

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

**STATEMENT OF HAVANT BOROUGH
COUNCIL**

42 NORTH STREET, HAVANT, PO9 1PT

**Local Planning Authority Reference:
APP/22/00337**

**Planning Inspectorate Reference:
APP/X1735/W/23/3334421**

HAVANT BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR GIANNI SHIPP AGAINST REFUSAL to grant permission for:

Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage.

Local Planning Authority Reference: APP/22/00337

Planning Inspectorate Reference: APP/X1735/W/23/3334421

1 Site Description

- 1.1 42 North Street, lies within Havant Town Centre boundary, but does not fall within the Primary or Secondary Shopping Frontages. The site also falls within the St Faith's Conservation Area.
- 1.2 The building fronts North Street, with a public car park to the rear. The immediate area is commensurate of a town centre location with a mix of commercial and residential development. The residential development largely being first floor flats with ground floor retail and commercial premises.
- 1.3 The application site is made up of a vacant office building, over two floors.
- 1.4 The site currently falls within Flood Zone 1. However, the site lies within an area which is at risk of flooding in the future, due to climate change.

2. **Relevant Planning History**

- 2.1 22211/4 - Change of use of the site from consulting rooms to general office/business use – granted 26/10/87.

3. The Appeal

- 3.1 The appeal is for the 'Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage.' The appeal is for 2, 1 bedroom flats, with rear amenity spaces for both units, which was refused planning permission by the Local Planning Authority on 9 June 2023.
- 3.2 Planning permission was granted on 26/10/87 under reference 22211/4 for the "Change of use of the site from consulting rooms to general office/business use". Conditions 2 states:

"Notwithstanding the provision of any Town and Country Planning Use Classes Order, the use hereby permitted shall be restricted solely to that of graphic design/artwork offices and studios and/or any other use falling with the scope of Part (a) of Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987."

4. Planning Policies

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS4	(Town, District and Local Centres)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

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

5. Planning Considerations

- 5.1 To avoid repetition, the attached Officer's report (Appendix A) sets out in detail the planning position of the Local Planning Authority (LPA) in respect of the appeal. The Inspector's attention is drawn in particular to paragraphs 7.3 – 7.6 (Loss of Commercial Use) and 7.18 – 7.23 (Flooding) in the report, where the key issues are set out. As the Inspector is aware the LPA refused the application for two reasons. Firstly, for the loss of a business use in Havant Town Centre which, in the absence of any marketing information, has not been demonstrated to be unfit for commercial purposes or financially unviable. Secondly, the site being located within a future flood zone, according to the Strategic Flood Risk Assessment extract shown in Appendix B and a Flood Risk Assessment has not been submitted to demonstrate that the development would be safe from flood risk across its lifetime or that the development would not increase the risk of flooding elsewhere. In the absence of adequate information, the proposal represents unsustainable, inappropriate form of development in an area at future risk of flooding. That said, it is acknowledged that the whole proposal is before the Inspector for consideration.
- 5.2 As the Inspector will note from the Officer's report a Habitats Regulations Assessment and Appropriate Assessment, was undertaken in respect of the impact of the development on the Solent Special Protection Area from increase nutrient load on water quality caused by the discharge of nitrates on the designated sites within the Solent. An assessment was also made in respect of recreational disturbance on the

Solent SPA as a result of new development, with mitigation secured for the Solent Recreation Mitigation Strategy. The Habitats Regulation Assessment concluded that the avoidance and mitigation packages proposed in the appropriate assessment were sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The Appellant entered into a legal agreement to secure the mitigation packages and paid the appropriate mitigation, details of which are attached at Appendix C.

- 5.3 As the decision-making body, the Inspector would go through the same assessment when determining the appeal.
- 5.4 The Council's Five-Year Housing Land Supply Update (March 2023) shows that the Borough has a 1.81 year housing land supply with a 20% buffer applied. (Appendix D) This is below the five-year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted, as footnote No. 7 in the NPPF is of relevance to the proposal as the site falls within an area at risk of flooding.
- 5.5 Since the refusal of the appeal by the LPA the National Planning Policy Framework (NPPF) was updated on the 20 December 2023. Therefore, in paragraph 7.20 in the Officer's report the paragraph in the NPPF is now 165 instead of 159. In paragraph 7.21 in the Officer's report paragraph 163 is now 168 in the NPPF. Whilst the paragraph numbering in the NPPF has changed Government guidance as to flood risk has not. That said, as the proposal is for a change of use; the sequential test does not need to be applied in this case. However, a Flood Risk Assessment is required to show that future users of the development would not be placed in danger from flood hazards throughout the lifetime of the proposal. Depending on the risk, mitigation measures may be needed. When the appeal proposal was considered by the LPA a Flood Risk Assessment was requested but was not provided by the Appellant.
- 5.6 It is noted that the Appellant has failed to provide a Flood Risk Assessment as part of his appeal. Therefore, the Appellant has failed to demonstrate that future occupiers of the proposal would not be placed in danger from flood hazards throughout its lifetime or increase the risk of flooding elsewhere. As no Flood Risk Assessment has been submitted an objection arises in the context of Core Strategy Policy CS15 and paragraph 165 of the NPPF.
- 5.7 Overall it is considered that the Appellant has failed to demonstrate the site would be safe from flooding across its lifetime and would therefore be contrary to the aims and objectives of the NPPF and adopted Policy CS15 of the Havant Borough Local Plan (Core Strategy).

6.0 Appellant's Statement

- 6.1 With regards to the Appellant's appeal statement, the points raised are covered in the Officer's report, or below. The LPA reserves the right to comment further if new material planning considerations are raised by the Appellant.
- 6.2 The Appellant's appeal statement states that the site is within flood zone 1 according to the Environment Agency's flood map and refers to other properties, including an adjacent property which have been granted planning permission to become residential. The site is currently within flood zone 1. However, with climate change the site is identified within flood zone 2 and 2 and at risk from future flooding.

