
Site Address:	Fernwood House, 45-47 London Road, Cowplain, Waterlooville		
Proposal:	Second Floor Extension to form 2 flats (1No. one bed and 1No. 2 bed) with associated refuse and cycle stores.		
Application No:	APP/21/00543	Expiry Date:	04/08/2021
Applicant:	Mr Blackburn		
Agent:	Mr C Flint	Case Officer:	Tina Pickup
	Chris Flint Associates Ltd		
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site relates to a mixed use, flat roofed two storey building located on the corner of London Road with Kings Road, known as Fernwood House. The red lined application site relates to the whole of the site ie all units 1- 6 including first floor areas above, rear service and parking area and frontage forecourt. The applicant owns most of this area, with the exception of first floor flats 1A, 2A and 3A, and Notice has been served on these accordingly. Vehicular access is taken off Kings Road. A right of access exists to the adjacent funeral directors across the rear service/parking area to the rear of number 43.
- 1.2 The ground floor of the site is in commercial use, with a mix of users including A3 restaurant Koop+Kraft, A1 double glazing showroom, A2 financial advisers. In the updated 2020 Use Classes Order these would all be Class E uses. The first floor originally comprised the 3 flats and above units 4 to 6 were offices.
- 1.3 Following a complex planning history, retrospective planning permission was granted in March 2020 under ref APP/19/01230 for the conversion of the first floor offices to form 8 x 1 bedroom flats with associated refuse and cycle stores and parking. That scheme has now been implemented and occupied. Planning permission was then granted on 17 December 2020 under reference APP/20/00314, for the addition of a second floor above the majority of the frontage flat roof, to create 2No. 2 bed and 6No. 1 bed flats. This has not yet been implemented but some of the conditions are currently being sought to be discharged.
- 1.4 The site is located within the Cowplain District Centre and within the Secondary Frontage.

2 Relevant Planning History

90/54268/000 - Retention of 2 free standing 4 sheet double sided advertisement display units, PERM,19/03/1990

02/54268/002 - Installation of bollards to forecourt area adjacent to London Road., REF,12/11/2002

99/54268/001 - Provision of permanent roof handrail system, PERM,23/03/2000

09/73832/000 - Change of use of ground floor premises from Class A2 (financial and professional services) to Class A3 (restaurant)., PERM,31/07/2009

10/73832/001 - Discharge of Condition No/s 2, 3 and 7 of Planning Permission 09/73832/000., PERM,03/08/2011

APP/11/01118 - Change of use from Class A1 (Retail) to mixed use of A1 (Retail) and A5 (Hot Food Takeaways). (Retrospective application.) , PERM,16/12/2011

APP/12/00140 - Discharge of Condition No. 1 of Planning Permission APP/11/01118. , PERM,06/06/2012

APP/14/00336 - Prior notification for change of use from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination., PAYA,22/05/2014

APP/14/00338 - Erection of second floor extension to provide 4No apartments comprising of 1No. 3 bed, 2No. 2 bed and 1No. 1 bed apartment and external alterations. Planning Permission 23 May 2014

APP/19/00533 - Prior notification for change of use of first floor from class B1(a) office use to C3 residential use (8No 1 bed flats) subject to prior approval covering flooding, highways and transport issues and contamination., PAYA,02/12/2019 11:54:45

APP/19/00975 - Replacement windows, doors and associated cladding, fascia and soffits., PERM,22/11/2019

APP/19/01230 - Retrospective application for conversion of first floor to form 8 x 1 bedroom flats with associated refuse and cycle stores and parking. (9.3.20). Request to discharge condition 2 (Ref 25.9.20). Request to discharge condition 2 (30.9.20) [Note: Grampian Condition applies, contact LPA for details], PERM,09/03/2020

APP/20/00314 - Second floor extension to form 2 x 2 bedroom and 6 x 1 bedroom flats with associated refuse and cycle stores, landscaping and parking. (Resubmission). (Approved 17.12.2020). Request to discharge condition No/s 3, 4 and 5 (received 05.05.2021)., PERM,17/12/2020

