road and a double single storey garage to the rear. The replacement building that would face London Road would be four storey (reduced following amended plans from 5 storeys), with a small roof building providing an entrance to the rear roof terrace, set back off London Road, which would abut an existing three storey building to the north west (ie the Clock House) of a very similar height, which wraps around the corner of London Road and Hambledon Road. (As to the Clock House permission was granted for a fourth floor set back behind a Juliet balcony, which has not been constructed). As to existing development to the southeast, this comprises of two storey flat and pitched roofed properties. The height of the first building in London Road would be seen as an extension of the Clock House development, with a very similar height, albeit not symmetrically vertical in design, which would not be out of keeping with the street scene or the appearance of the locality.
- 7.22 As to the second building fronting Swiss Road, this would be four storeys, abutting a two storey pitched roofed building to the north west, with a three storey building approved under APP/16/00963 in this location. However, the second building would be viewed in the context of the rear of the Clock House, part of which lies behind the two-storey building, wrapping around London Road and Hambledon Road, with part of this building fronting Swiss Road. As to existing development to the north east, Nos 1, 2 & 3, vehicular access (and parking) is from Swiss Road for these units, with these buildings being set back into the site, with all their frontages onto London Road. The height of the development along this side of Swiss Road, is staggered in nature, with the backdrop the two storey element in London Road. As to the other side of Swiss Road, Waterloo Police Station lies opposite the proposal and due to its asymmetrical design, is of a similar height to the proposed second building. When viewed within the overall context of the street scene, the second building would not be out of keeping with the character and appearance of the locality.
- 7.23 It is considered that the proposed development is of a form and layout that has responded in general and been informed by the character of the surrounding urban landscape in accordance with the requirements of Policy CS16.

(iii) Impact upon residential amenity & commercial uses

Impact on existing residents

- 7.24 There are existing residential properties at first floor and above in the Clock House immediately to the northeast. There is a two and part three storey building to the rear of the Clock House, which runs parallel with the site to the northeast. The only existing flat likely to be impacted by the first building is on the second floor of the Clock House, abutting the site. To reduce overshadowing of a primary window in this flat, the rear of the first building is angled away from the Clock House.
- 7.25 As set out in Havant's Design Guide SPD, the design of the proposal should avoid the loss of light to neighbours and that the "*Obstruction of light and outlook from an existing window can be mitigated against if the extension does not result in the centre*

of the existing windows being within a combined plan and section 45-degree overshadowing zone.” This is achieved by the angling away of the rear of the proposal.

Impact on future residents

- 7.26 The sizes of the 1 and 2 bed flats would comply with the Government’s Technical housing standards – nationally described space standard and would be built to energy efficient standards, with Solar Photovoltaic panels on the roofs of both buildings.
- 7.27 The rear separation distances between the two buildings would be approximately 22.5m and 24m, which is below the 28m advised in Havant’s Design Guide SPD between windows to habitable rooms. Although this is considered satisfactory in respect to outlook and day light it falls short of the guidance for privacy. This is however, a town centre location where high density development and lower separation distances are more common and generally more acceptable. Additionally, a separation distance of 20m for the 3 and 4 storey replacement buildings for the site was found to be acceptable, under reference APP/16/00693 in this town centre location.
- 7.28 The site is in an area of mixed residential and commercial uses, with the possibility of noise impacting on future residents from such uses. The Council’s Environmental Health Team has been consulted over the proposal and whilst raising no objection has recommended several conditions to ensure the sound insulation performance for the flats are adequate and are “...sufficient to ensure that the future occupiers of the flats are not exposed to unacceptable level of noise intrusion.”
- 7.29 The recommended conditions are concerned with sound transmission reduction, sound insulation, controls over plant noise and a Construction Management Plan. If permission is granted these conditions are recommended.
- 7.30 Bin storage for the proposal would be on the ground floor.
- 7.31 The car parking level for the proposal is limited and is discussed under the headings below: 'Access and Parking.'
- 7.32 The proposal would provide a satisfactory level of accommodation for future occupiers, in accordance with Policy CS16 of the Core Strategy.

Impact on existing commercial uses

- 7.33 The proposal is located within Waterlooville Town Centre, within a secondary shopping area. The proposal would replace the existing retail unit on the ground floor, with two separate retail units, which would incorporate active ground floor frontages, as required by Policy CS4 of the Core Strategy. The development would positively contribute to the economic and physical regeneration of Waterlooville Town Centre, with particular focus on London Road public realm in accordance with the aims of Policy CS6 – Regeneration of the Borough.