- 6.3 As to future flood risk, the Council has a Strategy Flood Risk Assessment (SFRA) for the Borough, which is part of a wider sub-regional SFRA, which forms part of the Council's interactive public facing interactive mapping. An extract from this interactive map is attached at Appendix E, which demonstrates that the site is a risk from future flooding.
- 6.4 There is a requirement that sites at risk to flooding now and in the future as covered by policy CS15 of the Havant Borough Local Plan (Core Strategy) and footnote 59 of the NPPF to provide a Flood Risk Assessment. No such Assessment had been provided at either the application or appeal stage.
- 6.5 From the information provided by the Appellant, the LPA is only able to identify the conversion of the adjacent property to the south No. 7 & 8 Northlea, Prince George Street, Havant, PO9 1FR. This was a Prior Approval granted under Reference APP/21/00866 on 8/12/21. On reviewing the case officer's report, it is clear that the future flood risk issue was not identified during the course of that officer's determination of the application, which is regrettable as it resulted in a new dwelling being approved in an area at risk of future flooding, which otherwise would not have been the case. Since this decision was taken in 2021, officers have received further training, knowledge and access to the mapping system, with the confidence that such an oversight is unlikely to occur in future. In the case of the appeal site, the future flood risk issue was identified during the course of assessing the application and is a material consideration which must be taken into account in the determination of the application.

7 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 as Appendix E.

Appendices

- (A) Officer's delegated report
- (B) Extract from Strategy Flood Risk Assessment Map
- (C) Copy of signed Unilateral Undertaking for nitrate mitigation & the Solent Recreation Mitigation Strategy
- (D) Havant's Five-Year Land Supply Update, March 2023
- (E) List of suggested conditions

APPENDIX A

Site Address: 42 North Street, Havant, PO9 1PT
 Proposal: Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage.
 Application Type: Full Planning Permission
 Application No: APP/22/00337 Expiry Date: 27/05/2022
 Applicant: Mr Shipp
 Agent: Mr Andrews Case Officer: Lesley Wells
 SDA Planning and Architecture
 Ward: St Faiths

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 42 North Street, lies within Havant Town Centre boundary, but does not fall within the Primary or Secondary Shopping Frontages. The site also falls within the St Faith's Conservation Area.
- 1.2 The building fronts North Street, with a public car park to the rear. The immediate area is commensurate of a town centre location with a mix of commercial and residential development. The residential development largely being first floor flats with ground floor retail and commercial premises.
- 1.3 The application site is made up of a vacant office building, over two floors.
- 1.4 The site currently falls within Flood Zone 1. However, the site lies within an area which is at risk of flooding in the future, due to climate change.

2 Planning History

None.

3 Proposal

- 3.1 Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage. The proposal is for 2, 1 bedroom flats, with rear amenity spaces for both units.
- 3.2 Planning permission was granted on 26/10/87 under reference 22211/4 for the "Change of use of the site from consulting rooms to general office/business use ". Conditions 2 states:

"Notwithstanding the provision of any Town and Country Planning Use Classes Order, the use hereby permitted shall be restricted solely to that of graphic design/artwork offices and studios and/or any other use falling within the scope of Part (a) of Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987."

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)
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CS9	(Housing)
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Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

5 Statutory and Non Statutory Consultations

Building Control - No Comment

Building Regulations consent will be needed for this work

A Public sewer runs under this site

First floor lounge and bedroom are inner rooms Means of escape windows needed
Bedroom might be an issue

Possible unprotected area issue with Ground Floor dining room windows and location of site boundary AD B

Ground floor Kitchen door / windows should be 1.8m away from First Floor staircase in accordance with AD B B1 Para 2.17 & Diagram 2.7

Sound proofing required between floors this will be an issue if chimneys remain linked

Soil vent pipe should be located 900mm away or 3m from any opening window

Staircase design does not comply with Approved Document K requirements should not be climbable and have no gaps greater than 100mm

Officer Comments: *if permission is granted, these matters would be covered under Building Control legislation.*

Community Infrastructure - Comment

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

The Additional Information Form states the building is still in use, yet the proposal states "vacant office building" and the Planning, Design and Access and Heritage Statement also refers to the "vacant office building". In order for credit to be given for the existing floor area, it must be shown that it has been occupied for its lawful use for 6 continuous months of the 36 previous months.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Officer Comment: *the agent has confirmed the offices are vacant but have been used within the last 36 months for 6 months.*

Councillor Imogen Payter - No Comment

Councillor J Branson - St Faiths - No Comment

Councillor T Pike - St Faith's

I wish to object to this application on the basis of the information available. The ground floor of properties in this area should be town centre uses - I have no objection to a flat on the first floor. Policy AL3 requires this in the town centre, this property is situated within the town centre boundary, and I can see no marketing information that demonstrates that a town centre use is not wanted in this location.

As we saw at 30 North Street, where we successfully opposed a conversion to residential, this now back in commercial use. It is therefore highly likely there is a potential town centre use for this site at number 42.

County Archaeologist - No Objection

The site lies close to the historic core of Havant, an area with known occupation dating to at least the Roman period. However, the proposed development is of a limited scale and will have a limited below ground impact. On that basis, I do not wish to raise any archaeological issues.

Developer Services, Southern Water

The attached plan shows that the existing development lies over a foul sewer. Approval should be sought from Southern Water where an extension to a building or underpinning work would be over a public sewer. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties

served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over/close-to the sewer.

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; Prior to the commencement of development, the developer must advise the local authority, in consultation with Southern Water, of measures which will be undertaken to protect the public sewers.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Officer Comment: *The above condition would be imposed on the decision notice if permission is granted.*

Environment Agency - No Objection

Please accept this email as confirmation that we have no objections in relation to noise.

Heritage Team - No Objection

Background

The application site is located in North Street in Havant Town Centre and within the St Faiths Conservation Area. It forms a two-storey, mid terrace property which is was last used as office accommodation.

Proposal

Change of use to 2 x 1no. bedroom flats and erection of rear staircase.

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in

consideration.

Section 72 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 Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy 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 (1a) of the Core Strategy states '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.

Officer Response:

The proposed change of use would result in minimal changes to the front exterior of the building. The rear elevation would feature the staircase however, this would not be highly visible in the context of the conservation area. Overall, it is considered that the proposal would not result in harm to the conservation area and would meet the tests of Section 72.

Conclusion - No objection

Environmental Health - No Objection - Noise

Confirmation that we have no objections in relation to noise.

Environmental Health - Comments

Support on Air Quality (sustainable travel) grounds. Change of use is material for the risk status of the land, so I'm afraid contamination conditions are needed. I am mindful that the quantum of the development may have limited yield, and that we need to make sure that our planning decisions are rational (that condition requirements should not make unviable an otherwise viable development). Might be worth having a conversation with the applicant about the available margin. I am happy for a fairly rough & ready / low cost approach in the first instance, but there will always be the risk that results will be adverse, and that mitigation would be necessary.

