

**TOWN AND COUNTRY PLANNING ACT
1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Eastleigh House
Bartons Road
Havant
P09 5NA**

**Local Planning Authority Reference:
APP/20/00366**

**Planning Inspectorate Reference:
APP/X1735/W/20/3265594**

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Simon Harding, Ibex Homes Ltd AGAINST REFUSAL to grant planning permission for 5 No. 1 bedroom retirement bungalows.

Planning Inspectorate Reference: APP/X1735/W/20/3265594

Local Planning Authority Reference: APP/20/00366

1. Site Description

- 1.1 The site is located on the south side of Barton's Road in Havant. Eastleigh House is a Grade II listed building, which has permission for residential use. To the north of the appeal site is a housing estate. On the north side of Barton's Road are smaller dwellings and a crematorium. To the west of the application site is Maidenhead Aquatics and Dobbies Garden Centre with a large car park. This is separated from the site by a footpath / cycle track which extends along the western boundary of the site. This leads to residential development to the south, which at the time of the determination of the application was still under construction.
- 1.2 Eastleigh House sits towards the south of the site and is accessed by a driveway which extends along the western boundary and swings round to the south elevation where the main entrance is located. The application site includes a large number of mature trees to the west and east, with vegetation along the southern boundary. To the east of the house is an open lawn area with a sunken lawn and this is enclosed by a low garden wall. There is a fairly recent single storey extension to the east elevation.

2 Planning History

99/57258/003 - Single storey side extension to east elevation (revised application), PERM,27/05/1999

99/57258/004 - Listed Building Application for internal alterations, demolition of outbuilding and erection of single storey side extension to east elevation (revised application), PERM,27/05/1999

98/57258/001 - Conservatory to east elevation, WD,07/01/1999

98/57258/002 - Listed Building Application for internal alterations, demolition of outbuilding and conservatory to east elevation, WD,07/01/1999

APP/15/01104 - LBC for the Conversion of Eastleigh House from a single dwellinghouse to B1 offices and two dwellinghouse along with the erection of a two storey extension to provide a further single dwellinghouse including landscaping, parking and turning areas., PERM,04/03/2016

APP/15/01103 - Conversion of Eastleigh House from single C3 dwellinghouse to B1 offices and two C3 dwellinghouse along with the erection of a two storey extension to provide a further single C3 dwellinghouse, plus the construction of a courtyard development of 10 terraced houses, including landscaping, parking and turning areas., PERM,04/03/2016

APP/16/01077 - Residential development to provide 9 dwellinghouses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building.(approved 21.01.17) Request to discharge condition No.s 2,5,6,7,8,9,and 14 (26.05.17). Request to discharge condition No/s 2,5,6,7,8, 9,13 and 14 (15.01.18). Request to discharge condition No.3 and 16 (07.02.18). Request to Discharge Conditions 5 and 14 (20.06.2018)., PERM,27/01/2017

APP/16/01078 - Listed Building Consent for residential development to provide 9 dwelling houses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building., PERM,27/01/2017

APP/18/00492 - Application for Non-material change to Planning Permission APP/16/01077 relating to substitute brick samples and removal of brick quoining to elevations., PERM,14/06/2018

APP/18/00894 - Erection of 1No. 3 bed dwelling including landscaping and parking.(18.01.19). Request to discharge condition No.s 3,5,6,9,10 and 13. (09.04.19)., PERM,18/01/2019

APP/19/00156 - Internal alterations to allow conversion from offices (class B1(a)) to form 6No one bed flats (C3 residential units) (Approved 12/09/2019). Request to Discharge Conditions 7, 8a), 9 and 11 (28.01.2020).
[Note: Grampian Condition applies, contact LPA for details], PERM,12/09/2019

APP/19/00157 - Listed Building Consent for internal alterations to allow conversion from offices (class B1(a)) to form 6No one bed flats (C3 residential units) (Approved 12/09/2019). Request to Discharge Condition 6 (28/01/2020)., PERM,12/09/2019

3. **THE APPEAL**

- 3.1 The appeal is against the refusal to grant planning permission for 5 No. 1 bedroom retirement bungalows.

4. **PLANNING POLICIES**

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS9 (Housing)

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS16 (High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
DM7 – Elderly and specialist Housing Provision
DM8 – Conservation, Protection and Enhancement of Existing Natural Features
DM11 (Planning for more Sustainable Travel)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
DM20 (Historic Assets)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
HB1 (Havant & Bedhampton Housing Allocations)

Havant Borough Submission Local Plan 2036

The Havant Borough Submission Local Plan 2036 was approved by the Council on 9 September 2020, with subsequent changes agreed on 23 October 2020. The Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021.

The Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy.

The relevant planning policies of the emerging Local Plan are:

IN1 - Effective Provision of Infrastructure
IN3 & 5 - Transport and New development
Low Carbon Design

E1 High quality new homes
E12 Low carbon design
E13 Historic environment and heritage asset
E14 The Local Ecological Network
E16 and E17 - SRMS and SPA
E22 – Amenity and pollution
H1- High Quality Homes
EX1 Water Quality Impact on the Solent European Sites

5.0 PLANNING CONSIDERATIONS

- 5.1 To avoid repetition, the attached Officer's report (**Appendix B**) sets out in detail the planning position of the Local Planning Authority (LPA) in respect of the appeal. As the Inspector will note from the Officer's report, the key issues are: the absence of a suitable agreement to secure appropriate mitigation measures for water quality of the Solent European Sites, (please see from paragraph 5.22 below for update); the significant

harm to the setting of a designated heritage asset (Eastleigh House); and the adverse impact the development would have on the amenity area of the future occupiers of Eastleigh House and the overdevelopment of the site due to inadequate amenity space for future occupiers of the proposal, which would be significantly harmful to the amenity of residents.

- 5.2 As to the planning permission/listed building consent granted for the conversion of Eastleigh House to 6, one bed flats (under references APP/19/00156 & APP/19/00157), to safeguard the retention of this listed building, attached at **Appendix C** are a copy of the decision notices and the approved Proposed Site Plan (Drawing No. C18/060.10) for the Inspector's information. Therefore, if permission is not granted for the appeal, the listed building would not languish as suggested, but would have an appropriate use, that would ensure the retention of this heritage asset in an appropriate setting that befits its historical importance.
- 5.3 As the Inspector will note from the Proposed Site Plan the land around Eastleigh House, is to provide lawned amenity space for the occupiers of this property, which contributes to the setting of the listed building. If the appeal is granted the majority of this amenity space to the south would be built on, to the detriment of the occupiers of Eastleigh House and the setting of this Grade II Listed Building contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) (HBLPCS) and Policy DM20 of the Havant Borough Local Plan (Allocations) and the National Planning Policy Framework [the Framework].
- 5.4 At **Appendix D** an aerial photograph of the appeal site is attached. Whilst this photograph does not show the residential development to the south and north, it does show the undeveloped areas around the listed building following the above grant of planning permission/listed building consent, which contributes to the setting of this heritage asset. This photograph also demonstrates the overshadowing of the rear gardens from trees to the east. Therefore, as regards plots 4 and 5 these small rear gardens would either be overshadowed by the trees or by the development itself. As to the shared use of the community garden areas for the occupiers of Eastleigh House and the appeal proposal, this was never raised during the application process. In fact, the Planning, Heritage, Design & Access Statement states:
- "The flats approved under APP/19/00156 would continue to be served by the existing substantial communal amenity areas to the front (west - 232m²), side (north - 61m²) and rear (east - 548m²) of the existing premises – i.e. **841m²** in total."
- 5.5 The LPA has no information as to how these community areas would be made available to parties other than the occupiers of the flats.
- 5.6 **Five Year Housing Land Supply**
- 5.7 Since the refusal of planning permission the Council has published its 'Five Year Housing Land Supply Update December 2020', available at:
- https://cdn.havant.gov.uk/public/documents/Five%20Year%20Housing%20Land%20Supply%20Update_December%202020.pdf
- 5.8 As to the current Five Year Supply Position the Council is only able to demonstrate 4.8 years supply of housing taking into account accumulated shortfall since 2016/17 and the application of a 5% buffer.