3 Proposal

- 3.1 Second Floor Extension to form 2 flats (1No. one bed and 1No. 2 bed) with associated refuse and cycle stores.
- 3.2 This application proposes two additional flats at second floor to the 8 already approved under APP/20/00314, sited on the two northern projections of the building, above existing flat 3a, and new flat number 1 created under APP/19/01230. They would be of matching design and materials to APP/20/00314, but built up to the edge of the building's facade, without any recess. One flat would have 1 bedroom and the other 2 bedrooms, and be accessed via the stairwell off King's Road. No additional parking is proposed to serve these two flats.

4 **Policy Considerations**

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

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
C3*	(Cowplain District Centre)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

The structural stability of the existing building and the ventilation of the existing flats would be subject to the Requirements of the Building Regulations, under Requirements A1, A2 and F1, but it will be for the applicant to show how they will achieve compliance. There is insufficient information at planning stage to be able to comment on these issues.

Community Infrastructure

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

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

(d) 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>

Crime Prevention

None received

Southern Water

Sewer Plan enclosed

Public surface water sewer requires a clearance of 3m on either side to protect it from construction works and to allow for future maintenance; no development or tree planting within 3m of the external edge of the public surface water sewers; no soakaways, swales, ponds, watercourses or other surface water retaining or conveying feature within 5m; all existing infrastructure should be protected during construction;

Note that the properties are already built over the sewers and if the foundation line or depth or structural load altered, then must seek SW's approval;

Restrictions on tree planting adjacent sewers - see Guide for any landscaping proposals;

if any sewer found during construction works, an investigation of the sewer will be required to ascertain its ownership before works commence;

Formal application for connection to the public foul and surface water sewer required;

Economic Development

None received

Environmental Health Manager

Noise/Pollution:

Environmental Health has no objection subject to the following condition being attached to any permission you are minded to grant:

No development shall commence on the site until precise details of the noise protection measures to be installed in each flat has been submitted to and approved in writing by the Local Planning Authority. The scheme must show compliance with BS8223:2014. Once the approved scheme has been installed on site, and prior to first occupation, post validation testing must be carried out by a qualified noise consultant and results submitted to the Local Planning Authority for verification. Should the measures not achieve adequate noise levels, then further remedial works must be agreed in writing and subsequently adjusted on site to the satisfaction of the Local Planning Authority. No occupation shall occur until all agreed noise protection measures and validation testing has been agreed in writing by the Local Planning Authority, Noise protection measures shall remain installed and maintained on site thereafter.

Contamination:

It is considered that the risk profile for the site (i.e. the health risks to occupants) in terms of either exposure to contaminants, or atmospheric pollutants is unchanged by the addition of the proposed units.

The quantum of development is such that it falls outside of emerging policy E23. This notwithstanding, I note that the applicant is seeking a <SPD quantum of vehicle parking on grounds of accessibility of the site by sustainable and active modes of travel.

I would broadly agree with the statement at paragraph 2.4 of the parking technical note that *'The site presents a highly realistic opportunity to promote travel via sustainable modes of transport due to the site's extremely close-proximity to key amenities and services'*.

It would appear that the 22 space long-stay cycle store proposed is either required by- or has been delivered under consent no. APP/20/00314, and with reference to the aggregate total quantum of development, the cycle storage provision would still be marginally above SPD. the location of that storage facility is on the ground floor, externally accessible and reasonably convenient, supporting the above-quoted statement.

Environmental Health supports a zero allocation for vehicle-parking, on Air Quality grounds (encouraging sustainable travel & avoiding transport emissions).

Hampshire Highways

The Highway Authority note that this application is to provide an additional 2 residential units, on top of the already approved 16 residential units in application APP/20/00314 and APP/19/01230, giving a total of 18 residential units. Due to there being no changes to the existing access, with little additional increase in the trips associated with the site, the Highway Authority have no objections.