If there is a risk that adverse results might make this development unviable, it might be that a recommendation for quantifying contamination-risk prior to awarding consent could be justified.

Officer Comment: *if permission was forthcoming appropriate contamination conditions would be recommended.*

Highway Authority - No Objection

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Natural England - No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to National Site Network sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 15 December 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further advice
Nutrient budget

We note that the nutrient budget for this application has been calculated in line with the Solent Nutrients Guidance, V5, June 2020. Your authority, as Competent Authority, should consider how the updated Nutrient Neutrality Methodology relates to the nutrient budget provided with this application, and any proposed mitigation.

Nutrient Team - No Objection

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,000 per kilogram of nitrogen (as at 18/11/22). In addition, it should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-develop>

Officer comment: *the agent has been advised of the above, but has moved forward with using Warblington Farm site for mitigation.*

Policy - Objection

Policy Status:

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. Following the receipt of the Inspectors' Interim Findings, the Examination was concluded, and the Havant Borough Local Plan from Examination was formally withdrawn on the 16th March 2022.

The following Adopted Local Plan policies are of particular relevance:

- CS2 – Employment
- CS4 – Town, District and Local Centres
- CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS15 – Flood and Coastal Erosion Risk
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM3 – Protection of Existing Employment Tourism Sites
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

Principle of Development:

This application relates to a vacant office building and therefore Policies CS2 and DM3 are of relevance.

Policy DM3 indicates the change of use or development of land or premises currently or last used for B use class employment purposes to non-B class employment uses will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for any employment use. The active and exhaustive marketing process should cover 12 months and as a minimum should

include:

- i) Confirmation by the marketing agent on headed company paper that the premises were appropriately and extensively marketed for the required length of time as set out by the council.
- ii) Dated photographs of marketing board/s of an appropriate quality, size, scale, location and number, during this time, on the premises.
- iii) An enquiry log, how it was followed up and why it was unsuccessful.
- iv) A copy of all advertisements in the local press and trade journals (should be at least four weeks' worth of advertisements spread across a six month period).
- v) Evidence of marketing via the internet.

No such supporting evidence has been submitted to address the policy requirements set out above, as such a policy objection arises in the context of Policies CS2 and DM3.

In addition, the site falls within Havant Town Centre as defined by Policies CS4 and AL3, but outside of any primary or secondary shopping areas. In this case, it should be noted that the proposals would result in the loss of an active ground floor frontage and a main town centre use. As such, the proposed use would conflict with policy objectives to maintain and enhance the vitality and viability of the town centre.

Flood risk

The site lies within an area which is at risk of flooding in the future. However, as the proposals is for a change of use, the sequential test does not need to be applied. The change of use would, however, result in an increase in flood risk of the vulnerability classification of the development. The applicant will therefore need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed.

It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk.

In this case, no flood risk assessment appears to have been submitted. As such, an objection would arise in the context of Core Strategy Policy CS15 and paragraph 168 of the NPPF. It should also be noted that the NPPF protects areas at risk of flooding and provides a clear reason for refusing proposed development. In such cases, the tilted balance in paragraph 11d) ii of the NPPF does not apply.

Design and Heritage

Core Strategy Policy CS16 and Borough Design Guide require high quality design. In addition, it is noted that the site falls within the St Faiths Conservation Area. As such, the external alterations would be expected to protect and enhance the character and appearance of the conservation area in line with Policy CS11. In this respect, the Council's Heritage Team has noted that the proposal would not result in harm to the conservation area.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, and the Council's Parking SPD.

Summary:

In the absence of a realistic and active marketing exercise to demonstrate the office premises are no longer fit for purpose and financially unviable for B use class purposes, a policy objection arises in the context of Policies CS2 and DM3. In addition – in the absence of a flood risk assessment which demonstrates future users of the development will not be placed in danger from flood hazards throughout its lifetime, the proposal would be contrary to Core Strategy Policy CS15 and paragraph 168 of the NPPF

Portsmouth Water Company - Final Comment

The Portsmouth Water Catchment Management Team have reviewed this planning application from a groundwater quality protection perspective and have provided the following comments.

Site Setting

The site is located within Source Protection Zone 1c (SPZ1C) of the groundwater catchment for an essential public water supply source. It is also within 450 meters of a Spring on company land used for potable water supply. SPZ1C relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities.

Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source. The confined aquifer is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

Surface Water Drainage

Within the Application Form it is set out that the proposed surface water drainage for this development is by a Soakaway to Groundwater. The Portsmouth Water Catchment Management Team request clarification on if this soakaway pre-exists this application, or is to be created as part of it.

Should the Soakaway be proposed for construction under this application the following applies:

Portsmouth Water has a presumption against the use of deep-bore soakaways at this location, due to the location within SPZ1C of the groundwater catchment and the proximity to our public water supply source. All applications for the construction and installation of deep bore soakaways should be accompanied by an adequate hydrogeological risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design. Portsmouth Water will only agree to the use of deep pit based systems (including boreholes) for surface water disposal if the developer can show that all of the following apply:

- there are no other feasible disposal options such as shallow infiltration systems (for surface water) that can be operated in accordance with current British Standards;
- the system is no deeper than is required to obtain sufficient soakage;
- pollution control measures are in place;
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented;
- and there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures.'

Officer Comment: the agent has confirmed that the site will utilise the existing drainage system, with no new drainage proposed or required.

Portsmouth Water Company - 1st Comment - Further Information Sough

The Portsmouth Water Catchment Management Team would like to please request clarification in regard to the drainage for Planning Application APP/22/00337 42 North Street, Havant before we submit comment on this application.

Within the Application Form it is set out that the intended surface water drainage methodology is Soakaway to groundwater. Could you please clarify with us whether this Soakaway pre-exists this application, or if it is intended to be installed as part of it. It is important that we understand the existing site drainage before commenting due to the sensitive nature groundwater environment.

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: 12

Number of site notices: 1

Statutory advertisement: 13/05/2022

Number of representations received: 0

Comment	Officer Comment
Other than a Local Member comment, no other representations have been received.	See Section 7 below

7 Planning Considerations

Habitat Regulations Assessment & 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) 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 entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

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.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages.