(iv) Affordable housing & viability

- 7.34 The site falls within Waterlooville Town Centre. The Council’s Delivery Position Statement, March 2022 confirms that “...developments of 10 dwellings or more will be expected to provide 30% affordable housing **outside** of Havant, Waterlooville, and Leigh Park town centres: and 20% affordable housing on sites **within** Havant,

Waterlooville, and Leigh Park town centres. Therefore, the proposal would normally be required to provide 20% affordable housing on the site, (or a contribution equivalent) unless it is justified on viability grounds that such provision would jeopardise the delivery of the scheme.

- 7.35 The application is supported by a viability report which states that the provision of any affordable housing is not viable. This has been independently assessed and it was found “...*there does not appear to be scope to support a contribution towards affordable housing.*” Therefore, on balance, it is acknowledged that to require affordable housing either by way of onsite provision or a contribution could not be supported and may prevent the site coming forward for residential and commercial development, which would adversely impact on the regeneration of this town centre location.

(v) Highways & parking

Access

- 7.36 Vehicular access to the site would continue to be from Swiss Road, with access to the courtyard from an underpass within the second building. The Highway Authority (HA) has been consulted over the proposal with the following confirmed.

Visibility

- 7.37 Lines of sight of 2m x 43m in either direction has been agreed by the HA. In agreeing this the HA has accepted that the splay to the right is partially obstructed by an existing substation “...*which was previously deemed acceptable by the Highway Authority under the extant scheme (planning reference APP/16/00963).* The HA is satisfied that due to the low flow nature of the access “...*the slightly obstructed visibility to the right will not lead to a highway safety issue.* As to the left hand splay the applicant has accepted a height restriction of 0.6m to ensure a hedge does not obscure the sight line.

Site Access Mitigation

- 7.38 As to site access mitigation, the HA has agreed the 2.5m height clearance for the flats in the second building, with a commitment made to provide this by the applicant that a sign to this effect would be erected at the entrance to the underpass. If permission is granted, an informative to this effect is recommended.

Refuse/Servicing

- 7.39 The provision of refuse bins for both the residential and commercial elements have been found to be acceptable to the HA, as has their manoeuvring space within the site.
- 7.40 It has been confirmed by the application a fire tender is able to gain access to the development in accordance with Manual for Streets guidance from Swiss Road to the rear and London Road from the front.
- 7.41 The HA has raised no objection to the proposal subject to precommencement conditions relating to the provision of the access and a Construction Method Statement. If permission is granted, these 2 conditions are recommended, which have been agreed with the applicant's agent, together with all the other recommended

conditions.

Parking

- 7.42 As to parking provision for the development, 5 spaces are proposed within the courtyard between the two buildings. Bollards are proposed to the rear of the parking spaces as shown within drawing KAD-10-A-PP Rev C with an area provided (shown hatched on this plan) to ensure that vehicles do not obstruct the movement of bins from the bin store to the bin collection point. The Highway Authority consider this to be appropriate.
- 7.43 In accordance with Havant's Car Parking SPD, 12 car parking spaces are normally required for the level of residential use, which includes 20% of unallocated parking for visitors.
- 7.44 An additional level of on-site car parking is required for the ground floor commercial element in the first building which would be a Class E use, which covers several uses, including retail, café or restaurant and offices other than Class A2. Based on a retail use for these units, this would increase the number of onsite car parking spaces to 16 spaces.
- 7.45 As to cycle provision, in total 21 stands are provided, 5 of which would be for the larger commercial unit, with none provided for the smaller commercial unit. For the residential units 23 cycle stands would normally be required, with 2 stands for the smaller commercial unit. Therefore, there would be a recognised shortfall of onsite parking of 11 spaces and cycle provision of 4 spaces.
- 7.46 The site falls within Waterlooville Town Centre, which is a recognised 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, including a supermarket (to the rear of the site), which lessen the need for individual travel.
- 7.47 As to a shortfall in car parking provision at the Clock House under reference APP/16/00963 this was a proposal for 30 new flats, with 14 existing flats, with only 20 parking spaces provided in recognition of its sustainable location. It is recognised that since this permission was granted Havant's Car Parking SPD has been partially updated in September 2019, with zero parking not supported in Waterlooville Town Centre for major schemes.
- 7.48 The application seeks to utilise near-site parking in dedicated car parks, which would be available a short distance to the south off Rockville Drive and slightly further to the northeast off Curzon Road. The applicant proposes that *"Further parking is sought to be provided through an S106 agreement with parking permits to the local public car park"*. Any such agreement would have to be secured via negotiations with the Council's Estates Team, not through a S106 agreement, which the applicant has been advised of, with an informative to this effect recommended if permission is granted.
- 7.49 In conclusion there would be a shortfall of onsite car parking and a more modest shortfall of cycle provision. This is balanced against the location of the development in Waterlooville Town Centre which is recognised in Havant's Car Parking SPD as *"... the second most accessible part of the Borough in terms of access to shops, services and public transport."*, and the fact that the Council cannot demonstrate a 5-year land

supply, which currently stands at 1.81 years. Having regard to these material considerations to which significant weight is given and Government advice at paragraph 11b(ii) in the NPPF, the benefits of granting the proposal would significantly and demonstrably outweigh the disbenefits of a lack of onsite car parking and cycle provision.