Parking is a matter to be considered by Havant Borough Council, as the Local Planning Authority to make sure the parking arrangements fall into their adopted standards.

Landscape Team

We have concerns with the condition of the hard surfacing to the frontage of Fernwood house. The lack of investment to improve hard landscaping is deemed to be detrimental to the landscape character of Cowplain. We would want to see some improvement works that introduce new hard and soft landscaping as part of this scheme. The site plan suggests 2 no. planters to the frontage of Fernwood house, which is a deemed a step in the right direction, however this alone is not deemed acceptable. We would wish to see a comprehensive and well-designed landscape scheme which includes new hard surfacing, soft landscaping and the introduction of some seating. With a preference of the seating being incorporated into the raised bed planters.

- There is a lack on the specification of the development including building dimensions and material pallet we will require this information for comment. This should include product name, manufacturer, colour and an example of the proposed material.

- Given the applicants intentions to improve the hard landscaping and provide soft landscaping to the front of the site we have concerns with the tensions this could create with the Surefix vans parking out the front. At present approx. 4 no. vehicles are parked up outside Fernwood House each morning and this needs to be considered as apart of the application.

Officer Note - *since these comments a landscape scheme has been submitted and approved as part of the discharge of conditions of APP/20/00314 and that approved landscaping scheme would also apply to this current application*

Natural England Government Team

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted a position statement, to ensure that development achieves nutrient neutrality through the agreed site specific nutrient budget. Specifically, mitigation measures for this development involve the use of a specific on-site avoidance measure as well as the use of Warblington Farm as a specific off-site mitigation measure.

The nutrient budget calculated for this development, with a net increase of 2 dwellings is **1.6 kg/TN/yr**. As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation for this scheme would be **£2,008.60**.

Provided that the applicant is complying with the requirements of the Interim Strategy for **1.6 kg/TN/yr** and that the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00543.

Traffic Management

The Traffic team would be opposed to the proposals as there is no additional allocated parking space available.

Waste Services Manager

None received

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 33

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4 letters have been received, from 3 objectors:

Comment	Officer Comment
I wish to register my opposition as I do not believe the building is structurally sound enough to take the further weight. Also it will take away my quiet enjoyment and right to live in my property as I purchased it. This site is already over populated and creating more flats will only make the situation worse. I have a working gas fire also with chimney and do not wish to have this taken away. This is a ridiculous application and will make the whole building look odd. As I have stated, I own my property and am totally opposed to these flats being built. I appreciate that my concerns will have no bearing on your decisions but at least I have told you.	Structural stability is a Building Regulations matter, not a planning matter Building Regulations matter for construction stage Design appropriate to host building - see section 7
Further in this matter, I am aware from local knowledge that some properties in London Road Cowplain have subsidence issues. I would like the Council planning department's unequivocal guarantee that my property will not suffer from subsidence issues or stress fractures/cracks due to the uneven weight distribution that the building of the flats will cause. I would also like the name of your surveyor and his unequivocal guarantee of the same. If you are not able to give us this guarantee and you are in any doubt as to the ability of this building to withstand the extra weight of the new flats being proposed, then you should not be granting this application to build them.	Structural stability is a Building Regulations matter; onus is on the applicant to comply with the relevant Requirements of the Building Regulations. The Local Planning Authority cannot give any assurances about matters covered by different legislation

I await your response and, if the development goes ahead and our property suffers from any of the above problems, we will use our best endeavours to bring a law suit against the Council for destruction of our property and mental health.	
I am writing with regard to the planning application named above. I am concerned about the plan to build above my flat on two points: 1. My only natural light & ventilation in my bathroom is from a skylight 2. Will building above my flat devalue my property.	see Building Control comments - ventilation would be subject to Building Regulations Value of property not a valid material consideration
I would like to object against the proposed application on the grounds of highway safety, parking, privacy and noise from construction. Having only just been advised that application 20/00314 (no official confirmation sent by you) has been approved I cannot comprehend that you have allowed permission for potentially another 8 vehicles in an already full car park and not considering the daily movements of the Co-op funeral directors. The current application will cause excess noise and privacy issues but most of all traffic congestion. I have not given the applicant permission to build over my flat.	for parking matters see section 7 below see section 7 below Noted - a separate civil matter

