

APP/13/00982: Erection of new building and lych gate following demolition of timber building and garages, and change of use from printers to MOT Test Centre. (Revised Application). Approved. A condition of this Planning Permission was varied at Appeal.

APP/14/00974: Creation of new building following demolition of timber workshop and garages and change of use from printers to MOT test centre and 1No. 2 bed dwelling. Refused.

APP/14/01277: Creation of new building following demolition of timber workshop and garages and change of use from printers to MOT test centre and offices. Approved.

APP/15/00368: Demolition of existing timber building and garages. Construction of new building comprising 4No. 1 bed flats. Permitted September 2015.

APP/15/01265 - Demolition of timber building and garages and erection of new building containing 4No. 2 bed flats (revised scheme to that approved under Planning Permission APP/15/00368) Permitted 23/12/2015

3 Proposal

Demolition of timber building and garages and erection of new 2 storey building containing 5No. 2 bed flats (revised scheme to that approved under Planning Permission APP/15/01265).

The main differences between this application and APP/15/001265 are:

The use of the roofspace to create a 5th flat, with the addition of rooflights.

The length of the building has increased from 15m to 16.1m involving the omission of the previous front porch and instead the first floor would project above the ground floor and be supported on corner pillars.

The eaves line is about 0.2m higher and the rear (east) elevation now includes a half hip i.e. increased gable end

The roof profile includes an enlarged flat area - to keep the overall height the same at 8.3m high

Additional windows in the front (west) elevation

A change to window shape in the rear (east) elevation

The bin store has been re-sited to the southern boundary

4 Policy Considerations

National Planning Policy Framework

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	()
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Estates Manager - previous comments apply with added flat having consequent potential for parking; applicant has a right of way over the car park but does not have any rights to park there without the relevant payment

Building Control - no comments

Hampshire Biodiversity Information Centre - response received noting possible presence of protected habitats/species on or within 50m of site

Environmental Health Manager - Air Quality & Ground Contamination comments:

Revised scheme makes design changes but no material amendment that would alter the perceived sensitivity of this development to the environmental risks previously identified; it remains appropriate to require an assessment of contamination risks as both a potential source and receptor. Previous rationale and conclusions repeated:

Two conditions recommended to require that a physical investigation & inspection of the site is undertaken that is of sufficient scope as to enable an appropriate assessment of associated risks to human receptors &/or the built environment, including those off site. This has previously been discussed with the applicant, and I note that the design & access statement makes reference to policy DM10 & DM17.

Air Quality - development does not introduce new exposure to an area of poor air quality, and is of insufficient scale as to be likely to materially impact local traffic movements, congestion, or (therefore) air quality.

Development Engineer - no adverse comment

Waste Services Manager - no concerns over waste collection

Crime Prevention - none received

Traffic Management - no associated parking provision despite requirement of 10 spaces; if permitted changes to the on-street parking restrictions will need a Traffic Regulations Order and request developer pay a sum to cover this

Ecologist - desktop assessment made and within urban area and site not likely to support legally protected species; no objection

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: 35

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary: 5th application with no parking; car park busy; over-use of site; windows and rooflights will overlook church; space for 10 wheely bins should be checked; parking unresolved - would be beneficial if HBC were to sell part of the under-utilised Elm Grove car park

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 on the application site and locality
- (iii) Impact on neighbouring amenity
- (iv) Parking
- (v) Developer contributions and other matters

(i) Principle of development

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

Planning permission has already been granted for various schemes on the site, but none so far implemented. Two recent and still extant permissions exist for residential development in the form of 4 flats - APP/15/00368 allowed the construction of 4No.1 bed flats and APP/15/01265 allowed the construction of 4No.2 bed flats.

As such the principle of a new building and residential use on the site has already been established. It has been accepted that a residential use can contribute to the vitality of the District Centre. Marketing of the site has taken place over a number of years (as evidenced over a series of planning applications), initially as a former printers works, and subsequently with the benefit of the planning permissions for MOT test centre and offices, but the site has proved unattractive in its present or potential form.

(ii) Impact on the application site and locality

The current proposal is similar in terms of massing and design to the approved schemes. The overall height remains as previously approved, at 8.3m high. There would be a marginal difference in the shape and bulk of the upper part of the building from the 0.2m higher eaves and use of a half hip end. The slight increase in length and omission of porch, together with the rooflights, does not materially change the bulk and appearance of the development. Therefore, it is considered that the current proposal would be unlikely to have any detrimental impact on the character and appearance of the application site and locality, over and above what has already been approved.

The application in common with APP/15/00368 and APP/15/01265 retains the main living space (lounge/kitchens) at the western end of the building to maximise outlook

and light. This offers a less oppressive outlook and allow more light into windows, to a degree that would be acceptable within the context of densely developed urban areas, where there are often limited amenity areas around flatted buildings. The Environmental Health Officer has recommended conditions aimed at protecting occupiers from potential contamination at the site.

(iii) Impact on neighbouring amenity

For the reasons stated above, the current proposal would be unlikely to have any detrimental impact on neighbouring amenities, in terms of outlook, shadowing or overbearing effect, over and above what has already been approved. The proposed first floor windows would mainly face on to the adjoining church premises (non-habitable windows) and public car park. The windows to the rear (east) elevation on both the ground and first floor serve bathrooms and are now proposed as high level and obscure glass. This would satisfactorily prevent any overlooking to the flats above the adjacent shops. This application also proposes the use of the roofspace and introduces a number of rooflights. These would be set within the roofslope and as such not allow views down to the surrounding flats.