(vi) Landscape

7.50 As mentioned above two areas of landscaping are proposed for the site, one of which fronts Swiss Road (flat 1). This was provided in response to Hampshire Constabulary's comments, regarding a defensible space for this flat and crime prevention.

7.51 The Council's Landscape Officer (LO) has raised no objection to the proposed landscaping, which would be secured via a condition if permission is granted.

7.52 As to the other comments raised by the LO and the impact of the development on London Road and Swiss Road, these have been covered under the heading above 'Impact upon the character and appearance of the area'.

(vii) Flooding & Drainage

Flooding

7.53 The site falls wholly within Flood Zone 1, and based on current information, would remain so with climate change in 2115. Overall, the development is at a low flood risk (less than 0.1% AEP) and so is suitable for the residential development proposed.

7.54 A Flood Risk Assessment and Drainage Strategy Report has been submitted as part of the application. The EA has been consulted over the proposal but has not commented on the application, due to its location within Flood Zone 1. Due to the low risk from flooding associated with the site, the proposal is considered to accord with Policy CS15 of the Core Strategy.

Foul Water

7.55 The proposed foul water drainage strategy would be designed to connect to an existing 150mm Southern Water public foul water sewer. Southern Water has been consulted over the proposal and has advised that they would require a formal application for a connection to the public sewer to be made by the applicant/developer. It is recommended, if permission is granted, that the comments of Southern Water, which includes reference to surface water disposal, is an informative on the decision notice.

Surface Water

7.56 As to the disposal of surface water it is proposed that this would be connected to the existing 300mm Southern Water public water sewer, with the run-off from the development restricted to a flow rate of 42 l/s and attenuated up to the 1:100 + 40% storm return period.

7.57 The Local Land Flood Authority (LLFA) was consulted over the proposal and following additional information has raised no objection to the proposal, whilst recommending 2 conditions relating to details of a surface water drainage scheme and the long-term

maintenance of such a scheme. If permission is granted these two conditions are recommended.

7.58 The proposal is considered to accord with Policy CS15 of the HBLPCS.

(viii) Archaeology

7.59 The County Archaeologist has been consulted over the development and found that as there are no archaeological sites currently recorded at this location, and that the existing structure on site would have compromised the archaeological potential of the location, raises no objection to the proposal.

(ix) Education

7.60 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority, has advised that the anticipated yield of pupils for primary and secondary age children generated by the development can be accommodated within existing provision and therefore will not be seeking a contribution towards such provision.

(x) NHS Clinical Commissioning Group

7.61 The NHS Clinical Commissioning Group (CCG) has assessed the impact of the development and the impact it would have on existing health provision.

7.62 The resulting growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services, NHS services in primary, community and secondary care settings. The CCG have outlined that the level of additional demand that will be placed on NHS primary care does not warrant the commissioning of an additional GP surgery. However, the increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development, however additional capacity within the premises will be required. As such a financial contribution is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth, which would be secured through a legal agreement, if permission is granted.

7.63 The proposed contributions formula for developments under 2000 dwellings is: 13 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease).

7.64 This means that South Eastern Hampshire CCG will be looking for a contribution of £2,080 of planning gain for health for 13 flats, following a reduction in number of units applied for from 15, using the above formula.

(xi) CIL & developer contributions

CIL

7.65 The CIL liability for this site would be based on the 2024 payment of £73,282.14

Developer Contributions

- 7.66 The following contributions are required for the development, to be secured via the associated Section 106 Agreement:

Nitrates Mitigation	£31,670
Solent Recreation Mitigation Strategy	£7,510.55
SE Hants Clinical Commissioning Group	£2,080
Section 106 Agreement Monitoring fees	£798 per non-financial head of term (outside the scope of VAT). 5% of cost per financial head of term (outside the scope of VAT)