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Loss of Commercial Use
- (iii) Impact upon the character and appearance of the St Faith's Conservation Area
- (iii) Impact upon residential amenity (neighbouring properties and future occupants)
- (iv) Drainage and Flooding
- (v) Parking
- (vi) CIL

- (i) Principle of development

- 7.1 The application site is situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. The National Planning Policy Framework (NPPF) supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council development plan comprises the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations)

2014 and in accordance with paragraph 11 of the NPPF decisions should be made in accordance with the development plan.

- 7.2 It is noted that the Council's Five Year Housing Land Supply Update (March 2023) shows that the Borough has a 1.81 year housing land supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted, as footnote No. 7 in the NPPF is of relevance to the proposal as the site falls within an area at risk of flooding.

(ii) Loss of Commercial Use

- 7.3 The site falls within Havant Town Centre, where it is important to promote and protect their vitality and viability. It is also recognised that centres are changing. Policies AL3, along with CS4 of the Havant Borough Local Plan (Core Strategy) 2011 (HBLPCS), aim to reflect this, whilst seeking to enhance the evening economy of the town and district centres through the grant of planning permission and encourages high quality, mixed-use development that retain active ground floor frontages. The proposal would result in the loss of a commercial office use, within Havant Town Centre, albeit currently not in use.
- 7.4 Policy CS2 of the HBLPCS seeks, amongst other matters, to "Safeguard existing employment sites and allocations that are fit for purpose from development proposals for non-employment uses." No information has been provided to the LPA, that has demonstrated that the site is not fit for employment office use.
- 7.5 Policy DM3 seeks to protect, amongst other matters, existing employment sites and that non employment uses will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for Class E (formerly B1a use). To demonstrate whether this is the case, Policy DM3 sets out that "...an active and exhaustive marketing process covering at least 18 months for a major site and 12 months for all other sites.", with evidence that the marketing price is realistic and that the marketing has been appropriate and genuine. It has been confirmed with the applicant's agent that no such marketing exercise has taken place, as it is considered the relevant policies are out of date and the need for office space has declined. In accordance with Section 38 of Planning & Compulsory Purchase Act 2004 the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 7.6 The permanent loss of this commercial unit has the potential to adversely affect the vitality and viability of this section of the town centre, albeit the principle of residential development at first floor would be unlikely to be resisted, subject to any other material planning considerations. Whilst it is recognised generally that the need for commercial space has been reduced, without evidence from the applicant in the form of a marketing exercise, which demonstrates there is no longer a need for this office use, the harm to the town centre outweighs the change of use to residential at ground floor level, which would be contrary to the aims and objectives of Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and Government advice in the NPPF. The agent disagrees with this assessment, being of the view that the relevant policies in the development plan are out of date, as is the condition restricting the use, (as set out above), due to the Council's inability to demonstrate a 5 year land supply and having regard to the flooding issue, as set out below, due to the site currently being in Flood Zone 1. For the reasons set out above and below Officers do not

concur with the agent's assessment of the policy position.

(ii) Impact upon the character and appearance of the St Faith's Conservation Area

7.7 The main change to the exterior of the building, would be the replacement of a window, with a door opening out onto an external first floor stair access to the rear with no external changes proposed to the front exterior. As to internal changes these are to facilitate the conversion from office use to residential, which would not impact on the locality.

7.8 In assessing the proposal under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard must be had by the Local Planning Authority to the desirability of preserving or enhancing the character and appearance of that area.

7.9 The Council's Conservation Officer (CO) has been consulted over the proposal as the site lies within the St Faith's Conservation Area and advised:

"Overall, it is considered that the proposal would not result in harm to the conservation area and would meet the test of Section 72. "

7.10 Therefore, having full regard to the test in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would not be harmful to the character and appearance of the Conservation Area and would accord with Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy), in this regard.

(iii) Impact upon residential amenity (neighbouring properties and future occupants)

Impact on existing residential occupiers

7.11 The proposal is the conversion of offices to 2, No. 1 bedrooms flats. Therefore, there would already be a degree of overlooking of neighbouring rear gardens/courtyards from the existing lawful use.

7.12 To the north of the site (No. 44) is a commercial unit at ground floor with residential above. To the south of the site was a former commercial unit which has been converted to residential under reference APP/21/00866 (Prior Approval). The introduction of residential development at the site would be unlikely to give rise to an unacceptable level of noise and disturbance, to existing adjoining residents.

7.13 As to the rear staircase to the first floor flat, direct view to the east would be over the public car park to the rear, with views on surrounding properties to be expected within this town centre location.

Impact on further residential occupiers

7.14 The 2 flats would comply with the Government's Technical housing standards - nationally described space standards, with access to a rear amenity space is provided. The ground floor flat's access would be from North Street. The second floor's access would be from the new staircase, which is not unusual in such conversions, overlooking the public car park to the rear. The site is in a sustainable location, with easy access to bus services, the railway station, shops and other services.

7.15 The proposal is located within the Havant Town Centre, where a certain level of noise is expected. There are not judged to be any substantial nearby noise pollutants impacting living conditions of future occupiers of the proposed flats from nearby commercial premises, with the Council's Environmental Health Team raising no objection to the proposal.

7.16 The proposal is considered to accord with Policy CS16 of the HBLPCS.

(iv) Drainage and Flooding

Drainage

7.17 As to foul and surface water drainage, the agent has confirmed that the site will utilise the existing drainage system, with no new drainage proposed or required. Approval of drainage for the site would fall within the remit of Building Control, if permission is granted.

Flooding

7.18 The site currently falls within Flood Zone 1. However, taking into account climate change the site would fall within a future floodzone – within the lifetime of the proposed development. Therefore, there is a fundamental objection to the development of this site to provide new residential accommodation. New residential units need to be directed to areas at least risk of flooding. A Flood Risk Assessment has not been provided with this application, which has been requested.

7.19 In terms of development in areas at risk of flooding now and in the future Policy CS15 requires, amongst other matters, that:

"1. It meets the sequential and exception test (where required) in relation to PPS25

2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

7.20 Paragraph 159 of the NPPF states:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)." With Paragraph 162 of the NPPF going on to say "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future

from any form of flooding."