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, including noise
- (iv) Parking, Cycle storage and Refuse
- (v) Compliance with Habitats Regulations
- (vi) CIL

(i) Principle of development

- 7.2 The Council's Five-Year Housing Land Supply Update at November 2021, indicates the Borough's housing land supply position as 3.9 with 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. It is accepted that the proposal, within the main urban area of Waterloooville, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.
- 7.3 The application site is located within the defined Cowplain District Centre and it is noted that the NPPF recognises that residential development plays an important role in supporting the vitality of centres. Adopted policy CS4 encourages high quality mixed use development in designated centres that retain active ground floor frontages and achieve a suitable density for its location. The supporting text to this policy notes residential development on upper floors can make efficient use of town centre land while adding to the mix of dwelling types and tenures available. Furthermore emerging policy H3 requires residential development to maximise its contribution to addressing housing need by stipulating minimum densities. Emerging policy C3 also notes that proposals should maximise opportunities for residential C3 and office development above ground floor units.
- 7.4 The proposal for an additional 2 flats on the site would increase the density of the site further, but given the sites location within the Cowplain District Centre, with easy access to shops and services, and on a main bus route, a higher density is considered appropriate to the location. It must further be noted that the direction of travel of central government advice is to encourage upwards development. Together with the Borough's housing need and tilted balance towards housing development, the addition of two further second floor flats is supported in principle, subject to detailed matters as follows:

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

- 7.5 The principle of the addition of the third floor has already been approved under APP/20/00314, when the proposed design and scale was considered to be appropriate to local context including skyline and streetscape, and would not be visually intrusive. The current proposal would match and align in design, scale, height and materials the already approved third floor, and would simply extend it further north over the two rear projections of the building. As a result the already approved east elevation to the main London Road frontage would not alter at all, it would be from the side Kings Road that the third storey would appear longer.
- 7.6 The existing rear projection steps back slightly from the main frontage building and the proposed third storey would align with the side elevations at this point, i.e. there would be no further recess back. This would make the rear part of the development appear slightly more bulky, but natural separation and skyline sense of space is achieved by virtue of the adjacent road itself and rear access drive. Therefore it is considered that the bulkiness of this rear section would not be overly harmful to the setting of this side road.
- 7.7 The southern elevation would also appear longer, but this is only visible from within the site itself, from the rear parking area, and would have no adverse impact on the character of the area.

- 7.8 As part of APP/20/00314, landscape improvements were sought to the frontage area of London Road, which is in private ownership despite being used by the public and perceived as part of the highway. The details of this landscape scheme, including 3 raised planters with seating, have recently been discharged under APP/20/00314 and the same landscape plan also included within this proposal for consistency. Southern Water have agreed to the scheme, which is within large planters, to avoid any roots affecting underlying sewers.
- 7.9 Overall, the proposed extra two flats to the rear of the building would be appropriate in terms of design and scale to the host building and would have limited adverse impact on the character of the area, and can be considered to comply with policy CS16 of the Havant Borough Core Strategy, 2011.