(iv) Parking

The Highway Engineer has made no specific comments on the proposal. The scheme does not allow for any on site parking but does provide secure cycle storage. This is considered a common situation in the immediate locality (flats above the shops in Elm Grove do not have parking) which, although not in a highly accessible location as defined in the Local Plan, is well served by local facilities and public transport. There is also a public car park immediately adjacent to the site, for which a season ticket could be purchased by future occupiers. Given these factors, it would be difficult to justify a reason for refusal on the grounds of lack of parking provision. This is a consistent approach with that taken in the case of a proposal at 31 Elm Grove nearby (Reference: APP14/01192) and the previous consent for flats at the site APP/15/00368 and APP/15/01265.

(v) Developer contributions and other matters

Policy CS9 requires that on smaller sites of between 5 and 14 dwellings a financial contribution be sought towards off-site Affordable Housing. However, following the recent Court of Appeal decision on the quashing of the previous Ministerial Statement made by the legal challenge by Reading & West Berks - the PPG was updated on 19th May 2016 to re-introduce the higher affordable housing thresholds of 11 units or over. This national policy change in effect supersedes the local policy CS9 and as such at the time of reporting (26/5/16) it would therefore be contrary to national policy to seek a financial contribution towards Affordable Housing.

The proposal is subject to the Community Infrastructure Levy and following discussions about the floorspace calculation, revised forms have been submitted for the agreed gross internal floorspace of 438.18 sqm. Therefore the chargeable development requires a CIL payment of £52,620.72 and the Draft Liability Notice has been issued. The required Assumption of Liability Notice form has been returned.

This development would also increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this

zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is currently set at £176 per dwelling plus monitoring and admin fee to the Solent Disturbance Mitigation Project. This development triggers a financial requirement of £944. However the applicant has already made 2 payments under both APP/15/00368 (£742) and APP/15/01265 (£748) which exceeds the amount now due. The applicant has returned the appropriate form acknowledging and agreeing to the current amount, and once it is known which scheme is implemented, the appropriate refund will be made.

There is sufficient room for cycle and domestic bin storage within the site.

Access to the site would be via the adjacent public car park. Havant Borough Council (HBC) owns the land adjoining the northern and western boundaries of the site, which benefits from a right of way over this HBC land. HBC Estates has previously advised that new development of the site should not encroach onto HBC land and any HBC land affected should be reinstated to HBC satisfaction. HBC Estates has also advised that any vehicles parked on HBC land for the purpose of using the site would be subject to the usual charges. These matters are subject of separate legislation and as such do not require further control by way of planning conditions, although an appropriate informative is recommended. In common with the previous consents for four flats, the development may require a re-positioning of disabled car parking within the Council car park. Since a financial contribution was not previously required to make any Traffic Regulations Order, it would not be appropriate to now seek this.

8 **Conclusion**

The proposed demolition of the existing timber building and garages on the site and the construction of a new building comprising 5No. 2 bed flats would be acceptable in principle and, subject to appropriate conditions, should not have a detrimental impact on the character and appearance of the application site or locality or the amenity of occupiers of neighbouring properties. Developer contributions and other matters can be satisfactorily dealt with by way of planning conditions and normal process. The planning application should therefore be approved.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00364

(A)

(B) 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 Compulsary Purchase Act 2004.

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

Existing Buildings Drawing No. 617r1

Proposed Plans Drawing No.2 dated 7th May 2016

Reason: - To ensure provision of a satisfactory development.

- 3 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials, including those to be used in the boundary treatment, shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

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 2012.

- 4 Prior to the commencement of development approved by this planning permission, a scheme to deal with the risks associated with potential ground contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A site investigation appropriate to the scale of the site and to its previous commercial use(s), to provide sufficient information for an appropriate assessment of the risks to all receptors that may be affected, including those off site.

2. The results of the site investigation and risk assessment (1) and if appropriate, a remediation strategy based on these results giving full details of the remediation measures required, and how they are to be undertaken.

3. A verification report shall be prepared on completion of the remediation measures set out in (2) (if any) confirming that measures have been undertaken in accordance with the method statement, and setting out measures for maintenance, further monitoring and reporting.

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

Reason: To prevent future occupiers being exposed to unacceptable contamination risk associated with previous commercial activities at the development site; to ensure that the site does not pose a risk to nearby residential properties, and having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 5 If, during development, contamination not previously identified on site is found to be present (for example solvent odour, stained or discoloured soils or sub-soils), no further development shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that

contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.

Reason: To prevent future occupiers being exposed to unacceptable contamination risk associated with previous commercial activities at the development site; to ensure that the site does not pose a risk to nearby residential properties, and having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 6 The development shall not be brought into use until space for the storage of cycles and refuse bins has been provided within the site in accordance with details, including plans and elevations, to be agreed in writing with the Local Planning Authority. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of local amenity and highway safety and having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The development shall not be brought into use until the proposed acoustic fence has been provided in accordance with further details to first be agreed in writing with the Local Planning Authority. The fence shall thereafter be retained and maintained in the position and condition thus agreed.

Reason: In the interests of local amenity and the amenities of occupiers of the building, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

- 8 Unless otherwise agreed in writing with the Local Planning Authority, the windows at first floor level in the east elevation of the building shall have a sill height of a minimum of 1.7m above finished floor level, and shall be retained in that condition at all times.

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