- 7.21 Paragraph 163 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding (ie Flood Zone 1) and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. However, as the proposal is for a change of use; the sequential test does not need to be applied in this case. As a result, the applicant would need to show in a flood risk assessment (FRA) that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. The applicant's agent has been advised of the need for a FRA, but due to the current status of the land in FZ1, has declined to provide such a document.
- 7.22 As no flood risk assessment has been submitted an objection would arise in the context of Core Strategy Policy CS15 and paragraph 168 of the NPPF. It should also be noted that the NPPF protects areas at risk of flooding and provides a clear reason for refusing proposed development. In such cases, the tilted balance in paragraph 11d) ii of the NPPF does not apply.
- 7.23 Overall it is considered that the applicant has failed to demonstrate that the site would be safe from flooding across its lifetime and would therefore be contrary to the aims and objectives of the NPPF and adopted Policy CS15 of the HBLPCS.

(iv) Parking .

- 7.24 Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 in respect of car and cycle parking on Residential Development states:

"Residential development will only be permitted where it provides car parking and cycle storage in accordance with the standards set out in the Residential Car Parking and Cycle Provision Supplementary Planning Document."

- 7.25 The proposal does not include any on site car parking provision but would provide 3 cycle storage lockers for the flats to the rear. The use of the site for an office currently does not have any on site car parking provision; only 2 cycle spaces. The minimum parking standard in Havant's Car Parking SPD for B1 office use (now Class E), is 1 space per 30 sqm, subject to a condition or legal agreement restricting consent to the specified use. Such a condition was imposed on the use of the property as an office to a specific B1 use, when permission was granted in 1987. The existing gross internal floor space is 113.36, with a requirement for 4 on-site car parking spaces for the existing office use, as set out in Havant's Car Parking SDP. For a 1 bedroom flat, in Havant Town Centre, the maximum number of unallocated spaces should be 0.5 spaces; making a total of 1 on site car parking required for the development. (Or 2 parking spaces for allocated parking.) This is a maximum of 2 spaces less than the lawful use of the site as an office, with the proposal generating less car parking provision, than the lawful use of the land.
- 7.26 Material to the consideration of the application, is that the site falls within the Havant Town Centre, which is recognised as the most accessible part of the Borough with the widest choice of shops, services and public transport options. The Havant Borough Car Parking Supplementary Planning Document recognises that "The Town Centre provides a wide range of shops and services, including supermarkets, which lessen

the need for individual travel." The local bus and train services within the Town Centre also provide alternatives to the use of the motor vehicle, to access shops and services elsewhere.

7.27 The Havant Borough Car Parking SPD also states at paragraph 3.05 *'Proposals within Havant and Waterloo Town Centres, as defined in the Havant Borough Local Plan 2036, may be suitable for a lower level of car parking provision compared to the rest of the Borough. Given its comparatively higher level of accessibility, zero parking development schemes could be considered suitable in Havant Town Centre if supported by appropriate evidence'*, which *"... must not result in displacement of parking pressure into nearby residential areas."* Utilising near-site parking in designated car parks is recognised as a way of providing car parking for developments within town centres with (para 3.07) *"...accessibility to shops and services, accessibility to public transport and the site's relation to the relative accessibility of different areas"*. Access to alternative means of transport is recognised as a way to discourage the use of private motor vehicles, which is promoted by adopted policy and Government advice.

7.28 In the overall planning balance, having regard to the fact that the site is in a very sustainable location in transport and other terms, which should encourage alternative transport modes and that the proposal generates less car parking requirement than the lawful use, which would not result in the displacement of parking pressure into nearby residential areas, (coupled with a public car park to the rear), the lack of on-site car parking for the proposal is considered to be justified, having regard to the individual circumstances of the application and in accordance with the objectives of the Havant Car Parking SPD and national advice.

(v) CIL

7.29 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The chargeable levy would be £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant. The agent had advised that the building, whilst currently vacant, has been in office use for 6 months over the last 3 years, which on the information available would not be CIL liable.

8 Overall Conclusions and Final Planning Balance

8.1 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.

8.2 The site is located within a future flood risk zone and is considered to be contrary to the NPPF and adopted policy CS15 of the Havant Borough Core Strategy (2011). The proposal is therefore recommended for refusal.

8.3 It is acknowledged that the Council's Five Year Housing Supply is below the threshold and that the proposal would provide 2 flats making a very small contribution to the Council's housing need. However, areas at risk to flooding are of particular

importance, which is a clear reason for refusing the application as stated within paragraph 11d, Footnote 7 of the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/22/00337 For the following reasons:

- 1 The development would lead to the loss of a business use which, in the absence of any marketing information, has not been demonstrated to be unfit for purpose or financially unviable. As such the proposal would result in the unjustified loss of a Town Centre Use and a reduction in the vitality and vibrancy of the town centre. The proposal is therefore contrary to policies DM3 and CS4 Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.
- 2 The site lies within a future flood zone. The applicant has failed to provide a Flood Risk Assessment to demonstrate that the development would be safe from flood risk across its lifetime or that the development would not increase the risk of flooding elsewhere. In the absence of adequate information, the proposal would represent unsustainable, inappropriate form of development in an area at future risk of flooding. The proposal is, therefore, contrary to Policy CS15 of the Havant Borough (Core Strategy) 2011 and the aims and objectives of the National Planning Policy Framework 2021.

APPENDIX B

Development in the coastal zone - DM9

Preferred Housing Option

Preferred Employment Allocation

Mixed Use Allocations

Hampshire Minerals Waste Plan HMWP

HBC Solent Recreation Mitigation Strategy
5600m Buffer

SPA Buffer Solent 5600m

Strategic Flood Risk Assessment –
expected flood risk area @ 2115

Emsworth Neighbourhood Plan



APPENDIX C

THIS UNILATERAL UNDERTAKING is made by **DEED** on the 21st of March 2023

AND GIVEN BY

Mr Gianni Shipp of 108 Lawrence Road, Portsmouth, PO5 1NZ

TO

The Council of the Borough of Havant of Public Service Plaza Civic Centre
Road Havant PO9 2AX (**Council**)

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 £46.

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 deed 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 and "Commence Development" and similar expressions shall be construed accordingly.

Nutrient Mitigation Contribution: the sum of £2,280.00 (inclusive of a 5% monitoring fee) as a contribution towards measures to mitigate the water quality impacts of the Development on the Solent European Sites.

