
Site Address: 3 Elm Grove, Hayling Island, PO11 9EA
Proposal: 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).
Application No: APP/15/01265
Applicant: Mrs Simmons
Agent: D. J. Green Associates
Ward: Hayling West

Expiry Date: 31/12/2015
Team: Team 2
Case Officer: David Eaves

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located to the rear of 3 Elm Grove (a post office) and adjacent to and accessed through a public car park. The site is currently derelict and contains a single storey timber building previously used as a printing workshop and two garages - one single and one double. There are fences of approximately 2 metres in height to the western and northern boundaries of the site. To the southern boundary there is a 1 metre high wall, but to the east there is no boundary treatment between the premises and the patio area of adjacent flats.

To the south of the site lies the South Hayling United Reform Church. Elm Grove is mixed in character with commercial properties at ground floor level and residential accommodation above. There are further residential properties in Elm Close, which is located to the west of the public car park. The site is located within the Mengham/Gable Head District Centre.

2 Planning History

90/52810/0001: Replacement of existing single storey print works with a two storey building with offices over and associated car parking. Approved.

06/52810/0004: Erection of a new two storey building to house existing print works with offices over and associated car parking. Approved.

09/52810/0005: Erection of a two storey building to house existing print works with offices over, and associated parking - renewal of previous consent 06/52810/004. Demolition of existing single storey timber building. Approved.

APP/11/01191: Removal of Condition 8 of Planning Permission 09/52810/005 in order to allow for light industrial use (Class B1c) with ancillary office and storage space. Approved.

APP/13/00496: Erection of new building following demolition of timber building and garages and change of use from printers workshop to MOT test centre. Refused.

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.

3 Proposal

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).

The main differences between this application and APP/15/00368 are:

The flats are now two bed rather than 1 bed.

The rear elevation includes windows at ground and first floor levels (rather than ground floor doors)

The south and north elevations contain 4No. additional windows

There is a steeper roof pitch with larger flat roof area and slightly raised ridge.

The porch detail is amended.

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)
DM3	(Protection of Existing Employment and Tourism Sites)

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comments.

Environmental Health

Contamination:

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.

Officer Comment: Two planning conditions recommended.

Other Matters:

Informatives requested:

- In relation to noise insulation.
- Hours of Work
- Bonfires
- Dust Control
- Light pollution

Development Engineer:

The Highway Authority has no adverse comment to this application.

Estates Manager:

The applicant has a right of access to get to their property. They do not have the right to park on the car park without paying the relevant fee.

Traffic Management

No comments received.

Waste Strategy

No comments received.

Hampshire Constabulary

No comments received.

HCC Highways:

Comments should be made by District Councils own engineers

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: 1

Summary:

Concerns over parking in nearby roads

Concerns over potential loss of disabled parking in 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 three different schemes following the proposed demolition of the buildings on the site: APP/13/00982 allowed the erection of a new building and lych gate for use as an MOT Test Centre. APP/14/01277 allowed the erection of a new building for use as an MOT test centre and offices. Application APP/15/00368 allowed the construction of new building comprising 4No. 1 bed flats.

As such the principle of a new buildings and uses on the site has been established. 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 referred to above, 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. There would be a difference in the shape and bulk of the upper part of the building. However, 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 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 and public car park. The additional windows to the rear (east) elevation at first floor level would serve bathrooms and would be obscure glazed. A condition is recommended in relation to ensuring that they are obscure glazed and fixed shut or fitted with restricted openings to avoid potential overlooking to flats above the adjacent shops.

(iv) Parking

The Highway Engineer has made no specific comments on the proposal. The scheme does not allow for any on site parking. However, this is a common situation in the immediate locality 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. 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: APP13/00090) and the previous consent for flats at the site APP/15/00368.

(v) Developer contributions and other matters

The proposal is subject to the Community Infrastructure Levy and appropriate forms have been submitted (the CIL requirement calculation may be queried as there is a difference in calculations between the applicant and case officer due mainly to the issue of whether existing floorspace is included in the calculation). The new dwelling would also be liable to a financial contribution in respect of the Solent Recreation Mitigation Project and an appropriate Deed and Payment have been provided. 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 consent for four flats, the development may require a re-positioning of disabled car parking within the Council car park.

8 Conclusion

The proposed demolition of the existing timber building and garages on the site and the construction of a new building comprising 4No. 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 Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/01265

(A) 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:
Planning, Design and Access Statement
Location Plan , Site Plans, Floor Plans, Section and Elevations Drawing No: 2
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 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 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 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

- 9 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the first floor on the east facing elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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.