- 5.9 The Framework directs in paragraph 11(d) that where a five-year supply of housing land cannot be demonstrated, the presumption in favour of sustainable development requires the application of the “tilted balance” in decision making.
- 5.10 In view of the change to the Council's 5-year land supply, the LPA has carried out a review of the appeal proposal, which is set out below under the heading ‘The Planning Balance.’
- 5.11 **Definitive Solent Recreation Mitigation Strategy**
- 5.12 As the Planning Inspectorate is now the Competent Authority under Regulation 63 of the Habitats Regulations, the LPA has sought to assist the Inspector by outlining the two key issues below regarding this appeal and the associated Appropriate Assessment.
- 5.13 The application site falls within the 5.6km zone of Chichester and Langstone Harbours Special Protection Area which are large estuarine basins that contain extensive intertidal mudflats and sandflats that support internationally and nationally important numbers of overwintering and breeding bird species. Please find additional information about the characteristics of the area, the reasons for its designation, interest features and conservation objectives on the link to Natural England's website below:
- <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011011>
- 5.14 Natural England's advice in regard to all new housing development within the 5.6km zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan covers this issue and allows for a financial contribution to be made towards mitigation measures. Additional information in relation to the Bird Aware Solent Strategy can be viewed via the following web address:
- <http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>
- 5.15 On 1st April 2018, the (‘Definitive’) Solent Recreation Mitigation Strategy (SRMS) replaced the ‘Interim’ and the ‘Definitive’ Strategy now applies to new residential development (this was as approved by Havant Borough Council's Cabinet on the 7th February 2018.) The updated Strategy uses a sliding scale to calculate the SRMS contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. In this case, the development would require a contribution of £1780 plus 5% monitoring fee of £89.00 and Administration Fee of £23 such that the total contribution required would be £1,892.
- 5.16 A signed Unilateral Undertaking (UU) was received by the LPA on 9th June 2020, with the contribution of £1,892 received on the same day. Therefore, the appropriate mitigation measure for the SRMS was discharged for this development, in accordance with the Appropriate Assessment and policy DM24. (Signed Unilateral Undertaking at **Appendix E**)
- 5.17 **Water Quality**
- 5.18 The European Court of Justice determined a case related to considering water quality in Appropriate Assessments. This is generally referred to as ‘The Dutch Case’ (Full reference is Cooperatie Mobilisation for the Environment UA and College van

gedeputeerde staten van Noord- Brabant (Case C-293/17 and C294/17) available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>

The judgement in this case refines the definition of plans and projects and effectively includes significantly more operations within the definition which have an impact on water quality, most notably runoff from agriculture.

5.19 Natural England began to issue revised advice regarding planning applications to Local Planning Authorities on 1 April 2019 as a result of the Dutch Case. Considering this advice and the implications of the case law, it can only be concluded that some forms of new development could increase nitrogen and phosphate deposition into the protected harbours above consented levels. This results in increased nutrients in the harbour which cause a dense growth in certain plants. This in turn leads to harm to the species which use them – a likely significant effect. The only way that a new scheme could prevent this likely significant effect is for there to be no increase in nutrients into the harbour, i.e. for it to be ‘nutrient neutral’.

5.20 Havant Borough Council is committed to achieving sustainable development, including the relevant environmental protections. Part of the consideration of this is whether there would be a detrimental impact on the water quality of any European Designated Nature Conservation Sites.

5.21 In August 2020, Havant Borough Council’s Cabinet approved a ‘Position Statement and Mitigation Plan for Nutrient Neutral Development’ available at :

<https://cdn.havant.gov.uk/public/documents/Position%20Statement%20on%20Nutrient%20Neutrality.pdf>

(This supersedes an earlier document which accepted a Grampian condition to secure the neutrality of the development, if permission was forthcoming.)

5.22 This puts in place mechanisms for development to achieve nutrient neutrality. For development on sites currently used for agricultural purposes, there must be an aim to achieve nutrient neutrality on-site. However, for development on non-agricultural sites, particularly brownfield sites, this is not possible. The Position Statement sets out how development proposals should consider the issue, and in terms of the implications for the development the subject of this appeal, Paragraphs 2.1 - 2.13 sets out the development schemes that are likely to result in a significant effect on the European Sites, with paragraphs 3.7 - 3.25 setting out the options available to achieve neutral nitrogen development, which cannot be achieved on site. For the Inspector’s information, the appellant has indicated a willingness to enter into a legal agreement to secure the mitigation package for nitrates and to pay the mitigation contribution to secure the neutrality of the development. Following the lodging of the appeal, the Local Planning Authority (LPA) carried out a Habitats Regulation Assessment (HRA) and an Appropriate Assessment (AA) in respect of nitrates and the development. This is currently with Natural England (NE). It is anticipated that NE will shortly concur with the HRA and AA carried out by the LPA and that a legal agreement will be signed by the appellant with the necessary mitigation payment to ensure the proposal is a neutral nitrogen development. Once this is received then the LPA would confirm this with the Planning Inspectorate and withdraw reason 1 on the decision notice.

5.23 As the Planning Inspectorate is now the Competent Authority under Regulation 63 of the Habitats Regulations, it is hoped this information will assist the Inspector

5.24 The Planning Balance

- 5.25 As a 5-year land supply cannot be demonstrated the LPA has reviewed the development the subject of the appeal to determine whether the weight to give to this planning considerations overrides the other material planning considerations pertaining to the proposal.
- 5.26 The proposal would provide 5 retirement homes, which would be a modest addition to the Borough's housing supply. Having regard to the impetus to increase the supply of housing of all types is explicit in the Framework and the identified need for such housing in the Borough, substantial weight is given to the provision of housing.
- 5.27 The proposal would bring some economic benefits through construction and through the additional spend generated by new residents, who would also help sustain local services, these benefits attribute moderate weight.
- 5.28 Whilst it is anticipated that a mitigation package for water quality of the Solent European Site will be secured shortly, until this is the secured, the proposal is contrary to Policy CS11, the Framework and the Conservation of Habitats and Species Regulations 2017 (as amended) and the precautionary approach must be adopted, which is attributed very substantial weight.
- 5.29 The proposal would significantly erode the open space around Eastleigh House which contributes to the setting of a designated heritage asset, which would cause significant and demonstrate harm to this listed building, contrary to Policy CS11 in the HBLPCS and the Framework which is attribute very substantial weight.
- 5.30 The proposed development would adversely impact on the community amenity areas of the future occupiers of Eastleigh House, with inadequate private amenity space provided for further occupiers of the appeal proposal, contrary to the adopted Borough Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Framework. Substantial weight is attributed to this harm.
- 5.31 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
- 5.32 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be consider out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
- 5.33 The harm that would arise to the future occupiers of Eastleigh House and the appeal proposal, would on balance, significantly and demonstrably outweigh the benefits of the scheme.
- 5.34 With the caveat that this reason is likely to be addressed, in the absence of a suitable agreement to secure appropriate mitigation measures the development would be likely to have a significant effect on the water quality of the Solent European Sites, which would significantly and demonstrably outweigh the benefits of the scheme. If this is the case the appeal should be dismissed.
- 5.35 The harm that would arise to the designated heritage assets, the setting of which forms part of its significance, would significantly and demonstrably outweigh the benefits of the scheme and the appeal should be dismissed.

6.0 **Appellant's Statement**

- 6.1 The majority of the points raised in the Appellant's appeal statement, have either been covered in the Officer's report or within this statement. As to the claim the Council's Conservation Officer (CC) did not properly assessed the appeal proposal this is refuted by the LPA. The Inspector's attention is drawn to the Officer's report previously submitted which includes the detailed response of the CC.

7.0 **Suggested Conditions**

- 7.1 Notwithstanding the LPA's continuing objection to the proposal, if the Inspector is minded to grant the appeal a list of suggested conditions is attached at **Appendix F**.