SRMS Contribution: the sum of £819.00 (inclusive of a 5% monitoring fee) 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 42 North Street

Planning Application: an application for planning permission registered by the Council on 31/03/2022 under reference number APP/22/00337

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

- 2 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 4 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 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.
- 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.
- 7 References to clauses are to the clauses of this deed.
- 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 the Owner 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. OWNERS COVENANTS WITH THE COUNCIL

- 3.1 The Owner covenants to pay the Nutrient Mitigation Contribution, the SRMS Contribution and the Administration Fee to the Council on the date of this deed.
- 3.2 Subject to clause 3.4, the Owner covenants that clause 3.1 shall apply to any subsequent planning permission that is granted by the Council under section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission or any subsequent permission granted under such powers ("Subsequent Permission") and the Planning Permission and the Development shall be construed to include the development as granted under a Subsequent Permission.
- 3.3 Where clause 3.3 is engaged, the Owner agrees and acknowledges that the Council may treat the Contribution and Administration Fee as having been made under any Subsequent Permission.
- 3.4 For the avoidance of doubt, clause 3.3 shall not be construed as to require the Owner to fulfil the covenant provided at clause 3.1 more than once.

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 revoked, or

it) is quashed following a successful legal challenge

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]

in the presence of:

Witness signature

Witness name

Witness address

Witness occupation



[FOR COMPANIES OPTION 1]

Executed and delivered as a deed by
[COMPANY NAME]

acting by two directors

[INSERT DIRECTORS NAME]

.....

Director

[INSERT DIRECTORS NAME]

.....

Director

[FOR COMPANIES OPTION 2]

APPENDIX D

Five Year Housing Land

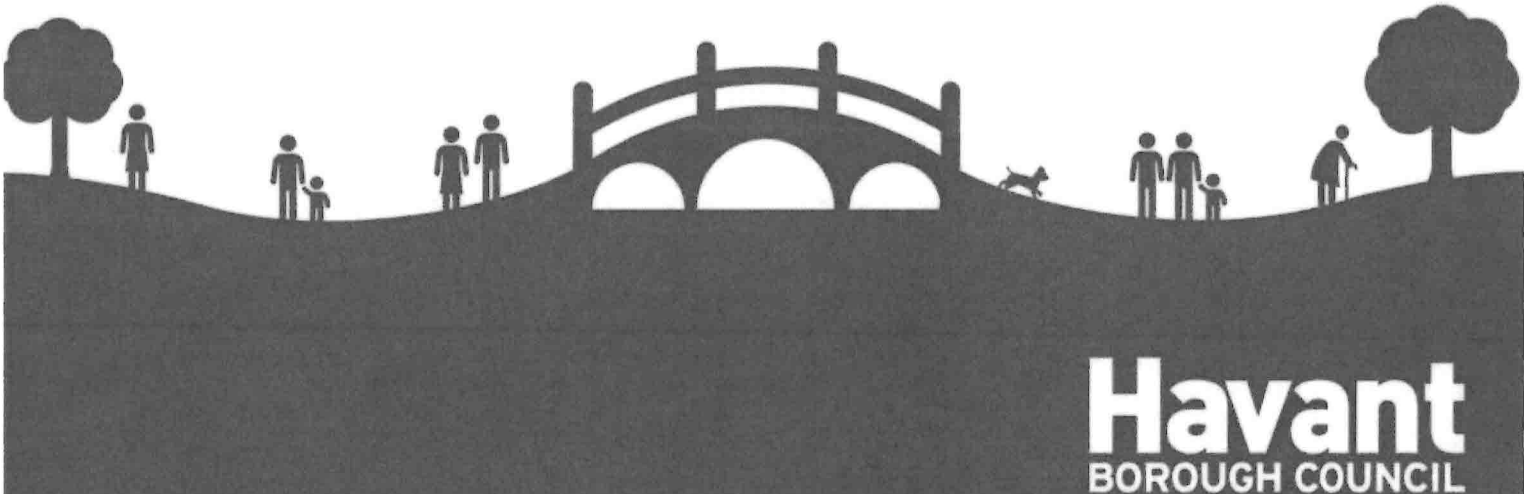
BUILDING A BETTER FUTURE

Supply Update

March 2023

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1. Housing Requirement

The Standard Method

- 1.1 The Core Strategy (Local Plan) was adopted by Havant Borough Council more than 10 years ago (March 2011), and the Havant Borough Local Plan was withdrawn from examination in March 2021. Havant Borough Council's 'Building a Better Future Plan' is in progress and consultation on the regulation 18 stage was carried out between October-November 2022.
- 1.2 The National Planning Policy Framework (NPPF) states that *"Local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic strategies, or against their local housing need where the strategic policies are more than five years old."* The latter should be calculated using the standard method (SM) set out in the Planning Practice Guidance.
- 1.3 The standard method (SM) used for the calculation of housing has produced a significantly high and unachievable yearly housing target for Havant Borough. The council has raised concern with the Government over using the standard method however, despite updates being made to the National Planning Policy Framework, no alternative way of calculating housing need has been provided. Therefore, the SM has to be used to calculate the housing requirement.
- 1.4 The Planning Practice Guidance sets out how the standard method is used to calculate an annual local housing need figure¹. Step 1 indicates that the baseline should be set using the most recent household projections which is now being supplied by the Office for National Statistics since January 2017. A baseline of 2014 has been used to calculate the projected average annual household growth over a 10-year period. The method provides an annual number which can be applied to the whole plan period.
- 1.5 The methodology also confirms that the current year should be used as the starting point to calculate growth over that period which shall be used.
- 1.6 The baseline is then adjusted to take account of the local housing affordability data which compares the median average of house price of properties sold in the Borough over the year ending in September to the median average income of people working in the Borough according to earnings sample saving sample survey data.
- 1.7 A cap may be applied where there is a 40% increase over the projected household growth, or the housing requirement set out by the Core Strategy whichever the higher. In this case, the projected household growth is the greater of the two figures. However, when 40% is applied to the projected household growth, this figure is greater than the minimum annual housing need figure. As such no cap is applicable.
- 1.8 In summary, the minimum annual housing need figure is calculated as follows:

