

Number 14: 04/50459/000 - Temporary change of use from A1 (retail) to A3 (coffee shop) and single storey rear extension - Permitted until 31/10/2007 on 4/11/2004

3 Proposal

- 3.1 Single storey rear extension to 14 London Road; creation of first floor above 12 and 14 London Road to provide 2No. one bed flats with associated parking and access to the rear.
- 3.2 The proposal includes a single storey flat roof rear extension to number 14 of between 4m and 6m, to bring it in line with number 12. Then a double pitched roof extension would be added above both units, mirroring the depth of the first floor of number 10 to the south, creating 2No. one bed first floor flats. Shared pedestrian access would be gained via external steps from the rear yard that would serve both first floor flats, with the edge of the flat roof area enclosed with railings for safety and to provide some amenity space. The London Road frontage would include a parapet, and during the course of determining this application amended plans have been provided with improved design better matching the size of windows and parapet detail of the adjacent terrace. Two parking spaces would be provided within the rear yards of each unit, ie 4 spaces in total.

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)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E22	(Amenity and pollution)
E1*	(High quality design)
H1*	(High quality new homes)
E16	(Solent Special Protection Areas)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

There is very little information to comment on.

Fire service access appears to be acceptable

There are no public sewers shown on the map of sewers within 3m of the proposed extension

There is no indication of solid waste storage on the plans.

The proximity of the roof lights to the party wall may not be compliant with the guidance to Requirement B4 for spread of fire between building but inadequate information to make the determination

Officer Note - there is plenty of space in the rear yards for bins and their provision would be a Building Regulations requirement

Crime Prevention

None received

Southern Water

Formal application required for any new connection to the public foul sewer

Council's Building Control officers should comment on the adequacy of soakaways to dispose of surface water from the development

If any sewer found crossing the site during construction works, an investigation of the sewer will be required

Environment Agency

None received - *but site not within any current or future flood zone, so this consultee was unnecessary*

Hampshire Highways

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

Landscape Team

From a landscape perspective we have the following comments in relation to this application:

- We require material specification to the proposed frontage elevation to ensure it is appropriate. Details must include material type, colour and manufacturer information.

Natural England Government Team

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

With regard to European Sites, Your appropriate assessment, dated 17th December 2021, 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.

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. We recommend a condition that secures the water use of 110 litres per person per day.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km of Chichester and Langstone Harbour SPA and will lead to a net increase in residential accommodation. Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.

Norse South East

None received

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity in the Council's mitigation scheme to accommodate this development.

Portsmouth Water Company

We have no adverse comments to make on this application from a groundwater quality protection perspective due to the small nature and location in the groundwater catchment.

Southern Gas Networks - stage 1

Mains record extract map provided - you may see the low/medium/intermediate pressure gas main near your site (*Officer Note - shows nearest medium pressure mains within London Road*). There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

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

Officer Note - all information, maps, safety notes etc forwarded to agent

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None 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
- (iv) Parking, Cycle & Refuse storage
- (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 Purbrook Local 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.

7.4 The proposal would result in 2 additional flats within an identified Local Centre where there is easy access to shops and services, and on a main bus route, whilst maintaining the ground floor Class E uses. This complies with policy CS4, and together with the Borough's housing need and tilted balance towards housing development, the addition of two further flats is supported in principle, subject to detailed matters as follows:

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

- 7.5 The amended plans have provided more detail in respect of the London Road frontage to better match and reflect the size and scale of the first floor windows in the adjacent terrace, retain the existing shop front proportions and detail, and include details such as coping stones to match the adjacent parapet. These amended plans are such that the proposal would now appear as an appropriate extension of the existing terrace in design and scale, and would be in keeping with the traditional appearance of this parade of shops in street scene terms.
- 7.6 To the rear the proposal would also repeat the general scale and layout of the first floor flat at number 10 - the depth of both the ground floor and first floor elements would align with number 10. The roof height would be marginally lower than number 10, and whilst the front hip would sit slightly further forward than number 10's, this would be screened behind the parapet and not visually obvious from the street scene.
- 7.7 Generally the view of the rear of the shops from Ladybridge Road is of functional commercial units with fire escape style stairs up to first floor flats. The rear yards vary in use, some have garages. The development would be consistent with this character and its scale and mass appropriate to the remainder of the terrace. The proposal is therefore considered to comply
- 7.8 Overall, the proposed development would be appropriate in terms of design and scale to the context of the site 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

- 7.9 The existing first floor flat at number 10 to the south has put some screening around their balustrade to improve the privacy of the balcony/terrace area accessing the flat. The proposal would result in the existing flat roof of number 12 being used as a pedestrian access and terrace, serving the new flat 12A, immediately adjacent number 10's access/terraces area - the design creates a handed version with both front doors provided in the recess adjacent each other. These new comings and goings would introduce activity immediately adjacent number 10 where previously there was none. But in such a tight knit urban and commercial area, the presence of a new first floor entrance and terrace and its use would not be inappropriate or likely to lead to material harm to neighbouring amenity.
- 7.10 The plans indicate provision of a screened balustrade around the flat roof and to help mitigate against any direct overlooking or loss of privacy to number 10 then on this shared southern boundary it is recommended that this be a minimum of 1.7m high. This can be conditioned.
- 7.11 Overall, in this mixed commercial area the impact of the development on neighbouring amenity would be minimal, and can be considered to comply with policy CS16 of the Havant Borough Core Strategy, 2011.