8.0 **CONCLUSION**

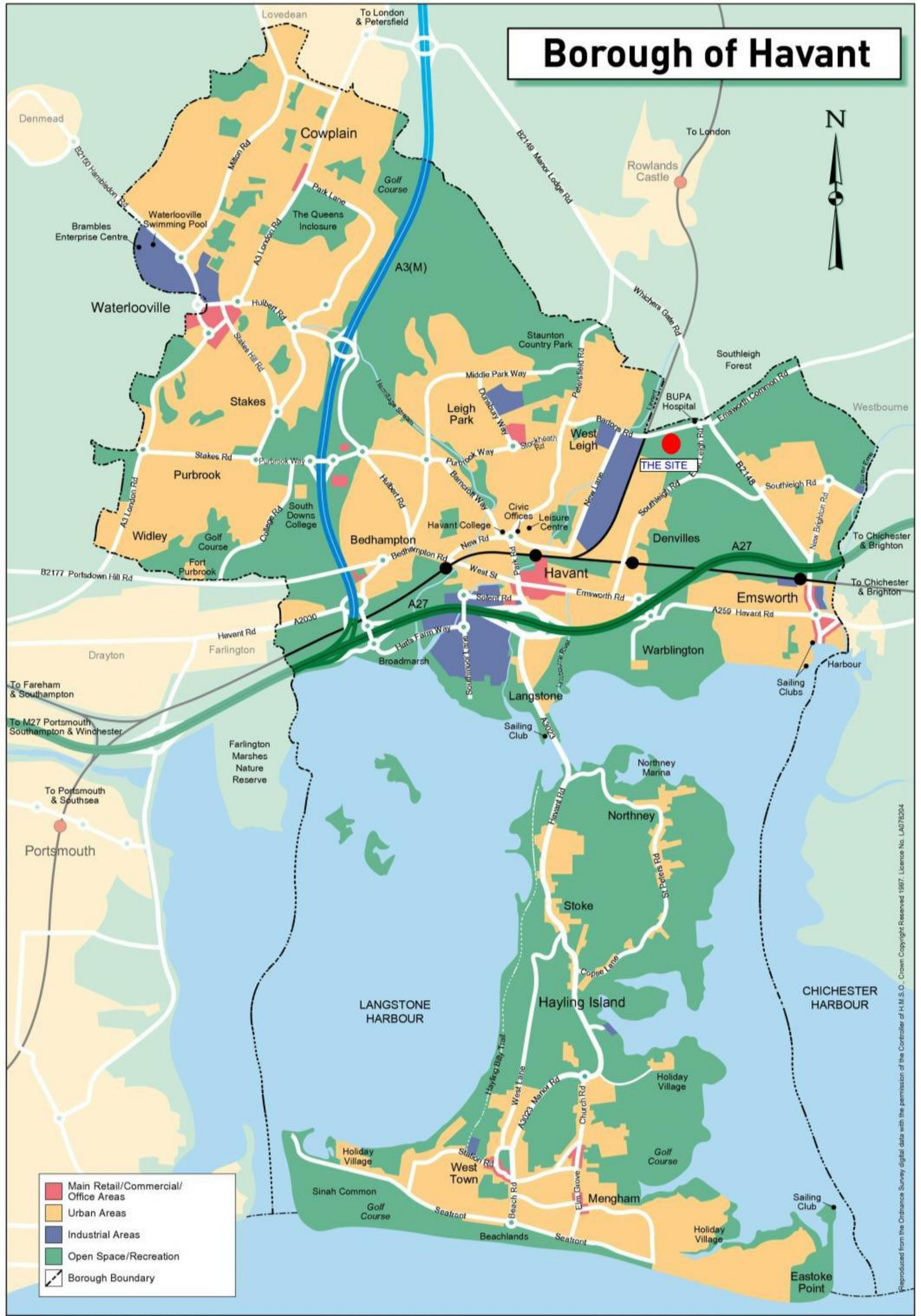
- 8.1 The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme. The proposal is to contrary to policies CS11, CS21 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies DM20 and DM24 of the Havant Borough Local Plan (Allocations) 2014, Havant's Design Guide and the Framework.
- 8.2 The Inspector is respectfully requested to dismiss the appeal.

APPENDICES

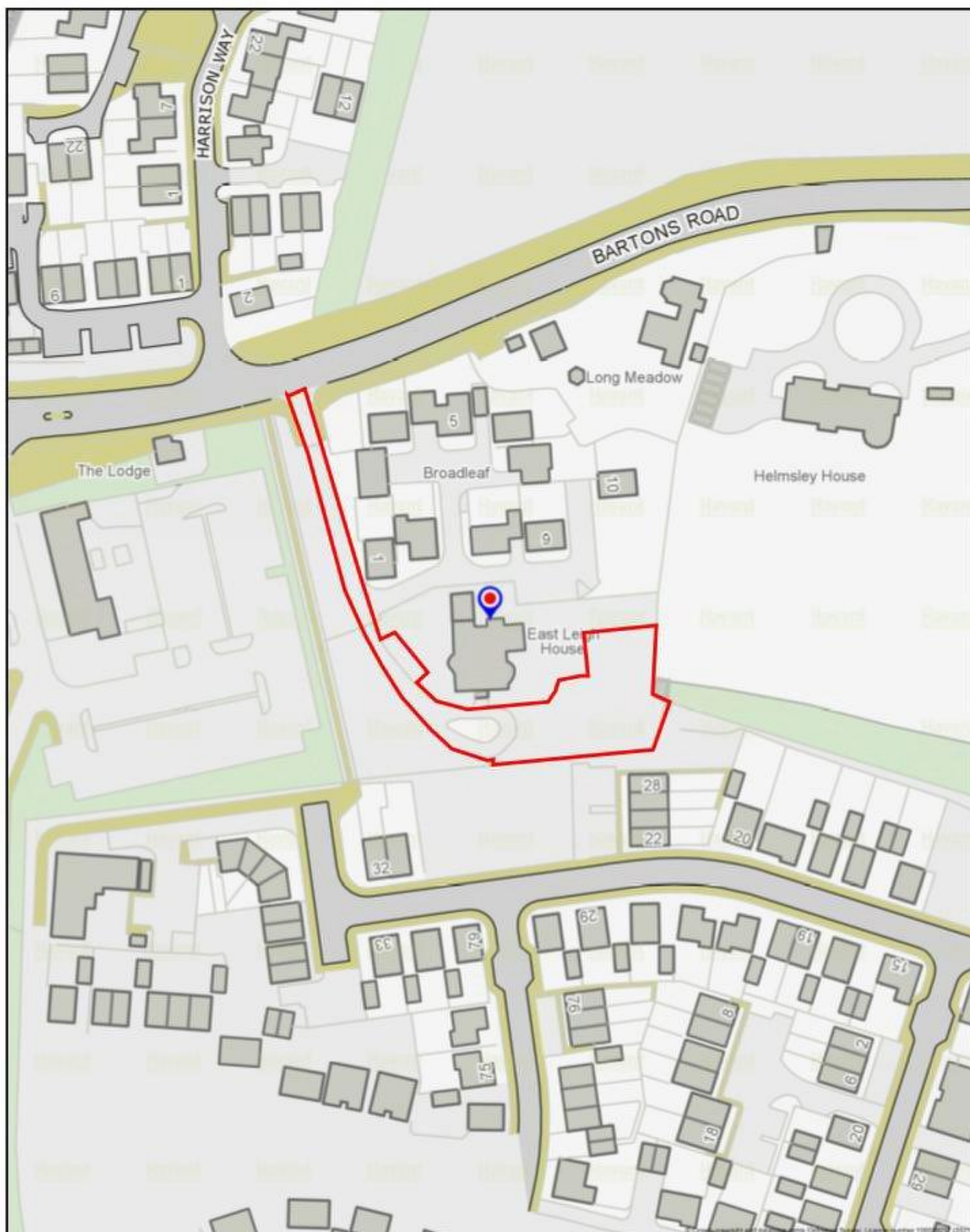
- (A) Borough Map and 1:1250 Location Plan
- (B) Officer's delegated report for this application
- (C) Decision notices references APP/19/00156 and APP/19/00157 and Drawing No. C18/060.10
- (D) Aerial photograph
- (E) Signed Unilateral Undertaking dated 9/6/20
- (F) Suggested conditions

APPENDIX A

Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary



Eastleigh House, Barton's Road, Havant, PO9 5NA

Havant
BOROUGH COUNCIL

 Scale: 1:1250

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APPENDIX B

Site Address:	Eastleigh House, Bartons Road, Havant, PO9 5NA		
Proposal:	Provision of 5no. 1 bedroom retirement bungalows.		
Application No:	APP/20/00366	Expiry Date:	13/07/2020
Applicant:	Mr Harding Ibex Homes Ltd		
Agent:	Mr Lindsay Solent Design Ltd	Case Officer:	Lesley Wells
Ward:	St Faiths		

Recommendation: **REFUSE PERMISSION**

1. Site Description

The site is located on the south side of Barton's Road in Havant. Eastleigh House is a Grade II listed building, which has permission for residential use, which forms part of a small cluster of properties, broadly comprising large houses within generous plots. On the north side of Barton's Road are smaller dwellings and a crematorium. To the west of the application site is Maidenhead Aquatics and Dobbies Garden Centre with a large car park. This is separated from the site by a footpath / cycle track which extends along the western boundary of the site. This leads to residential development to the south, which at the time of the site visit was under still construction.