¹ Paragraph: 004 Reference ID: 2a-004-20190220 Revision date: 20 02 2019

Table 1: Minimum annual housing need figure for Havant Borough	
Stage 1: Setting the baseline	
Average household growth in Havant Borough between 2022-2032 58,700 households in 2032 <u>54,976 households in 2022</u> 3,724 households growth 2022 - 2032 / 10-year period = 372.4	372.4
Step 2: An adjustment to account for affordability	
2021 median workplace-based affordability ratio for Havant Borough	10.17
Adjustment factor ² $\left(\frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25 + 1$ 10.17 (local affordability ratio) – 4 = 6.17 6.17 / 4 = 1.5425 1.5425 x 0.25 = 0.385625 0.385625 + 1 = 1.385625	
The minimum annual local housing need figure for Havant Borough (adjustment factor) x projected household growth 1.385625 x 372.4 = 516.00 The resulting figure is 516 (rounded).	516
Step 3: Capping the level of any increase	
The Local Plan (Core Strategy) was adopted in March 2011 and was therefore adopted more than 10 years ago. A cap may therefore be applied whichever is the higher of: • 315 dwellings per annum set out by Policy CS9 of the Core Strategy • 372.4 based on average annual household growth 2022-2032 (as per step 1) The cap is set at 40% above the higher of the most recent average annual housing requirement figure, or average household growth. In this case, the household growth is the greatest figure: $\text{Cap} = 372.4 + (40\% \times 372.4) = 521.36$ $372.4 + 148.96 (40\%) = 516$ The minimum annual local housing need figure (516) is no greater than the capped figure (521.36). Therefore, no cap is applicable.	
Step 4: Cities and urban centres uplift	

² As the 2019 affordability ratio for Havant Borough has a value greater than 4, an adjustment factor should be applied: No adjustment is applied where the ratio is 4 or below (as set out in Step 2 of the standard method).

Table 1: Minimum annual housing need figure for Havant Borough

Havant is not one of the urban local authorities in the top 20 cities and urban centres list³ and therefore no 35% uplift is applicable. The annual housing need figure for Havant is therefore **516 dwellings per annum**.

Addressing the shortfall

- 1.9 The Planning Practice Guidance (PPG) indicates that any shortfall should also be included in the requirement for the first five years³. This results in a five-year supply requirement over and above the local housing need figure.
- 1.10 The PPG⁴ advises: *"Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure."*
- 1.11 As such the calculated shortfall of 761 dwellings shall not be included within the Borough's 5 year supply calculations.
- 1.12 As set out in the Assessing Housing Need for the Plan Period (2016-2037) Paper (August 2020), the Council has a stepped housing need requirement during the 2016/17-2021/22 period. This is due to the introduction of the Government's standard method for calculating housing need in 2018. Prior to this, the PUSH Strategic Housing Market Assessment and Objectively Assessed Need Update provided an objectively assessed need (OAN) figures which can be seen in Table 2.

Table 2: Assessing the shortfall against the housing requirement (2016/17-2021/22)

Year	Net completions 2016/17-2021/22	Requirement 2016/17-2021/22	Source	Shortfall/Surplus (cumulative)
2016/17	649	450	PUSH SHMA	+199
2017/18	290	450	PUSH SHMA	-160 (+39)
2018/19	267	479	Standard method	-212 (-173)
2019/20	366	486	Standard method	-120 (-293)
2020/21	293	504	Standard method	-211 (-504)
2021/22	259	516	Standard method	-257 (-761)
Total	2,124	2,885		-761

³ Paragraph: 022 Reference ID: 68-022-20190722

⁴ Planning Practice Guidance: Housing supply and delivery. Published 22 July 2019. Paragraph: 031 Reference ID: 68-031-20190722

Identifying the appropriate buffer

- 1.13 The NPPF requires an appropriate buffer (moved forward from later in the plan period) to be added to the supply of specific deliverable sites. The minimum buffer is 5% but this increases to a buffer of 20% where there has been significant under delivery of housing over the previous three years. This is to improve the prospect of achieving the planned supply. The latter is measured against the Housing Delivery Test (HDT) where this indicates that delivery was below 85% of the housing requirement.
- 1.14 A 10% buffer should be added to the housing requirement where the local planning authority (LPA) wishes to confirm a 5 year housing land supply through the examination of plan policies. This is to account for potential fluctuations in the market over the year to ensure the 5 year land supply is sufficiently flexible and robust.
- 1.15 The latest 2021 HDT results were published in January 2022 and gave a measurement of 74% for Havant Borough. This measurement indicates that it is appropriate to apply a 20% buffer for the purposes of calculating five-year supply.

Requirement

- 1.16 Based on a minimum annual housing need requirement of 516 dwellings, there is a five year housing requirement of 2,580 dwellings. With a 5% buffer added to the 2,580 dwellings, the five-year supply requirement is 2,709 dwellings (rounded). With a 20% buffer added, the five-year requirement is 3,096 dwellings (rounded).

2. Five Year Supply

Assessing deliverable sites

- 2.1 The Planning Practice Guidance sets out what evidence is required to demonstrate that sites are deliverable. This has been followed in assessing whether sites should be included in the Council's five year supply of housing which is set out at Appendix 2. The council has taken a conservative view when determining what sites are likely to come forward within this period based on the definition of 'Deliverable' within Annex 2 of the NPPF.
- 2.2 For sites with detailed planning permission that have already commenced - numbers of dwellings are included within the 5-year supply for remaining dwellings to be completed from 1st April 2023. Annual site visits are conducted to confirm the progress of sites under construction and the trajectory has been updated accordingly. Trajectory and five-year supply figures are also updated based on communication with landowners and developers throughout the year.
- 2.3 This has been supplemented by the Council's communications with landowners and developers in February 2023, to establish the likely timescales for pre-applications and application submissions.

Where there is clear pre-application work and intention to bring the site forward within five years, these sites are included.

- 2.4 For any larger sites, delivery is split across several years to reflect how sites are incrementally brought forward. This often means that delivery is expected to commence within the five-year supply period and continue beyond it.
- 2.5 Small site permissions of less than 5 dwellings are included within the five-year supply based on expected delivery and are discounted by 5% to allow for non-implementation. Please note that the small site permission figures presented below have not been adjusted to take this into account. This is because the figures would not otherwise reconcile with those included in the trajectory and would make an undiscernible difference to overall supply.
- 2.6 Windfall is excluded from five-year supply calculations to avoid double counting but is included in the trajectory from the plan period from the year 2028/29 onwards.

