

CS2 (Employment)
 CS21 (Developer Requirements)
 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)
 AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

DR1 (Delivery of Sustainable Development)
 E1* (High quality design)
 H1* (High quality new homes)
 C6* (Local centres, local shops and services)
 C7* (Protection of community facilities and shops.)
 E16 (Solent Special Protection Areas)
 IN3 (Transport and parking in new development)
 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

No comments received.

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:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms.

b) Issue the Nutrient Neutrality Unilateral Undertaking.

Councillor Clare Satchwell - Hayling East

No comments received.

Councillor I Scott Hayling West

No comments received.

Councillor Joanne Thomas

No comments received.

Crime Prevention -Minor Apps

No comments received.

Hampshire Highways

Having reviewed the documentation submitted in support of the planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation. A recommendation of no objection would therefore be given.

Natural England Government Team

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

Nutrient Team, Planning Policy

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/00467.

Public Spaces

No comments received.

Waste Services Manager

No comments 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: 16

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 2

Two letters of representation raising the following issues:

- In principle no objection but proposal goes too far
- Proposal adds a window and patio door facing my windows
- The rear fridge part should be demolished
- Cycle storage will make access to 79A quite difficult
- No mention is made of a sound proofing scheme
- Storage of waste for existing flats has been difficult and proposal will exacerbate the problem

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) Loss of retail unit
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Parking
- (vi) CIL
- (vii) Compliance with Habitat Regulations

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Loss of retail unit

7.3 The ground floor was previously in retail use and occupied by Simplex Swimming Pools and prior to that was a tile shop.

7.4 As noted above, the site is not within the Local District Centre, which is located to the east.

- 7.5 Policy CS2 of the Core Strategy seeks to protect existing employment sites that are fit for purpose from development proposals for non-employment uses.
- 7.6 Policy DM2 sets out criteria regarding the loss of any premises currently or last used as community services and facilities, including local shops, one of which is that a marketing exercise is demonstrated that the premises or land are no longer viable for their authorised use.
- 7.7 The explanatory text to Policy DM2 states, inter alia, in the case of local shops, within identified local centres and small local shops meeting everyday shopping needs outside all identified centres, the premises must be marketed for at least six months.
- 7.8 In this instance, the premises were previously used for swimming pool/accessories and before that a tile shop since at least 2009. The premises are not within an identified centre and such a use would not be considered to be a small local shop meeting everyday shopping needs.
- 7.9 The premises are also an isolated shop and not within any parade. Furthermore, as noted above, the adjoining property has been converted to residential use. In these circumstances, it is not considered that a specific marketing exercise is required for this application.
- 7.10 Policy DM3 also seeks to protect employment uses but specifically those currently or last used for B use class employment purposes.
- 7.11 Policy C7 of the submission version of the Havant Borough Local Plan seeks, among other things, to protect convenience shops which are outside a town, district or local centre.
- 7.12 As noted above, the application does not relate to a use/previous use as a 'convenience shop' in which case, a marketing exercise is not required in this instance.
- 7.13 It is considered that the loss of such a small employment use, which was not a convenience store, to allow for residential conversion is acceptable.

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

- 7.14 The immediate area is characterised by both flats and dwellinghouses and the local centre towards the east of the site. As noted above, the adjacent property has been converted into flats. The conversion of the ground floor to flats is considered compatible with adjacent uses and the character of the area. As such, the proposed development would not result in any adverse impact on the character of the area or the visual amenities of the street scene.

(iv) Impact upon residential amenity

- 7.15 There has been a representation raising concerns regarding the proposed windows and proximity to adjacent windows. The neighbouring properties to the west within Elm Grove are sited very close to the boundary with little rear private amenity space. However, there is an intervening boundary fence which would mitigate any significant adverse impact as a result of the additional fenestration.
- 7.16 The Borough Design Guide states, inter alia, that all residents should have access to

private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment. It also states that where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible.

- 7.17 Two small amenity areas are shown to be provided and whilst these would be small areas, it would not be out of character with the immediate locality. As noted above, the properties immediately adjoining to the west have very small private amenity areas and not all the flats in the adjoining units have private amenity space. In this situation, the lack of any significant amenity space is not considered refusable, particularly having cognisance to the beach which is within easy walking distance.

(v) Parking

- 7.18 Three parking spaces are shown to be provided but it is possible that four could be accommodated on the existing hardstanding to the front. Regard must also be had regarding the location of the site which is within close proximity to the local centre and easily accessible.

- 7.19 The proposal also provides for cycle parking. The representation regarding restricting access to the upper flat is noted and the proposed cycle storage could restrict access to both the proposed rear and existing upper floor flats. The cycle parking standards require secure weatherproof long stay facilities and short stay is not needed for small scale residential development. Whilst any secure storage would be likely to have to be sited to the front of the building, it is considered that a small discreetly designed storage facility would not result in any significant adverse impact on the visual amenities of the street scene. As such, notwithstanding the cycle storage shown, a suitable condition can be imposed requiring permanent cycle storage facilities.

(vi) CIL

- 7.20 The subdivision of the ground floor is not CIL liable and there would only be a CIL charge if new floor space over 100 sqm was proposed.

(vii) Compliance with Habitat Regulations

- 7.21 As a proposal resulting in new residential accommodation, 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 (as amended). 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 (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.22 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 and Mitigation Plan for Nutrient Neutral Development. The applicant has entered into a legal agreement to secure the mitigation packages.

7.23 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites 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.

7.24 The applicant has also submitted a water calculation demonstrating that no more than 110 litres of water per person per day can be achieved.

8 Conclusion

8.1 It is considered that the change of use and subdivision of the ground floor to form two flats is acceptable and would have limited and acceptable impact on neighbouring amenity and the character of the area and is compliant with policy. The proposal is therefore recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00467 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:

21033 101 - LOCATION AND BLOCK PLAN

21033 401 - PROPOSED GROUND FLOOR PLAN AND SOUTH AND WEST ELEVATIONS

21033 501 - PROPOSED EAST AND NORTH ELEVATIONS

DESIGN AND ACCESS STATEMENT DATED 15th APRIL 2021

Reason: - To ensure provision of a satisfactory development.

3 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.

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 Submission Havant Borough Local Plan.

- 5 The development hereby permitted shall not be occupied until details of secure weatherproof long stay cycle storage provision have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed secure cycle storage provision has been provided and shall be retained thereafter.

Reason: To comply with the Havant Borough Council Parking Supplementary Planning Document and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.