

Development Management
Havant Borough Council
PO Box 209
Havant
PO9 9BS

Our ref: PR02018

Your ref:

Date: 22nd February 2022

Dear Sir/Madam,

Prior Approval (Class AA) of a proposed erection of new dwellinghouses on detached buildings in commercial use, the erection of two additional storeys containing 8no. self-contained apartments (Use Class C3)

75 London Road, Waterloooville, PO7 7EL

INTRODUCTION

On behalf of our client, we submit an application under Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application is submitted for the redevelopment of the above site, currently in commercial uses at the ground floor and residential use at first and second floor. The works would include the addition of two additional storeys which would be designed in a similar form to the existing building. Each new storey would contain three one-bedroom flats and one two-bedroom flat; a total of eight flats. No external alterations are proposed. The development description is as follows:

'Prior approval for the erection of two additional storeys to create 8no. self-contained apartments (Use Class C3).'

The following documents accompany this application: -

The remainder of this letter explains how the proposal addresses the key legislation and why the proposal does not require express planning permission.

SITE AND LOCAL CONTEXT

The application site covers an area of 735sqm and was most recently used as bookmakers and an estate agent with consent granted in 2020 for a takeaway at the ground floor level and apartments at the first and second floor levels.

The building is detached and currently spans three floors with the ground floor in two differing commercial uses.

The site is within a designated shopping frontage and is not within a conservation area. There is a rear parking court, which is completely hard surfaced, accessed off Chapel Lane to the side of the property.

The site is in Flood Zone 1, there are no Tree Preservation Orders on the site, and the building is not listed.

RELEVANT LEGISLATION

This application is submitted under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.

Under Class AA planning permission is granted for new dwellinghouses on detached buildings in commercial or missed use, subject to limitations and conditions. The works do not require an expressed application for planning permission. The Act states that development is not permitted by Class AA: -

(1) Development is not permitted by Class AA	Applicant's response
(a) above ground level, the building is less than three storeys in height;	The building has three storeys above ground level. Commercial uses on the ground floor with two floors of residential use above.
(b) the building was constructed before 1st July 1948 or after 5th March 2018;	The exact date of the building's construction is unknown, however, it appears to have been

	constructed after 1948 mostly likely in the early 1950s and was in place before 2018.
(c) on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;	On March 5th 2018 the building was in commercial use at ground floor level with flats above.
(d) the additional storeys are constructed other than on the principal part of the building;	The building has a simple rectangular footprint with a small projection to the northwest. The additional storeys will cover the entirety of the building, this is the principal part of the building.
(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;	The floor to ceiling height of the proposed new storeys would not exceed 3 metres or the existing height of any storey in the building.
(f) the new dwellinghouses are not flats;	The proposed dwellings would be 6no. one bed flats and 2no. two bedroom flats.
(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);	The proposed would measure approximately 5.8 metres above the existing roof.

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;	The total height of the existing building is 9.2 metres and the proposed building would not exceed 30 metres.
(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;	No visible structures are proposed to support the buildings construction.
(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to— (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	Other than the construction of the building and any strengthening works etc no other engineering operations are proposed.
(k) in the case of Class AA(1)(b) development there is no existing plant on the building; (l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	There is no existing plant on the roof of the building and no additional plant is proposed.
(m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;	No development would extend beyond the existing curtilage.

(n) development under Class AA(1)(d) would— (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	The extensions to the building are over the existing building footprint and therefore within the curtilage and not projecting forward or to the side of the building. Refuse and cycle stores are proposed to the rear of the building within the curtilage of the building.
(o) the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	i) The site is not on article 2(3) land. ii) the site is not within a site of scientific interest iii) there are not Listed buildings on the site iv) there are no scheduled monuments on the site v) the site is not in a safety hazard area vi) the site is not in a military explosives storage area vii) the side is not within 3kilometres of an aerodrome

The Conditions of the Prior Approval application process (Class AA) requires that the developer apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: -

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;

- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from commercial premises on the intended occupiers of the development;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(a) issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

These details are provided below, where applicable.

THE PLANNING JUSTIFICATION

(a) Transport impacts

The site is located within a local centre where there is good access to shops and services. The site is also adjacent to a number of bus stops providing access to a variety of local routes. As such the site is in a highly sustainable location.

Cycle, refuse and recycling storage can be provided with the rear yard, with access directly from Chapel Lane for collection days. The refuse collection arrangements will be similar to those for the existing flats.

The existing rear parking court hosts at least 14no. vehicles. The existing vehicular access will be used, in its current form (no changes proposed).