Eastleigh House sits towards the south of the site and is accessed by a driveway which extends along the western boundary and swings round to the south/front elevation where the main entrance is located. The application site includes a large number of mature trees to the west and east, with vegetation along the southern boundary. To the east of the house is an open lawn area with a sunken lawn and this is enclosed by a low garden wall. There is a fairly recent single storey extension to the east elevation.

2 Planning History

02/57258/006 - Listed Building Application for erection of 1.8m high close boarded timber fence and gate along northern boundary fronting Bartons Road., WD,25/03/2002

02/57258/005 - Erection of 1.8m high close boarded timber fence and gate along northern boundary fronting Bartons Road., PERM,25/03/2002

99/57258/003 - Single storey side extension to east elevation (revised application), PERM,27/05/1999

99/57258/004 - Listed Building Application for internal alterations, demolition of outbuilding and erection of single storey side extension to east elevation (revised application), PERM,27/05/1999

98/57258/001 - Conservatory to east elevation, WD,07/01/1999

98/57258/002 - Listed Building Application for internal alterations, demolition of outbuilding and conservatory to east elevation, WD,07/01/1999

APP/15/01104 - LBC for the Conversion of Eastleigh House from a single dwellinghouse to B1 offices and two dwellinghouse along with the erection of a two storey extension to provide a further single dwellinghouse including landscaping, parking and turning areas., PERM,04/03/2016

APP/15/01103 - Conversion of Eastleigh House from single C3 dwellinghouse to B1 offices and two C3 dwellinghouse along with the erection of a two storey extension to provide a further single C3 dwellinghouse, plus the construction of a courtyard development of 10 terraced houses, including landscaping, parking and turning areas., PERM,04/03/2016

APP/16/01077 - Residential development to provide 9 dwellinghouses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building.(approved 21.01.17) Request to discharge condition No.s 2,5,6,7,8,9,and 14 (26.05.17). Request to discharge condition No/s 2,5,6,7,8, 9,13 and 14 (15.01.18). Request to discharge condition No.3 and 16 (07.02.18). Request to Discharge Conditions 5 and 14 (20.06.2018)., PERM,27/01/2017

APP/16/01078 - Listed Building Consent for residential development to provide 9 dwelling houses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building., PERM,27/01/2017

APP/18/00492 - Application for Non-material change to Planning Permission APP/16/01077 relating to substitute brick samples and removal of brick quoining to elevations., PERM,14/06/2018

APP/18/00894 - Erection of 1No. 3 bed dwelling including landscaping and parking.(18.01.19). Request to discharge condition No.s 3,5,6,9,10 and 13. (09.04.19)., PERM,18/01/2019

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3 Proposal

Provision of 5no. 1 bedroom retirement bungalows.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

HB1	(Havant and Bedhampton Housing Allocations)
DM20	(Historic Assets)
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)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
E2	(Health and wellbeing)
E1*	(High quality design)
H1*	(High quality new homes)
E13	(Historic environment and heritage asset)
E13	(Historic environment and heritage asset)
E12	(Low carbon design)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Grade 2
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Arboriculturalist

Plots 4 and 5 appear to be on the edge of the canopy line of the trees on the eastern boundary. There will be little to no usable garden space and a constant pressure to prune the trees. I feel that this part of the design requires modification in order to have a better relationship between the trees and dwellings.

I have no objection to the rest of the proposals as the trees to be removed already has permission and the trees to remain can be adequately protected in accordance with the Barrell Arboricultural Method Statement and Tree Protection Plan.

Building Control, Havant Borough Council

Compliance with Approved Document B Section 5 (Fire Authority access) to be shown

Internal layout WC should comply with Approved Document M (Disabled access) re clearance in front of basin could be an issue as shown

Walking distance from Plots 4 & 5 should comply with Approved Document H regarding removal of house hold waste to bins storage area shown

Building Regulation application will be required for this work

Community Infrastructure, Planning Policy & Urban Design

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Conservation Officer - Objection

Eastleigh House was built as a residential dwelling in the early 19th century. It appears to have been part of a larger farmstead in the C18 which included a surviving remnant of a listed barn which is not part of the adjoining garden centre. It includes later additions including a later Regency build and frontage. The house is well set back from Bartons Road and accessed via a sweeping driveway which leads to the front entrance of the house which faces south. This was meant to take advantage over the wider views of the countryside however, this open land is now currently being developed for housing. The east elevation of the house faces a private sunken lawn. The north area of the house has recently been developed with 10no. dwellings. However, the open space about the east and to some degree south of the site, in addition to being enclosed by a mature tree screen along the boundaries, makes for an enclosed and established setting for the listed building.

The building was listed in 1952 (Grade II). It displays the typical characteristics found at that time; shallow pitched roof, refined regency proportions, built in yellow brick with a Flemish bond. A two-storey block has been added to the southern end of the original building and a further later additional has now been converted into two residential dwellings under a previous planning permission.

Planning Background

The land to the north of the dwelling has been developed with 10no. residential dwellings, with the original access and the open space to the south and east of the main house being retained. To the south of the site, development is under way for a large housing site.

With regards to the main listed building itself, a previous permission granted approval for a change of use to office use (Class B1), but subsequently left vacant by the tenants. Since then a further application has been approved to convert the main house into 6 x 1no. bed apartments. This is currently being implemented.

Internally a high proportion of original features remain throughout such as fireplaces, windows, shutters, skirting boards and mouldings and have been incorporated into the most recent conversion.

Legislative and Policy Context

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Historic England Advice

In addition to the advice laid out in the NPPF, Historic England has published planning advice in the form of Good Practice Advice Notes (GPA's) and Historic England Advice Notes (HEANs). Most relevant to this application will be GPA2 – Managing Significance in Decision Taking in the Historic Environment and GPA3 – Setting and Views.

GPA2 states at paragraph 4 - 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest'. It also advises that an assessment of significance is required as part of the application process including the understanding of the nature of the significance, the extent of that significance and level of significance. Paragraph 11 states 'to accord with the NPPF, the application will need to undertake an assessment of significance to inform the application process an extent necessary to understand the potential impact (positive or negative) of the proposal and the level of thoroughness proportionate to the relative importance of the asset whose fabric or setting affected'.

GPA3; the Setting of Heritage Assets defines setting as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral".

GPA3 advises a broad approach to assessment, undertaken a series of steps that apply proportionately to the complexity of the case, from straightforward to complex;

Step 1 – identify which heritage assets and their settings are affected

Step 2 – Assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.

Step 3 – Assess the effects of the proposed development, whether the beneficial or harmful, on that significance or the ability to appreciate it.

Step 4 – Explore ways to maximise enhancement and avoid or minimise harm.

Step 5 – Make and document the decision and monitor outcomes.

Local Planning Policies

Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) states that planning permission will be granted for development that: "Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest". Policy CP16 (High Quality Design) (1a) of the Core Strategy states that "Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site".

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation may be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

Proposal

The proposal is for the provision of 5no. 1xbedroom retirement bungalows. These would be located in the existing open space to the east and south east of the listed building. They would be set out in a 'L' shape formation, with the front elevations facing towards the listed building. Each bungalow would have a private rear amenity space. Parking including 1no. space per unit would be located on what is currently the front landscaped area for Unit A and B which are attached to the main listed building and were built under a previous permission. The bungalows would be accessed via a path which would be delineated by planting. The bungalows are proposed to be constructed from brick and slate materials with wooden casement windows.

