
Site Address: 19 South Street, Havant, PO9 1BU
Proposal: Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to Class C3 (dwellinghouses).
Application Type: Prior Approval CoU E to C3
Application No: APP/22/00036 Expiry Date: 04/04/2022
Applicant: Steven Schrier
 Havant Conservative
 Association
Agent: Case Officer: Selina Donophy
Ward: St Faiths

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

This application site is a two storey, semi-detached property located on the east side of South Street. This property is brick built with projecting front bay windows at ground floor level and a tiled, pitched roof. It is set back from the road with parking space to the front. This site has been in use as the Conservative Club headquarters.

2 Planning History

98/56963/003 - Change of use of first floor offices to self contained 2 bedroom flat, PERM,22/09/1998
96/56963/002 - Change of use from office to one bedroom flat, PERM,26/02/1996
92/56963/000 - Provision of 4 No. velux roof windows to North elevation, PERM, APP/16/00604 - Application for Certificate of Lawfulness relating to use of premises as consulting rooms and offices., WD,26/09/2016
APP/16/00607 - Use of the premises as offices and consulting rooms by psychological clinicians., PERM,12/08/2016

3 Proposal

Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to Class C3 (dwellinghouses).

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS20 (Transport and Access Strategy)

DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)

AL1 (Presumption in Favour of Sustainable Development)

DM18 (Protecting New Development from Pollution)

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Community Infrastructure, Planning Policy & Urban Design

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

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

(b) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the additional dwelling and its respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

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

As this is a prior approval application, payment in respect of SRMS and Nutrient Neutrality is required up front before commencement. However, we strongly recommend the applicant settles this amount prior to the decision being made. If a prior approval is implemented without having met the obligations under the Habitat Regulations, there will be a breach of planning control.

Conservation Officer

The proposed change of use does not require any structural changes to the building or its exterior. As such the impact on the conservation area will be negligible.

Councillor Imogen Payter

No comment received

Councillor J Branson - St Faiths

No comment received

Councillor T Pike - St Faith's

No comment received

Engineering/Drainage

No comment received

Environment Agency

Thank you for consulting the Environment Agency on the above application. We have reviewed the information as submitted and set out our position and comments below. Environment Agency position
In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Cont/d.. 2

Advice to the Local Planning Authority

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Advice to Applicant

If the Applicant would like any further detailed advice we would be happy to provide this subject to a charge.

As part of this service you would have a dedicated project manager to coordinate the advice from different teams within the Environment Agency. It would also include bespoke technical and planning advice if you request this. This will allow you to have greater clarity about the assessments you need to accompany your planning application and certainty about whether the development is acceptable to us before you resubmit.

Sources of information for an FRA

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email SSDEnquiries@environment-agency.gov.uk and request a 'Product 4' or flood data for your site location. When sending a request, please also send a plan identifying the site boundary. Requests are usually dealt with within 20 working days.

Your Local Planning Authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your Local Planning Authority to determine what information is

available.

Guidance on how to prepare a flood risk assessment can be found on the gov.uk website here -

<https://www.gov.uk/guidance/flood-risk-assessment-for-planningapplications>.

A checklist on what should be included in a flood risk assessment can also be found on

the gov.uk website here –

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Site-Specific-Flood-RiskAssessment-checklist-section>.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Environment Agency further comment

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency Position

In the absence of an acceptable flood risk assessment (FRA) we would object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- take the impacts of climate change into account:

- o There is no assessment of the impact of climate change using appropriate climate change allowances [East Hampshire Management Catchment peak river flow central allowances for the 2080s epoch 'Flood risk assessments: climate change allowances']

Overcoming our objection

Cont/d.. 2

To overcome our objection, the applicant should submit a revised FRA which addresses

the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit

<https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Advice to LPA

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought:

- Adequacy of rescue or evacuation arrangements

- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Environment Agency final comment

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency Position

We have no objection to the proposal as submitted.

Advice to Applicant

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit

<https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

End 2

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

Advice to LPA/Applicant

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought:

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Environmental Health Manager, Community Group

No objections to the proposal.

Environmental Health Manager, Community Group

I have reviewed the submitted sketch plans alongside the location & spatial context of this development, and I would like to make some comments & recommendations with respect to ground contamination.

There are several potentially contaminating former landuses in the vicinity of this development, and the Council has previously required two site investigations on land within 10m of this development. Both of these investigations identified concentrations of contaminants which required proportionate remedial works, primarily to reduce exposure risks within private garden areas.