The access to the new flats will be through the same entrance as the existing flats. Whilst there would be an increase in pedestrian movements it is not anticipated that this would result in any harm to highway safety.

(b) Air traffic and defence asset impacts of the development

Although the proposals would increase the height of the building this increase would not be so significant to interfere with any air traffic or defence asset. There are also a number of buildings nearby of a similar height.

(c) Contamination

The building has been in commercial use for many years and there is no history of contamination at the site. The proposals do not include any disturbance to the ground so there are no concerns in respect of contamination.

(d) Flood Risk

The building is located within Flood Zone 1. As such it would constitute appropriate development, and the risk of flooding would be low.

(e) The external appearance of the building

The additional storeys to the building have been designed to match the existing building. At the front the fenestration arrangement and detailing would follow the pattern of the building below.

The rear and side elevations follow a simpler form consistent with the existing building.

Although the building will be taller than it is currently, its appearance will have a similar impact on the area in terms of its character, particularly given the architectural mix in the area.

Whilst it is considered that the resultant building would not have a harmful impact on the character of the wider area recent appeal decisions help to clarify this matter. In the appeal decision attached at appendix A for a site in London the Inspector makes the following statement at paragraph 19:

"The Council have raised concerns that the proposed development would adversely affect the setting of nearby statutory listed buildings and the CA. The wording in the context of paragraph AA.2.(1)(e), in my view, suggests a relatively narrow assessment as to the external appearance of the proposal itself, including the design and architectural features, rather than its effect on the wider area."

Further, in paragraph 20, in relation to the increase in height being acceptable:

“The principle of upward extensions is established by the GPDO. The increased height and a taller building are an inevitable consequence and has to be interpreted as not being inconsistent with the street scene and wider area for the purposes of Part 20, Class AA.”

As a result it should be concluded that the increase in height is acceptable in principle given the nature of the prior approval and the design should be accepted as it is consistent with the existing building.

(f) The provision of adequate natural light

The apartments all benefit from appropriate outlook and access to natural light for principal/habitable rooms. The majority of the flats are also dual-aspect. All flats have windows serving bedrooms and living spaces, with all windows offering a substantial outlook.

(g) Impact on the amenity of the existing building and neighbouring premises

The proposed development would be directly above the existing flats within the building and would not result in any loss of light or any loss of privacy.

In terms of the surrounding area the buildings are largely in commercial use. To the rear of the site where most of the new window are positioned this would overlook a carpark. There are existing windows on the southwest elevations and given the angles due to the increase in height the proposed windows would not result in any further loss of privacy or overlooking.

The northwest elevation had a number of windows approved as part of the 2014 Prior Approval although these appear not to have been installed. The proposed windows would front towards service areas towards the rear of the shops and not any gardens. Any new overlooking would not result in any loss of privacy.

In terms of loss of light the increase in height would not create any greater loss of light to habitable rooms or amenity areas than the existing situation.

(h) Impacts of noise

The surrounding context commercial with residential properties above shops and businesses. The building floors of the building below are already in residential use. Whilst there would be some noise due to the nature of being within a commercial/retail centre this would be no worse than the situation

for existing residents. Therefore there are not considered to be any noise issues that would affect the future residents of the site.

(i) Impacts of increased residential use

There are existing residential uses within the building and whilst there would be further intensification this would not impact on the existing business at ground floor level or any other businesses in the area.

(i) Protected views

The development would not impact on any protected views.

National Space Standards

Paragraph 3.9(A) of the GPDO states that Schedule 2 does not grant permission for new dwellinghouses where (a) the gross internal floor area is less than 37 square metres in size; or (b) that do not comply with the nationally described space standard.

The proposed apartments are all single-storey and either meet or exceed the minimum requirements of the nationally described space standard. There would be four dwellings proposed on each floor and the arrangement of each floor would be identical. For the avoidance of doubt: -

Unit number and configuration	Proposed Floorspace	Nationally Described Space Standard for configuration
Unit 1 – single-storey one-bedroom/one-person	38.5 sq.m	37 sq.m
Unit 2 - single-storey one-bedroom/one-person	39.2 sq.m	37 sq.m
Unit 3 - single-storey one-bedroom/one-person	37.1 sq.m	37 sq.m
Unit 4 - single-storey one-bedroom/two-persons	68.4 sq.m	50 sq.m

Conclusion

This application addresses the requirements of Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 and for this reason, we would respectfully request that the Council confirms that planning permission is not required for this proposal.

If any further information is required in order to clarify the above, please contact us as soon as possible so that we are able to provide this prior to a decision being made.

Yours faithfully,

Stokes Morgan Planning Ltd