Assessment of significance

Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard to the desirability of preserving listed buildings and their setting.

Contrary to advice laid out in the NPPF and Policy DM20 of the Local Plan (Allocations 2014), the application has been submitted without an adequate Heritage Statement, which should set out the significance of any designated heritage assets (including the setting) and how it is likely to be affected by the development. The submitted Design, Access and Heritage Statement does include a reference to the listing of Eastleigh House however, this only relates to its current description and a copy of its listing, which is not considered to be an adequately detailed assessment.

The Grade II listed building has a high level of significance being the only listed building on Bartons Road and within the immediate area before Southleigh House, which is located towards Horndean Road. Eastleigh House is accessed via a driveway which sweeps round to the front entrance. The house appears to have been part of a larger farmstead in the C18 which also included the listed barn now encompassed within the adjacent Garden Centre. The front elevation which is considered to a Regency period addition fronts onto the farmland to the south. However, this is now being altered with the construction of new housing. The east elevation faces onto a sunken, more formal lawn area. The area to the north of Eastleigh House was previously part of the grounds and included a swimming pool and garage. However, this has now been subdivided for new housing which was not considered to adversely affect the significance of the main listed building.

Part of the analysis on the impact on setting, is to establish whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution; both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.

The remaining site is enclosed by extensive trees grouped along the west, south and east boundaries which gives the house and its setting a sense of privacy and tranquillity. The sweeping nature of the driveway gives a long view of the west elevation, which now includes two separate dwellings and the landscaped space in front of these. It then arrives at the front of the house (south elevation) with a pear drop formation to allow the frontage to be appreciated. The formal garden space to the front and east envelopes the main house to a good degree and allows views back towards the main house, with the lawn to the east being 'sunken'.

It is considered that whilst the listing focuses on the architectural merit of the property, the formalised open space about the building to the west and mainly south and east, contributes significantly to its setting. Whilst the site has been made significantly smaller due to the new housing to the north, it is not considered that this part of the site formed a key part of the buildings setting.

Assessment of the proposal

The proposed dwellings would be positioned directly within the formalised setting of the listed building (as described above). Three dwellings would face north with the other two facing towards the east elevation of the main house. They are proposed to be constructed of traditional materials (brick and tile) but other than this, there would be minimal architectural association with the style of the main listed building. Whilst they would be single storey in height, the location of the dwellings would eradicate a large degree of the formalised garden setting. It is therefore considered that the proposal would result in significant harm to the setting of the listed building which forms part of

its significance. As the listed building itself does not form part of this application or proposed to be changed in anyway, the proposal would not result in the total loss of significance of the designated heritage asset and is therefore considered to result in less than substantial harm, as required by the NPPF. However, due to the significant harm caused, it is considered to be on the higher end of less than substantial harm. Paragraph 194 of the NPPF advises that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 advises that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is also worth noting that as the listed building is already subject to an extant approval for conversion to apartments and not considered to be at risk, there does not appear to be a viability / enabling development reason for this proposal.

Conclusion

Overall, is it considered the development would result in significant harm to the setting of the listed building which forms part of the significance of that building. The proposal therefore fails the test of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. However, as the harm is isolated to the setting of the heritage asset only, it is concluded the level of harm caused is ***less than substantial***.

As such, in line with the NPPF, paragraph 196 which states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset', it will be a matter for the planning application to determine how this harm weighs against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Recommended reason for refusal:

'The proposed development would be located within the immediate setting of a designated heritage asset (Eastleigh House), (the setting of which forms part of its significance) and it considered to result in significant harm to the setting. The application fails to assess the significance of this asset, including the contribution made by its setting and the impact that the proposed development will have on the significance of the designated heritage asset. It is therefore contrary to Policies CS11, DM20 and emerging Policy E13 and the NPPF.

Councillor D Guest - St Faith's

No comments received.

Councillor J Branson - St Faiths

No comments received.

Councillor T Pike - St Faith's

No comments received.

Crime Prevention -Minor Apps

No comments received.

Hampshire Highways

The Highway Authority has reviewed the proposals and raises no objection the application. However, as the parking authority, Havant Borough Council should confirm that the proposed parking for the development meets the parking standards

Landscape Team, Havant Borough Council

Planning Application APP/20/00366 Eastleigh House, Bartons Road, Havant, PO9 5NA

Provision of 5no. 1 bedroom retirement bungalows.

From a landscape perspective we have the following comments:

- It is unclear from the proposed site plan how pedestrians are to access/egress the site. We require a continual off road footway provision to services all dwellings. At present the footpath does not connect to the one south of Eastleigh house and/or onto north onto Bartons Road
- The proposed disabled parking bays are not DDA compliant as the hatching should be present on the both sides as well as the rear of the bay. See BS 8300:2009 for correct layout.
- The location and access to the bins is deemed not to be acceptable. If a vehicle is parking in the parking bay there is insufficient room to access to the bin store. Furthermore it is in too closer proximity to the rear garden of plot 1 and we have concerns with the smells.
- The proposed location of the cycle storage is deemed to be poor and will create an unsightly view from plot no. 3 kitchen window. We would recommend extending the footpath to the end of plot 3 and the having the bike storage north/east of plot 3. This would allow space for a small communal area for the residents to utilise.

We require the following drawings for submission:

- A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.
- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:
 - hard surfacing material type / product reference and colour
 - laying bond
 - edging or kerb detail / type
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

Officer comments: changes to car parking layout, bin and cycle store undertaken. Road layout approved under an earlier planning permission.

Natural England Government Team

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Please note there appears to be a small error in the SRMS contribution calculation. 5 x £356 should be £1780 not £1760.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

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.

With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Public Spaces

No comment received.

Traffic Management, East Hampshire District Council

No adverse comments.

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: 18

Number of site notices: 1

Statutory advertisement: 22/05/2020

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations**Appropriate Assessment**

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. This has been secured by a legal agreement.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

The applicant has agreed mitigation at Warblington, as outlined in the position statement, in order to mitigate the impact of the developments in terms Nutrient Neutral Development. If permission were to be granted this would be the subject of a legal agreement.

In other respects, 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) Retirement Accommodation
- (iii) Impact upon the Listed Building and character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Trees
- (vi) Access and Parking
- (vii) Trees
- (viii) Developer Contributions &CIL

(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. The addition of five new dwellings in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. That said, the Council can currently demonstrate a 5-year housing land supply and therefore there is no 'tilted balance' relating to residential proposals, as set out in the NPPF. The updated NPPF continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places are a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...".

It should also be noted that the Council has its emerging Pre-Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards (which the proposal satisfies for 1 person, 1 bed bungalow, with a shower room) and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally, other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

(ii) Retirement Accommodation

The proposal is for 5 retirement bungalows which the applicant has advised " ...has the potential to offer an 'extra care' element with little adaption/alteration for people with disabilities." The applicant goes on to advise that the Specialist Housing Analysis published in July this year identifies that "Around 30% of the Borough's population is expected to be aged 60 years by 2036 or above which means there is a clear need to provide dwelling which are sufficiently flexible for changing lifestyles and needs." This need is recognised in Havant's Housing SPD which sets out the key projected changes to 2026, one of which, is that over one quarter of the borough's population will be aged 65 and over.

Policy CS9 (6) of the HBLPCS provides for accommodation for an older population in sustainable locations as does Policy H5 in the emerging Local Plan.

Therefore, there is a recognised need in Policy terms for aged persons' accommodation in the Borough, which must be balanced against the less than substantial harm the proposal would have in respect of the Listed Building. This balancing exercise is set out below under the heading 'Impact on the Listed Building and the character and appearance of the area'.

(iii) Impact on the Listed Building and the character and appearance of the area

Policy CS11(4) of the Havant Borough Local Plan (Core Strategy) (HBLPCS) requires that development:

"Protects and where appropriate enhances the borough's statutory and non statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest."

Policy DM 20 of the Havant Borough Local Plan (Allocations) provides for development that conserves and enhances the historic assets of Havant Borough in line with the NPPF.

The proposal is for 5 single storey 1 bed bungalows, laid out in an L shaped design to the south and east of Eastleigh House. The proposal is simple in design, with no particular architectural features. The materials proposed are: brick walls, slate hipped roofs, timber doors and window with plastic rainwater goods.