(iv) Parking, Cycle and Refuse Storage

- 7.12 Vehicular access would continue to be taken from Ladybridge Road and whilst no turning on site would be possible, the cul-de-sac from which the site is accessed is used for turning by adjacent users. In this sense there is no change from the existing layout. Two parking spaces would be provided for each of numbers 12 and 14 - with one space per flat and one space for each of the ground floor retail units. This is sufficient to meet the Parking SPD for 1 bed flats.
- 7.13 No on site cycle storage or refuse storage is shown on the plans, but the rear yards are of adequate size to be able to readily provide both of these. Appropriate refuse storage and collection would be a Building Regulations matter, but it is considered appropriate to condition the provision of adequate secure cycle storage prior to first occupation of the flats, in order to comply with the Parking SPD and policy DM13.
- 7.14 Overall it is considered that the development would have limited impact on highway amenity or safety and adequate on site parking can be provided, compliant with policy DM13 and the Parking SPD.

(v) Compliance with Habitats Regulations

- 7.15 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 two new residential units.
- 7.16 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.
- 7.17 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £781.10 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. Water efficiency calculators have been submitted which demonstrate the total water consumption of each flat would be 100.53 l/p/p/d. To ensure the measures, and fixtures and fittings necessary to achieve this water consumption are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.

- 7.18 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

- 7.19 The development is CIL liable for the net additional internal floor space, which comprises 90sqm of residential floorspace and 17.8sqm of retail/commercial floorspace. 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.
- 7.20 The Draft Liability Notice has been prepared, resulting in a total liability of £11,810.31 for the development, and a copy 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. No material harm has been identified from this development to outweigh the tilted balance benefit of 2 additional residential units towards the Borough's housing need.
- 8.2 The proposal also meets the Habitats Regulations with both recreational and water quality pressures adequately mitigated against. The design and scale of development is considered appropriate and respectful of this traditional Local Centre, retaining active ground floor retail units, and the proposal is therefore considered compliant with relevant policies and acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01216 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:

Planning and Design and Access Statement by SA Planning & Architecture

Nitrogen Budget Calculator dated 05/08/21
 Water Calculator for 12 London Road by The Water calculator dated 31/03/2021
 Water Calculator for 14 London Road by The Water calculator dated 31/03/2021
 Amended Location and Block Plan Drawing Number 1 Dated 9/2/22, on Councils website dated 11 February 2022
 Amended Proposed Ground Floor Plan Drawing Number 4, on Councils website dated 11 February 2022
 Amended Proposed First Floor Plan Drawing Number 6, on Councils website dated 11 February 2022
 Amended Proposed Elevations Drawing Number 5, on Councils website dated 11 February 2022
 Amended Proposed Perspective 1 -Drawing Number 8, on Councils website dated 11 February 2022
 Amended Proposed Perspective 2 -Drawing Number 9, on Councils website dated 11 February 2022
 Amended Proposed Perspective 3 -Drawing Number 10, on Councils website dated 11 February 2022

Reason: To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not be occupied until:
 - (a) All measures necessary to meet the hereby approved water efficiency calculators for both 12 and 14 London Road, dated 31/03/2021 that demonstrate that no more than 110 litres of water per person per day shall be consumed within the development, have been installed.
 Any variation to these calculators or fixtures and fittings shall first be agreed in writing with the Local Planning Authority.

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 Pre-Submission Havant Borough Local Plan.

- 4 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 Pre-Submission Havant Borough Local Plan.

- 5 The external materials used shall match, in type, colour and texture, those of the existing building so far as practicable.

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

- 6 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to first occupation of the hereby approved flats, secure cycle storage shall be provided in the rear yard area in the form of a secure bike store capable of storing a minimum of 2 cycles. Thereafter the cycle store shall be retained for its intended purpose.

Reason: To provide a satisfactory standard of development, in the interests of highway amenity and having due regard to the Havant Borough Council Parking SPD 2016, and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The first floor balustrade railing and screening on the southern boundary where adjacent number 10A London Road, shall be installed with a minimum height of 1.7m and of an opaque material. The side boundary screening shall thereafter be retained in that condition in perpetuity.

Reason: To safeguard the amenities of the occupiers of the neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.