(iii) Impact upon residential amenity, including noise

- 7.10 In terms of impact on existing neighbouring residents, third party comments note right to quiet enjoyment, and disturbance during construction. Any disruption during construction is only temporary and a consequence of all development. Should any disturbance be excessive then Environmental Health under their Environmental Protection legislation can intervene if necessary, and Informative's can be added to the decision notice.
- 7.11 The existing flat owners on the first floor continue to note that they have not given their consent for works to take place above their flats. This however is a private matter - planning permission can be granted on land that is not within the applicants control provided the correct Notices have been served, and copies have been provided to demonstrate this. So whether this development which would be above existing flat 3a, or APP/20/00314 which is above existing flats 1a and 2a, can ever be implemented will depend on the ownership issue being successfully resolved outside of the planning process.
- 7.12 The adjacent property to the north-west in Kings Road is a bungalow and hence the additional height will have some additional impact. There are no windows proposed in the end elevation facing the bungalow, to avoid any overlooking issues. The additional height, could result in some additional overshadowing, but the orientation is such that lengthened shadows would primarily be in the morning only. The increased height could also result in a more dominant and overbearing development, but the access road to the rear parking area provides a buffer between the development and bungalow with a separation of up to 8m. Overall it is considered the proposed development would have a marginal impact on the amenity of the occupiers of the bungalow to the north-west, and this limited harm must be assessed in the overall planning balance.
- 7.13 In terms of amenity for future occupiers of the proposed flats, in line with noise issues raised as part of APP/20/00314, Environmental Health have repeated their request for a condition detailing noise protection measures to be installed in each flat - which could suffer from both road noise and an extractor duct adjacent the 2 proposed flats. This matter can be conditioned.
- 7.14 In terms of amenity space and quality of living for future residents, this is not achieved other than via a Juliette opening for the 2 bed flat. The one bed flat is acknowledged as being small and without amenity space, but both flats do just meet the minimum set out in the Nationally Described Space standards, as required by emerging policy H1.

(iv) Parking, Cycle storage and Refuse

- 7.15 The site as a whole can provide 19 on site parking spaces, plus a large secure cycle that can accommodate 22 bikes, whilst also respecting the right of way for the funeral directors. However these 19 spaces are required to serve the development already approved and hence this application does not include any additional on site parking to serve the 2 additional flats. Instead a Parking Technical Note by Paul Basham Associates is provided which justifies the car free nature of the development. It notes the sites location in close proximity to key local services and amenities, as well as public transport links. It also notes that the Census data indicates that as an overall development of 18 flats, then 2.7 units would not be car-owning units. It concludes the car free nature of the development is appropriate given the site's accessibility and proximity to on-street parking and nearby car parks, all of which would promote sustainable forms of transport.
- 7.16 Conversely, it is noted that parking matters have always been a key concern of third parties, previously noting that the site is already parked up, particularly at night by customers of the restaurant, Domino's drivers etc. The site is located within a District Centre where shops and services are available; and on a main bus route enabling alternative convenient access. Additionally there are two public car parks very close and these could provide visitor parking provision. Kings Road has double yellow lines at the junction with London Road and close to the site, and as such any illegal parking would be a matter for the Police or parking enforcement team. The double yellow lines would prevent any parking in these areas and associated inconvenience/loss of amenity to residents. With respect to alleged unauthorised use of the existing car park, as a private parking area, this would be a private matter for the owner to enforce.
- 7.17 Overall, given the context of the site it is considered that the 2 additional flats would be unlikely to result in material harm to amenity from increased pressure to park locally. It should be noted that full cycle provision is however provided in accordance with the SPD - the cycle store already erected in the north western corner of the site has capacity for 22 bikes and an additional 5 Sheffield style hoops for short stay cycle parking are to be provided adjacent the Kings Road entrance.
- 7.18 With respect to refuse provision this would rely on the additional two commercial sized bins already approved for APP/20/00314, sited at the rear of unit 4 adjacent to the existing 6 wheelie bins that provide the refuse and recycling for the original 3 flats. The precise capacity of the additional bins would need to meet Building Regulations standards, but the siting and screening is already approved and remains appropriate.
- 7.19 Overall it is considered that the development would have limited impact on highway amenity from zero on site parking provision, and given the site accessible location, future occupiers could access facilities with alternative methods. Sufficient on site cycle and refuse storage can be provided. As such there is no objection in this instance to the lack of on site parking provision to directly serve the 2 additional flats.

(v) Compliance with Habitats Regulations

- 7.20 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of eight new residential units.
- 7.21 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.22 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £950.15 to address the potential recreational harm from the new development. Therefore it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Councils updated Position Statement, August 2020, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £2,008.60 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.
- 7.23 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no further objection.