Eastleigh House is a Grade II Listed Building which lies immediately to the north and west of the proposal. Whilst there is residential development to the north, south and east of Eastleigh House, to the south and east are open amenity areas which provide the setting to the listed building. In addition, to help retain this setting, when the residential development to the south was granted, an area of open space immediately to the south of the application site was provided, with built development, in the main, set further into the site. The loss of the areas to the south and east of Eastleigh House would significantly detract from the setting of the Listed Building.

The Council's Conservation Officer (CC) has been consulted in relation to the application and has provided a detailed response to the proposal, which is set out in full above. The main points raised by the CC are:

"Overall, is it considered the development would result in significant harm to the setting of the listed building which forms part of the significance of that building. The proposal therefore fails the test of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. However, as the harm is isolated to the setting of the heritage asset only, it is concluded the level of harm caused is *less than substantial*.

As such, in line with the NPPF, paragraph 196 which states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset', it will be a matter for the planning authority to determine how this harm weighs against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

In weighing the public benefit, against the less than substantial harm and the need for retirement accommodation, Eastleigh House, has planning permission for conversion to flats, which on the information available to the Local Planning Authority has secured its optimum variable use and therefore the public benefit is negligible. When balanced against the need for retirement homes and the significant harm that would be caused to this designated heritage asset by the development, this outweighs the need for the proposal.

In conclusion, the public benefit of the development is negligible, and the proposed development would be located within the immediate setting of a designated heritage asset (Eastleigh House), the setting of which forms part of its significance and is considered to result in significant harm to the setting. The application fails to assess the significance of this asset, including the contribution made by its setting and the impact that the proposed development will have on the significance of the designated heritage asset. It is therefore contrary to Policies CS11, DM20 and emerging Policy E13 and the NPPF

As to the impact of the development on the character and appearance of the locality, the site is not visible from the public realm and is screened by existing development, mature trees and vegetation. Therefore, whilst the development would have a significant impact on the setting of the Listed Building, it would not have such an impact on the character and appearance of the wider area.

(iii) Impact upon residential amenity and future occupiers

Policy CS16 of the HBLPCS seeks quality design in all developments, both for existing and proposed residents.

The closest residential development to the proposal would be Eastleigh House, which has planning permission for 6 flats, which at the time of the site visit, was still undergoing conversion works. From Plot 1, (the closest property to the south), the separation distance would be approximately 8, with the relationship staggered, with a proposed footpath and part of the Community Area in between. Any overlooking to the closest property would be of an oblique nature, which should not cause significant harm to future occupiers. As to Plot 4 and 5 there would be a separation distance of approximately 16m, which should not give rise to an undue loss of privacy or overlooking to future occupiers of Eastleigh House.

As to the development to the south of the site, as mentioned above, beyond the boundaries which is formed of vegetation, open space has been provided, with the residential development, in the main, set back further into the site. Therefore, the development would not be significantly harmful to the occupiers of this estate. As to the residential property to the east, due to the separation distance and mature trees along this boundary, the proposal would not materially impact on the amenities of the occupiers of this dwelling. To the west is commercial development, which would not be impacted by the proposal.

The size of rear garden varies, from approximately 4.9 m (Plots 1-3) to up to 8.3m (Plot 5) which is substantially below the minimum 10m depth set out in the Havant Borough Design Guide SPD 2011. The boundaries to the rear these Plots are formed by large trees to the east and vegetation to the south. The tree along the eastern boundary and the orientation of Plots 4 and 5 would result in the rear garden areas being in shade for the majority, if not all of the day. The supporting text to emerging policy H1 (paras 6.10 to 6.13) notes outdoor space needs to be of a sufficient size to meet the functional size of likely occupants. Whilst it is acknowledged that retirement homes may be purchased by people wishing to down size, the proposed garden lengths are considered to provide insufficient outdoor amenity space for normal everyday activities and the further wellbeing of occupiers, contrary to Havant's Design Guide SPD, adopted policy CS16 and emerging policies H1, E1 and E2. The inability to provide adequate private amenity space, demonstrates the overdevelopment nature of the development, contrary to policy CS16 of the HBLPCS and emerging policies H1 and E1.

The proposal would be located within the private 'Lawned Amenity' area (now identified as 'Communal Amenity, which is outside of the planning unit), provided in respect of the permission/consent for the conversion of Eastleigh House into 6 flats (i.e. APP/19/00156 & 157). The loss of this private Lawned Amenity area is considered undesirable and would adversely impact on the future occupiers of Eastleigh House, contrary to Policy CS16 of the HBLPCS and emerging policies H1 and E1.

(iv) Access & Parking

The proposal would use the existing access to Eastleigh House, from Bartons Road to the west of the site, which has raised no objection from the Highway Authority. 7 car parking spaces are provided in total, which include 2 disabled spaces. 5 cycle racks are also provided. The level of parking and cycle provision accords with Havant's Car Parking SPD and Policy DM13 of the HBLPCS.

(v) Trees

The Council's Arboricultural Officer has been consulted over the proposal and raised concerns as to "... little to no useable garden space and a constant pressure to prune the trees," for Plots 4 and 5 and that this part of the development requires modification, for a better relationship between the trees and the dwellings.

In response to the Arboricultural Officer's concerns the agent has advised that during the preparation of the application Plots 4 and 5 were positioned outside of the Root Protection Areas (RPA) along the eastern boundary, (for trees both within and off site), whilst at that same time maintaining the trees to provide private amenity space. Whilst the trees may be outside of the RPA, due to their proximity to Plots 4 and 5, (and to a lesser degree Plot 3), (i.e. 8m and 8.3m from the boundary) and given the mature,

large nature of the trees, they are likely to be under pressure to prune, to obtain more light into the rear gardens and the dwellings. However, as subsequently confirmed by the Arboricultural Officer the trees to the east provide limited public amenity and a Tree Preservation Order would be inappropriate. Therefore, the pruning of the trees could be undertaken without any recourse to the Local Planning Authority.

(vii) Developer Contributions & CIL

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.

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. As to the first package, the applicant has entered into a legal agreement and paid the mitigation fee of £1,892.00 to secure the mitigation package and initially agreed to a Grampian condition. The applicant now proposes to mitigate the nitrate issue, using the Council's land at Warblington.

The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement, this is sufficient to remove the significant effect on the European Sites which would otherwise have been likely to occur. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages. However, on the basis of a refusal of planning permission for other matters, it is not possible to secure the mitigation package for the mitigation measures for water quality through a legal agreement. As such, it is necessary to include the non-provision of the avoidance and mitigation package for water quality as a reason for refusal.

As to CIL, the internal floor area for the development is 195m². This would generate a payment of £23,260.71, if permission were granted in 2020.

8 Conclusion

The proposal would have a significant adverse impact on the setting of a heritage asset, would amount to an overdevelopment of the site and fails to provide a mitigation package for the mitigation measures for water quality through a legal agreement. The proposed is therefore contrary to adopted and emerging policy and the NPPF.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00366 for the following reasons.

- 1 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the water quality of the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 policies E16, EX1 and E12 of the Pre-Submission Havant Borough Local Plan 2036, paragraph 175(a) of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).
- 2 The proposed development would be located within the immediate setting of a designated heritage asset (Eastleigh House), (the setting of which forms part of its significance), and is considered to result in significant harm to the setting. The application fails to assess the significance of this asset, including the contribution made by its setting and the impact that the proposed development would have on the significance of the designated heritage asset. It is therefore contrary to policies CS11 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of Havant Borough Local Plan (Allocations) 2014, emerging policy E13 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.
- 3 The proposed development would adversely impact on the amenity area of the future occupiers of Eastleigh House and would amount to an overdevelopment of the site due to inadequate amenity space for future occupiers of the development, which would be significantly harmful to the amenity of residents. The amenity space of plots 4 and 5 would also be dominated by adjacent trees further negatively impacting their amenity value. The proposal is therefore contrary to the adopted Borough Design Guide SPD 2011, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, emerging policies E1 and H1 of the Pre-Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.