The form of development is that of a traditional two-storey dwelling, and I note from the sketch plan that it is intended to use the property curtilage to the rear as private amenity land / garden.

The property is 3-bedroomed and is likely to attract family occupants. NPPF para 183 a) requires that planning decisions ensure that a development is suitable for its intended use, taking account of ground conditions and any other risks arising from contamination. 183 c) also requires that adequate site investigation information is made available to inform an appropriate assessment of risks.

Given that it is likely that garden soils would exceed human health exposure criteria for Lead (Pb), and PAH congeners – it is considered that any change of use to a C3 class should be supported by a proportional investigation, and where necessary, proportionate risk mitigation measures to minimise exposure of vulnerable persons to these substances.

For this reason, I would recommend that any consent awarded be subject to the following conditions;

Condition 1 - Contamination (Standard – omitting EDS)

“Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report. The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough

Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

Condition 2 - Verification (omitting long-term monitoring)

"Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011,

DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

I would also recommend that the following informative be applied in order to steer the scope of investigation envisaged by condition 1;

Informative 1 – Guide to scope of required Site Investigation

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered [1] & [2] have been imposed in response to contamination risks which exist at the site in connection it's prior (uncertain) commercial tenure, within the context of the contamination profile of adjacent land.

Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with low mobility. Relevant exposure pathways associated with exposure to the solid contaminants are therefore associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that the proactive investigation within the footprint of the existing structure is necessary in the first instance. It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown source of contamination which is likely to be mobile.

It is expected that a physical site investigation limited to a maximum of 1m depth (below existing ground levels) will prove to be sufficient to characterise the risks posed to future occupants. The Council expects the sampling suite to include CLEA metals, PAH16 and an asbestos screen at a minimum. It should also be noted that former petroleum retail activity has been undertaken on two separate sites within 50m of the development land, so petrol/solvent vapours could become apparent during the investigation, or development. The Council expects the risk assessment required at condition [1] part 2) to include a 'contamination watching brief' which provides for reasonable vigilance for the presence of such contaminants, alongside appropriate actions in the event of discovery"

Environmental Health Manager, Community Group further comment

Observations / Comments:

I have reviewed the Apple Environmental 'Environmental Desk Study and Preliminary Risk Assessment Ref: CL/3344/SS, which has been assumed to be the subject of the re-consultation.

The conclusions of the report align with Environmental Health's own qualitative risk assessment and the recommendations of the original consultation response CONS/22/00426 (15/06/2022; electronic document ref: IM220615sen002).

It should be highlighted that the Apple CL/3344/SS report recommends intrusive works in line with the proposed informative. The scope of those works is considered to be acceptable to address the highlighted concerns.

The original consultation is considered to remain valid as a whole. No amendments are required to the proposed conditions or informative, and I would reiterate the continued need for the development to be conditional upon those provisions, to ensure the adequate protection of the health of future occupants - particularly infants.

Hampshire Highways

No comment received

Natural England Government Team

Thank you for your consultation on the above dated 16 June 2022 which was received by Natural England on the same date.

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

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

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

Your appropriate assessment, dated 15 June 2022, 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. Provided that your authority is

assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comment received	

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

- (i) Principle of development

7.1 The change of use of the premises proposed is the subject of recent changes to the General Permitted Development Order (GPDO) which have given a general permitted

development right for such changes to take place subject to a 'prior approval' process to go through. Consequently the principle of the change of use is considered acceptable.

7.2 Class MA of the GPDO sets a number of criteria for such applications (MA.1.) These criteria for such proposals and development is not permitted under certain circumstances - these are listed and commented on in relation to this application in 7.4 below:

7.3 Having regard to the relevant conditions of the GPDO it is considered that the main issues arising from this application are:

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e)where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Sections (g), (h) and (i) do not apply to this proposal.

Other matters

7.4 Under Class MA the General Permitted Development Order (GPDO) (Part 3 of Schedule 2) also states that the premises should be vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval- this is understood that the premises has been vacant for this time period. The building has been in use Class E use for at least 2 years prior to the date of submission. The cumulative floor space changing use would not exceed 1500m². The building (or land on which it sits) does not form part of a site of special scientific interest, a listed building or its curtilage, a scheduled monument or its curtilage, a safety hazard area, a military explosives area The building is not within an area of outstanding natural beauty (AONB), an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site. These requirements are understood to have been met.

Transport Impacts _

7.5 This proposal is for 1, 3 bedroom property and therefore 2 parking spaces on site are required and this has been provided on the front driveway. There is no change proposed to the existing parking set up and no new access requirements. The parking allocation requirements as specified in the Havant Parking SPD have therefore been met.