8 **Overall Conclusion**

- 8.1 The proposal, which would contribute towards the vitality and viability of this sustainable town centre location, with access to public transport, shops and other services, has been given significant weight.
- 8.2 Whilst it has not been possible to secure affordable housing provision on the site, due to lack of viability, the scheme would contribute to the Council housing stock, to which significant weight has been given.
- 8.3 An assessment of the impacts on existing residents' amenity from the development has been carried out and found to be acceptable.
- 8.4 An assessment of the impacts on future residents' amenity, has been carried out, with the resulting impacts on amenity considered acceptable.
- 8.5 The vehicular access to the site is deemed to be acceptable.
- 8.6 The level of parking and cycle provision has been considered and for this town centre location is considered acceptable.
- 8.7 Drainage and landscape matters have been addressed or would be controlled by the imposition of appropriate conditions or dealt with under other legislation.
- 8.8 Contributions as to the Solent Recreation Mitigation Strategy, nitrates and health provision would be secured by a section 106 agreement.
- 8.8 To conclude, the development is considered to accord with the development plan when considered as a whole 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/22/01072 subject to:

(A) completion of the Section 106 Agreement to secure the requirements as set out in paragraph 7.66 above (for which authority is given to the Head of Legal

Services to complete the Agreement); and

(B) the conditions set out below.

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

Proposed Site - Drawing No. KAD 10 A PP D
Proposed Elevations - Drawing No. KAD 09 A PP E
Proposed Ground Floor Plan - Drawing No. KAD 10 A PP C
Proposed Second Floor Plan - Drawing No. KAD 03 A PP A
Proposed Third Floor Plan - Drawing No. KAD 04 A PP A
Proposed Fourth Floor & Location Plan - Drawing No. KAD 05 A PP D

Documents

Application Form
Design & Access Statement Rev B
Affordability Table
Viability Assessment
Flood Risk Assessment & Drainage Strategy Report
Solent Nutrient Budget Calculator
Europern Site Avoidance and Mitigation Checklist

Reason: - To ensure provision of a satisfactory development.

3 The car parking, cycle provision 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 rating level of the noise determined by the cumulative sound emissions of all items of plant shall be at least 5 dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To obtain required sound insulation and prevent noise nuisance having due regard to policies DM10 and CS16 of the Havant Borough Local

Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5 PRECOMMENCEMENT

No development shall commence, including demolition and site clearance works, until a Construction Management Plan (CMP), to include details of:

- (a) provision of boundary hoarding;
- (b) hours of operation;
- (c) means to control dust and emissions to air;
- (d) means to control noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority.

The CMP shall be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'. The development shall be constructed in accordance with the approved statement.

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties and to minimise the impacts on local air quality having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 6** No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Reason: To ensure that the proposed development does not have a significant adverse impact on the amenities of nearby residential properties having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 7** No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be subsequently maintained so thereafter.

Reason - To provide satisfactory access and in the interests of highway safety having due regard to policies DM12 and CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 8** No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Drainage Strategy has been submitted and approved in writing by the Local Planning Authority. The submitted details should include: a. A technical summary (with updated plans

and calculations as necessary) highlighting any changes to the design from that within the approved Drainage Strategy. b. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753. c. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure satisfactory drainage provision having due regard to policies CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 9 Prior to commencement of the development the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed within the separating walls between the proposed dwellings and existing commercial premises that share a party wall to limit airborne sound transmission.

The scheme shall be designed to be 5dB better than that given in Approved Document E (2003 Edition incorporating 2004 and 2010 amendments) of the Building Regulations (Table 0.1a, page 12). The approved scheme shall be installed prior to the development being occupied and retained thereafter.

Reason In order to protect future occupiers against noise ingress having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10 **ABOVE GROUND**

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

11 **PRIOR TO OCCUPATION**

A scheme of noise insulation/reduction shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development to ensure that the noise level of 35 dBLAeq,16 hour in living rooms and bedrooms during the daytime (0700 to 2300 hours) and 30 dBLAeq,8 hour and 45 dBLAmax during the night time (measured with F time-weighting and between 2300 and 0700 hours) in bedrooms in accordance with BS8233:2014 shall not be exceeded. Where these levels cannot be met with windows open appropriate acoustic ventilation should be provided so that the room can be sufficiently ventilated. The acoustic performance of any passive vent, variable speed mechanical air supply unit or whole house ventilation must be sufficient to ensure that the noise level standards given

above are not compromised.

Reason: In order to protect future occupiers against noise ingress having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include; a. Maintenance schedules for each drainage feature type and ownership b. Details of protection measures.

Reason: To ensure satisfactory drainage provision having due regard to policies CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

13

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.

- 14 Prior to occupation details of the planting for the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Prior to occupation details of external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of safety and wellbeing having due regard to policies CS1, CS8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16 **POST OCCUPATION**

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.