APPENDIX C

Mr Wiles
Concept Design & Planning
Morgans Yard
Shepherds Road
Bartley
Southampton SO40 2LH

For: Mr Harding
Cherrymaine Estates

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Grant of Planning Permission**

Application Number: APP/19/00156

Site Address: Eastleigh House, Bartons Road, Havant, PO9 5NA

Proposal: Internal alterations to allow conversion from offices (class B1(a)) to form 6No one bed flats (C3 residential units).

Further to your application received on 06 February 2019, which was valid from 14 February 2019, Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

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:

Design & Access Statement
Location Plan - drawing no. C18/060.01
Existing site plan - drawing no. C18/060.01
Existing ground floor plan - drawing no. C18/060.03
Existing first floor plan - drawing no. C18/060.04
Existing roof plan - drawing no. C18/060.05
Existing north elevation - drawing no. C18/060.08
Existing south elevation - drawing no. C18/060.06
Existing east elevation - drawing no. C18/060.07
Existing west elevation - drawing no. C18/060.09
Proposed site plan - drawing no. C18/060.10 A

Our Ref: APP/19/00156

Proposed ground floor plan - drawing no. C18/060.11
Proposed first floor plan - drawing no. C18.060.12A
Proposed roof plan - drawing no C18.060.13
Proposed north elevation - drawing no. C18.060.16
Proposed south elevation - drawing no. C18.060.14
Proposed east elevation - drawing no. C18.060.15
Proposed west elevation - drawing no. C18.060.17
Drainage plan - 300 SO1 P2
Tree protection plan - drawing no. C18.060.TPI
Barrell's tree protection plan - drawing no. 15362-BT2

Reason: - To ensure provision of a satisfactory development.

- 3 No alterations to the existing chimney stacks, fireplaces or window shutters shall be undertaken without express written approval of the Local Planning Authority.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 4 All new works and making good of the retained fabric whether in internal or external shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture, profile and style.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 5 Any new outside rainwater and soil pipes must be made out of metal and painted black.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 6 The hereby approved internal partition walls shall be inserted in such a way that the original features are preserved in situ.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 7 Prior to the commencement of work, details shall be submitted to and approved in writing by the Local Planning Authority to show:-
 - a) the means of upgrading the existing doors and frames to meet the prescribed fire safety standards
and/or
 - b) the design and construction of any new fire doors/glazed screens.
 - c) the design, location and method of fixing any new fire prevention/detection systems e.g. smoke detectors, alarms.
 - d) the means of providing noise isolation between units.**Reason** - To ensure that such details are appropriate to the character, architectural and historic interest of the listed building. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 8 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation package have been provided to 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 for 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 of the Pre-Submission Havant Borough Local Plan 2036.
- 9 The acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, and between levels, shall meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.
- Reason:** To ensure the residential amenity of the property is not impacted upon by any internal or external noise levels.
- 10 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.
- 11 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The development shall be undertaken in accordance with Barrell Tree Consultancy Report Plan (Drawin Number 15362-BT2), which shall include tree protection.

Reason: To secure the conservation and enhancement of existing natural features and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,In this instance:
 - You were updated about issues after the initial site visit.
- (5) You are hereby requested to ensure that dust mitigation measures are put in place, to prevent any potential dust nuisance from occurring during the demolition, excavation, clearance and construction phases of the development. This is in order to protect the occupants of nearby residential properties from dust pollution.
- (6) You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.
This is in order to protect the occupants of nearby residential properties from smoke pollution.

- (7) You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00. This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance
- (8) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link
<https://beta.southernwater.co.uk/infrastructure-charges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that suitable means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The proposed development would lie within a Source Protection Zone around one of water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Consultations with the Environment Agency to ensure the protection of the public water supply source.

Simon Jenkins

Simon Jenkins
Interim Director of Regeneration and Place

12 September 2019

Mr Wiles
Concept Design & Planning
Morgans Yard
Shepherds Road
Bartley
Southampton SO40 2LH

For: Mr Harding
Cherrymaine Estates

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
Grant of Listed Building Consent

Application Number: APP/19/00157

Site Address: Eastleigh House, Bartons Road, Havant, PO9 5NA

Proposal: Listed Building Consent for internal alterations to allow conversion from offices (class B1(a)) to form 6 No one bed flats (C3 residential units).

Further to your application received on 06 February 2019, which was valid from 14 February 2019, Havant Borough Council, as Local Planning Authority, **Grants Listed Building Consent** for the above proposal.

This consent is subject to compliance with:

- (i) The plans and other documents submitted with regards to your application, and
- (ii) The following conditions:

Conditions:

- 1 The works to which this Listed Building Consent relate must be begun within a period of 3 years beginning with the date on which this consent is granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No alterations to the existing chimney stacks, fireplaces or window shutters shall be undertaken without express written approval of the Local Planning Authority.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 3 Any new outside rainwater and soil pipes must be made out of metal and painted black.
Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.
- 4 All new works and making good of the retained fabric whether in internal or external shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture, profile and style.

Our Ref: APP/19/00157

Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.

- 5 The hereby approved internal partition walls shall be inserted in such a way that the original features are preserved in situ.

Reason – to safeguard the architectural and historic character of the listed building or to ensure the detailing and materials maintain the architectural interest of the building.

- 6 Prior to the commencement of work, details shall be submitted to and approved in writing by the Local Planning Authority to show:-

a) the means of upgrading the existing doors and frames to meet the prescribed fire safety standards and/or

b) the design and construction of any new fire doors/glazed screens.

c) the design, location and method of fixing any new fire prevention/detection systems e.g. smoke detectors, alarms.

d) the means of providing noise isolation between units.

Reason - To ensure that such details are appropriate to the character, architectural and historic interest of the listed building. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

Design & Access Statement

Location Plan - drawing no. C18/060.01

Existing site plan - drawing no. C18/060.01

Existing ground floor plan - drawing no. C18/060.03

Existing first floor plan - drawing no. C18/060.04

Existing roof plan - drawing no. C18/060.05

Existing north elevation - drawing no. C18/060.08

Existing south elevation - drawing no. C18/060.06

Existing east elevation - drawing no. C18/060.07

Existing west elevation - drawing no. C18/060.09

Proposed site plan - drawing no. C18/060.10 A

Proposed ground floor plan - drawing no. C18/060.11

Proposed first floor plan - drawing no. C18.060.12A

Proposed roof plan - drawing no C18.060.13

Proposed north elevation - drawing no. C18.060.16

Proposed south elevation - drawing no. C18.060.14

Proposed east elevation - drawing no. C18.060.15

Proposed west elevation - drawing no. C18.060.17

Drainage plan - 300 SO1 P2

Tree protection plan - drawing no. C18.060.TPI

Barrell's tree protection plan - drawing no. 15362-BT2

Reason: - To ensure provision of a satisfactory development.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Planning (Listed Building and Conservation Areas) Act. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

Our Ref: APP/19/00157

- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.
- (3) Any failure to adhere to the details of the submitted plans, and other documents may lead to enforcement action being taken by the Council. If you wish to depart from the approved details in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
- Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,
- In this instance:
- You were updated about issues after the initial site visit.

Simon Jenkins

Simon Jenkins
Interim Director of Regeneration and Place

12 September 2019

Appendix C – Drawing No. C18/060.10

fox8080/IDOXSoftware/IG_display/1158302.pdf?docid=1158302&appid=1002&location=VOLUME2&ext=pdf&page=0&size=1&version=0&f

Search...



proposed site plan

Rev	Date	Notes

Notes:

Do not scale from the drawing for other than planning purposes. All sizes to be confirmed on site before construction.

The copyright of this drawing is retained by Concept Design & Planning.

The site drawing is reproduced under the terms of the Ordnance Survey and cannot be reproduced.



Project:	East Leigh House	Drawn by:	RW
Drawing:	Proposed Site Plan	Checked by:	RW
Drawing No.:	C18/060.10	Revision:	1
Scale:	1:100 @ A3	Date:	Jan 2018

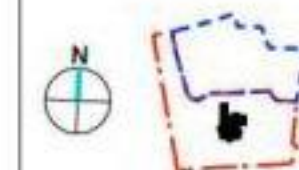
Rev	Date	Notes

Notes:

Do not scale from the drawing for other than planning purposes. All sizes to be confirmed on site before construction.