Contamination risks

- 7.6 The Environmental Health Officer has been consulted in this regard and initially requested further contamination reports as there are several potentially contaminating former landuses in the vicinity of this development. The Council has previously required two site investigations on land within 10m of this development. Both of these investigations identified concentrations of contaminants which required proportionate remedial works, primarily to reduce exposure risks within private garden areas. The applicant has provided initial contamination reports which show there is contamination risk on site and the Environmental Health Officer has been reconsulted, reconfirming that mitigation is required. The following conditions and informative have therefore been requested by the Environmental Health Officer and will be applied:

Informative 1 – Guide to scope of required Site Investigation

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered [1] & [2] have been imposed in response to contamination risks which exist at the site in connection it's prior (uncertain) commercial tenure, within the context of the contamination profile of adjacent land.

Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with low mobility. Relevant exposure pathways associated with exposure to the solid contaminants are therefore associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that the proactive investigation within the footprint of the existing structure is necessary in the first instance. It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown source of contamination which is likely to be mobile.

Condition 1 - Contamination (Standard – omitting EDS)

"Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report. The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.*
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

Condition 2 - Verification (omitting long-term monitoring)

"Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

Flood risks

- 7.7 The site is located within Flood Zone 3 and the Lavant Stream is sited to the west of the site. A Flood Risk Assessment has been submitted by the applicant which has included a site specific exception test and flood mitigation measures. The Environment Agency have been consulted in this regard and uphold no objection to this proposal.

Noise amenity issues from nearby commercial premises

- 7.8 The site is positioned within the urban area where a certain level of noise is expected. There are not judged to be any substantial nearby noise pollutants impacting living conditions of future occupiers of the proposed flats from nearby commercial premises. Environmental Health have been consulted and have no objections to this proposal.

Impact on the Conservation Area

- 7.9 This application site is located within the St Faiths Conservation Area and Havant's Conservation Officer has been consulted in this regard. The Conservation Officer has noted there would be no external changes and upholds no objection to this proposal.

Natural light to rooms

- 7.10 All habitable rooms would be supplied by natural light and the property would meet the Nationally Described Space Standards.

Other matters

- 7.11 Under the Habitat Regulations the proposal results in new dwellings, for which avoidance and mitigation measures must be secured to protect the habitats and species of the Borough's European sites prior to implementation. With respect to development undertaken by the GPDO, the Conservation of Habitats and Species Regulations (2017, as amended) (hereafter referred to as the Habitats Regulations) sets out at Regulation 75 that it is a condition that development that is likely to have a significant affect on a European site must not be begun until the developer has received written notification of the approval of the LPA under Regulation 77 of the same regulations. For the avoidance of doubt, this report is not the approval under Regulation 77 of the Habitats Regulations. In this instance the site lies within 5.6km of the Solent SPA where additional recreational pressure is likely to have a significant effect. Appropriate mitigation is possible through a financial contribution towards the Solent Recreation Mitigation Strategy and in relation to nutrients before development commences - it is noted a payment of £2282.71 has been received to cover these requirements.
- 7.12 The application has also been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to two additional units of accommodation, which would be likely to lead to a significant effect (as described in Regulation 61(1) (a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The development is not necessary for the management of the European sites

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The application submission indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the contributions and deeds in respect to both requirements have now been received.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. As such, given the securing of appropriate mitigation packages, and subject to condition being attached to secure that the additional dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 Litres per person per day, the proposal is considered to be acceptable having

regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the HBC (CS) 2011, Policy DM24 of the HBC LP (Allocations) and emerging policies E14, EX1 and E12.

8 Conclusion

- 8.1 The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to flooding, transport, contamination, noise and light amenity and impact on the conservation area arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions and informatives.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PRIOR APPROVAL** for application APP/22/00036 subject to the following conditions

- 1 The development must be completed within a period of three years starting with the prior approval date.

Reason: To comply with the conditions contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3 MA.2

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Flood risk assessment uploaded on the 07.06.2022
Proposed floor plan uploaded on the 09.02.2022
Location plan uploaded on the 26.01.2022
Contamination report uploaded on the 27.07.2022
Contamination report uploaded on the 02.09.2022

Reason: - To ensure provision of a satisfactory development.

3

Prior to the occupation of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants.

- 4 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with Condition 3 shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants.

- 5 The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.
 - (c)

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application.

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

- 6 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated

nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application.

To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided

against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of

Habitats and Species Regulations 2017 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.