(vi) CIL

- 7.24 The development is CIL liable for the net additional internal floor space, which amounts to 102 sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has increased accordingly.
- 7.25 The levy to be charged for this development would be £80 + indexation per square metre on new floor space and calculates as £12,094.29. The Draft Liability Notice has been sent to the agent.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11 d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any significant adverse impacts that would outweigh the benefits. The only identified harm arising from this development would be a marginal loss of amenity to the occupiers of the bungalow to the north-west arising from the additional height and overbearing effect, partly mitigated by the separation provided by the intervening access drive. On balance it is considered that this harm would be minimal and not significant, and insufficient to outweigh the tilted balance benefit of 2 additional residential units towards the Borough's housing need.
- 8.2 Given the sites location the lack of on site parking is considered acceptable; full cycle parking and refuse collection provision would meet current standards. Amenity for future occupiers can be suitably addressed through noise mitigation measures. The proposal also meets the Habitats Regulations with both recreational and water quality pressures adequately mitigated against. The landscaping at the front of the site would enhance the visual appearance of the site to the benefit of the District Centre providing an uplift for the area. Overall the proposal is therefore considered acceptable and recommended for conditional permission.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00543 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

1:1250 Location Plan Drawing Number R3
Proposed Elevations & Site Plan Drawing Number R1 Rev 02
Ground Floor Plan Drawing Number R5
First Floor Plan Drawing Number R4
Proposed Floor Plan Drawing Number R2 Rev 02
Landscape Proposals by Brigitte Crafer, Drawing Number 1055-5300 Rev A
Seating & Planting Planter Detail Drawing Number L3
Parking Technical Note by Paul Basham Associates Doc Ref 020.0654/PTN/1
Amended Nitrogen Budget dated 18 May 2021

Reason: To ensure provision of a satisfactory development.

- 3 The external materials used shall match exactly the development of the 8 flats permitted under APP/20/00314 in type, colour and texture, unless otherwise agreed in writing with the Local Planning Authority.

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

- 4 The hereby approved landscape plan, Drawing Number 1005-5300 Rev A, and Seating & Planter Plan, Drawing Number L3, including watering system, shall be implemented in full within the first planting season following commencement of the development. Any tree, shrub or plant, which die, become badly damaged or are otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

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

- 5 No development shall commence on the site until precise details of the noise protection measures to be installed in each flat has been submitted to and approved in writing by the Local Planning Authority. The scheme must show compliance with BS8223:2014.

Once the approved scheme has been installed on site, and prior to first occupation, post validation testing must be carried out by a qualified noise consultant and results submitted to the Local Planning Authority for verification. Should the measures not achieve adequate noise protection levels, then further remedial works must be agreed in writing and subsequently adjusted on site to the satisfaction of the Local Planning Authority.

No occupation shall occur until all agreed noise protection measures and validation testing has been agreed in writing by the Local Planning Authority, installed and maintained thereafter on site.

Reason: To adequately protect future occupiers from noise nuisance having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 6 The existing extractor duct to be retained at the rear and shown as T1 on the hereby approved plans, shall be enclosed with acoustic casing in accordance with the details in Airtight Noisecheck Ltd Noise Impact Assessment dated 18th September 2020 approved pursuant to Planning Permission APP/20/00314 and Drawing number R2 Rev 02 hereby approved, prior to the first occupation of any hereby approved flat. Any existing extractor other than T1 on the site shall be dismantled and removed from the site prior to the first occupation of any hereby approved flat.

Reason: To safeguard against undue noise and vibration and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM18 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 7 The refuse store shown on the approved plans to serve the development hereby permitted shall be provided and be made fully available for use prior to the first occupation of any flat and shall be retained thereafter for its intended purpose.

Reason: To provide a satisfactory standard of development, in the interests of the amenity of future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development hereby permitted shall not be occupied until:

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Submission Havant Borough Local Plan.

- 9 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Submission Havant Borough Local Plan.