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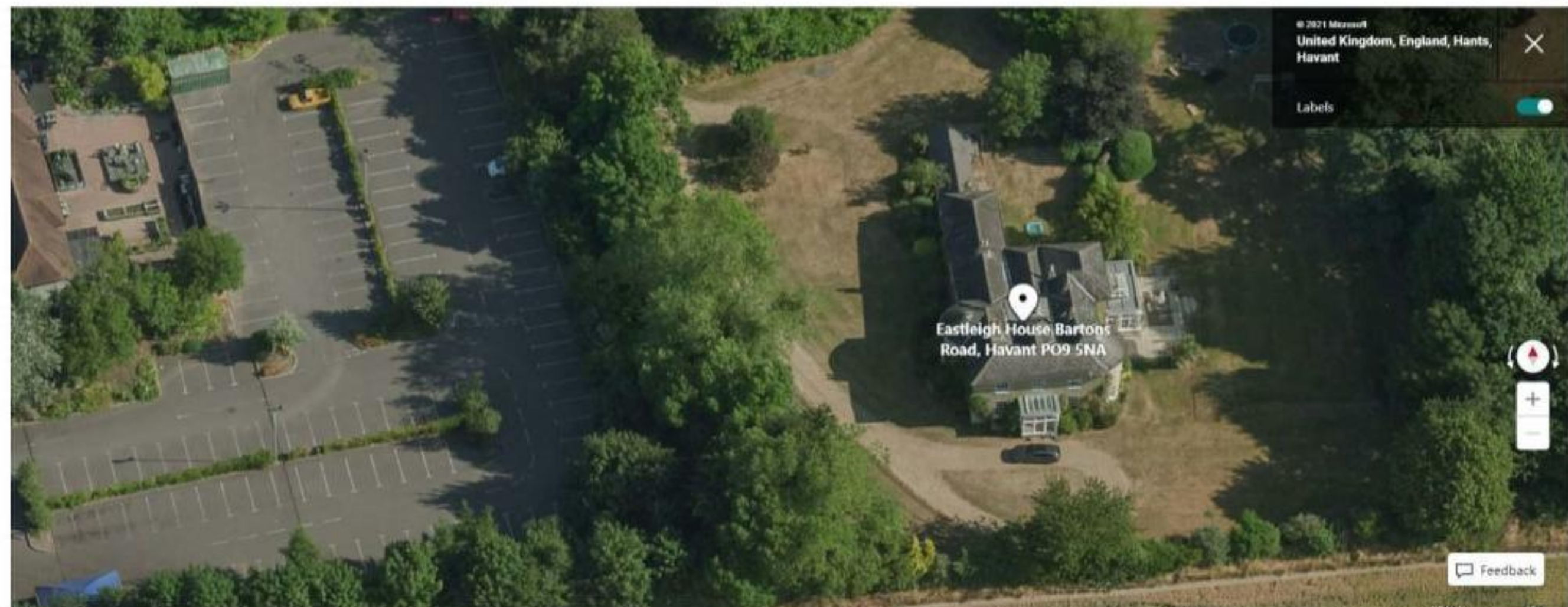


Project:	East Leigh House	Drawn by:	RW
Drawing:	Proposed Site Plan	Checked by:	RW
Drawing No.:	C18/060.10	Revision:	1
Scale:	1:100 @ A3	Date:	Jan 20

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design & planning

T 025 9033 1010
E 020 300 4000
W www.conceptdesign.co.uk

APPENDIX D



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Havant

Labels

Eastleigh House Bartons
Road, Havant PO9 5NA

Feedback

APPENDIX E

THIS **UNILATERAL UNDERTAKING** is made by **DEED** on the (to be inserted by Havant Borough Council 9th of June 2020)

AND GIVEN BY

IBEX Homes LTD incorporated and registered in England and Wales with company number 06315941 whose registered office is at DRIVERS WHARF, NORTHAM, SOUTHAMPTON, SO14 0PF **Owner**

PETER HARDING of DRIVERS WHARF NORTHAM SOUTHAMPTON SO140PF **Owner**

TO

The Council of The Borough of Havant of Public Service Plaza Civic Centre Road
Havant PO9 2AX

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (B) The Owner owns the Land and has made the Planning Application and is proposing to carry out the Development.
- (C) The Owner gives this undertaking to perform the obligations set out in this deed.

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed.

1.1 Definitions:

Act: the Town and Country Planning Act 1990

Administration Fee: the sum of £23

Commencement of Development: the date on which any material operation (as defined in section 56(4) of the Act) forming part of the Development is begun save that (for the purposes of this Agreement and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, site survey works, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" and similar expressions shall be construed accordingly

Contribution: the sum of £1,780.00 as a contribution towards measures to mitigate the impacts of the Development on the Solent Special Protection Areas in accordance with the Solent Recreation Mitigation Strategy dated 1 April 2018.

Development: the development of the Land described in the Planning Application.

Land: the freehold land at Eastleigh House, Bartons Road, Havant, PO9 5NA.

Monitoring Fee: the sum of £89.00 (calculated as 5% of the Contribution).

Planning Application: an application for planning permission registered by the Council on 18 May 2020 under reference number APP/20/00366.

Planning Permission: the planning permission to be granted by the Council in respect of the Planning Application.

- 1.2 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.4 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.5 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.6 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.7 References to clauses are to the clauses of this deed.
- 1.8 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the Act, section 111 of the Local Government Act 1972 and any other enabling powers.

2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Land and their respective successors and assigns.

2.3 This deed shall have effect from the date hereof.

2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the Act.

3. COVENANTS WITH THE COUNCIL

The Owner covenants with the Council to pay the Contribution, Administration Fee and Monitoring Fee to the Council on the date of this deed.

4. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- (a) expires before the Commencement of Development;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

5. FUTURE PERMISSIONS

5.1 Nothing in this deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed.

5.2 This deed shall apply to any planning permission subsequently granted under Section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission (a "Subsequent Permission") and the Planning Permission shall be construed to include the development as stated in the Subsequent Permission unless otherwise required by the Council.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

[FOR INDIVIDUALS]

Executed and delivered as a

deed by **[INSERT NAME]**

Signature:

.....

in the presence of:

Witness signature

.....

Witness name

.....

Witness address

.....

.....

Witness occupation

.....

[FOR COMPANIES OPTION 1]

**Executed and delivered as a deed by IBEX
HOMES**

acting by two directors

PETER HARDING

.....

Director

.....

Director

[FOR COMPANIES OPTION 2]

**Executed and delivered as a deed by
[INSERT COMPANY NAME] acting by
[INSERT DIRECTORS NAME], by a director**

.....

Director

in the presence of:

Witness signature

Witness name

Witness address

Witness occupation



APPENDIX F

Appendix F – Suggested 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 and documents:

Planning, Heritage, Design & Access Statement

Arboricultural ~Assessment & Method Statement by Barrell Tree Consultancy dated 27 March 2019

Proposed Site Plan – Drawing No SD-1950-00 E

Proposed Floor and Elevations – SD-1950-01 D

Location Plan & Site Sections – DS19050-02 D

Tree Protection Plan - Drawing No. 18334-BT2

Reason: - To ensure provision of a satisfactory development.

3. With the exception of any site manager/warden's accommodation, at no time shall the retirement home development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.

Reason: Having regard to the substandard size of the rear gardens of plots 4 and 5 and that the development would provide retirement accommodation within the Borough for which there is a recognised housing need and having due regard to policies DM7, CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density. Other required information:

-Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour

- laying bond
- edging or kerb detail / type
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 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. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension or building alterations shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the trees along the boundaries, the adjacent Grade II Listed Building (Eastleigh House) and parking provision having due regard to policies CS11, CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9. No dwellings shall be occupied until the following drainage details have been submitted to and approved in writing by the Local Planning Authority: Details of consent from the Sewerage Authority for a connection to the public sewer for the development. The development shall be implemented in accordance with the approved details

Reason: Without the provision of an appropriate drainage connection point the development cannot be occupied having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10. No dwelling hereby permitted shall be first occupied anywhere on the site until the road serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and

the National Planning Policy Framework.

11. Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as set out in the approved Arboricultural Assessment Statement dated 27 March 2019 and the Tree Protection Plan - Drawing No. 18334-BT2 shall be installed and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

12. The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

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.

13. 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.