Specialist housing for older people

- 2.7 Planning Practice Guidance for specialist housing for older people was updated in 2019 and indicates that plan-making authorities may count provision for older people in Class C2 against their housing requirement⁵. To establish the amount of accommodation released in the housing market, the guidance indicates that authorities should base calculations on the average number of adults living in households using the published Census data.
- 2.8 Appendix 1 confirms that there is an average of 1.83 adults living in households in Havant. A ratio of 1.83 has therefore been applied to Class C2 accommodation. This includes 72 dwellings in the 5 year supply period.

Five Year Supply Position

- 2.9 Following the receipt of this year's monitoring data, it is possible to provide an up-to-date supply position taking into account the requirement for housing and the identified supply over the next 5 years. As such, 2023/24 to 2027/28 is the relevant five year period for the purposes of calculating five year supply.
- 2.10 Communications with landowners and developers also took place in February 2023, to establish the likely timescales for pre-applications and application submissions to inform this data.

Table 3: Five Year Supply Calculation for period 2023/24-2027/28

Calculating the required supply		Dwellings
A	Requirement 2023/24 – 2027/28	2,580
B	Five year requirement with 5% buffer	2,709
C	Five year requirement with 20% buffer	3,096

⁵ Guidance - Housing for older and disabled people Paragraph: 016a Reference ID: 63-016a-20190626

Identified Supply		
D	Supply over 5 year period 2023/24-2027/28	1,119
Five year land supply (expressed in years):		
Excluding buffer	$D / (A / 5)$	2.17
With 5% buffer	$D / (B / 5)$	2.07
With 20% buffer	$D / (C / 5)$	1.81

- 2.11 Based on the table above, the Council is able to demonstrate 1.81 years supply of housing with a 20% buffer. Excluding a buffer, the Borough's housing and supply automatically increase to 2.17 years.

Appendix 1: Supply from older person's housing

Average Number of Adults per Household in Havant Borough

Using 2011 Census data, the following table details the average number of adults per household in the Havant local authority area, as well as providing a breakdown of the number of adults per household at the time this paper was written.

Average number of adults per household in Havant Borough	
Total Households	51,309
Havant Average Number of Adults per Household	1.83
Most Common Number of Adults per Household in Havant	2
Number of Adults per Household	Number of Households
1 adult in household	18,035
2 adults in household	26,284
3 adults in household	5,083
4 adults in household	1,519
5 adults in household	292
6 adults in household	81
7 adults in household	9
8 adults in household	5
9 adults in household	0
10 adults in household	0
11 adults in household	1
12 adults in household	0

13 adults in household	0
14 adults in household	0
15 or more adults in household	0

9

Older people's housing which can be included housing land supply

The following table sets out residential institutions in Use Class C2 which are included in five year housing land supply.

Application Reference	Site Name	Number of beds
Permission APP/18/00450	Forty Acres, Havant	66
Permission APP/20/00761	Land on the east side of Helmsley House	64
a	Total	130
b	Average number of adults per household	1.8
c	Contribution from older people's housing to five year supply (a/b)	72

Appendix 2: Deliverable Housing Sites

Five Year Housing Land Supply

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
Emsworth								
Large Sites with Detailed Permissions								
16/00774	Land at Selangor Avenue	54	9	9				
	West of Coldharbour Farm	44	44	14	30			
Perm (19/00854)	31A North Street	6	6	6				
Small site permissions (less than 5 dwellings)		16	16					
	TOTAL:	120	59	29	30	0	0	0

[illegible]

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
	Land North of Long Copse Lane	260	0					
	Gas Site, North Street	25	0					
	Land at Fowley Cottage, Warblington Close	20	0					
	TOTAL:	305	0	0	0	0	0	0
Windfall		165	0					
	TOTAL Emsworth delivery	710	118	58	60	0	0	0
Havant & Bedhampton								
Large Sites with Detailed Permission								

[illegible]

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
(18/00450)	Forty Acres	273	223	50	50	50	50	23
(21/00605)	Forty Acres	34	34					34
(19/00007)	Camp Field, Bartons Road	70	70	3	48	19		

[illegible]

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
	Portsmouth Water Headquarters	120	0					
	Littlepark House, Bedhampton	50	0					
	Helmsley House	15	0					
	Havant Town Centre	450	0					
	Havant College (H&SDC)	65	0					
	TOTAL:-	886	0	0	0	0	0	0

Windfall		225	0										
	TOTAL Havant & Bedhampton delivery	1852	381	97	108	69	50	57					
Hayling Island													
Large Sites with Detailed Permissions													
Perm (17/00529)	380 Sea Front	13											
Perm (19/00722)	Ward Court 65 Sea Front	5											
Perm (13/00317)	Yacht Haven Development Site, Copse Lane	2											
Perm (19/00324)	5-7 Station Road	19	19	19									
Small site permissions (less than 5 dwellings)		36	36	0									
	TOTAL:	75	19	19	0	0	0	0					
Sites with Outline Permissions													
(18/01297)	Manor Nurseries	9	9	9									
(20/00015)	Pullingers (108-110 Elm Grove)	43	43		43								
	TOTAL:	52	52	9	43	0	0	0					
Potential Housing Sites													
Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28					

(18/00724)	Land north of Sinah Lane	195	195	15	40	45	45	50
	Rook Farm	0	0					
	Fathoms Reach	55	0					
	Beachlands	125	0					
	Northney Marina	40	0					
	Southwood Road	35	0					
	Eastoke Corner (north)	20	0					
	TOTAL:	860	195	15	40	45	45	50
Windfall								
	TOTAL:	240	0	0	0	0	0	0
	TOTAL Hayling Island delivery	1227	266	43	83	45	45	50
Leigh Park								
Large Sites with Detailed Permissions								
Small site permissions (less than 5 dwellings)		12	0					
	TOTAL:	12	0	0	0	0	0	0

[illegible]

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
18/011009	Former Dairy Crest site, Dunsbury Way	73	73		73			
	Cabbagefield Row	116	0					
	TOTAL:	283	117	44	73	0	0	0
Potential Housing Sites								
	Riders Lane Allotments	65	0					
	SSE office site, Bartons Road	90	0					
	Strouden Court	40	0					
	Dunsbury Way (land at former Procter and Gamble site)	20	0					
	Leigh Park Centre	62	0					
	TOTAL:	277	0	0	0	0	0	0
Windfall		165	0					
	TOTAL Leigh Park delivery	737	117	44	73	0	0	0

Waterloo

[illegible]

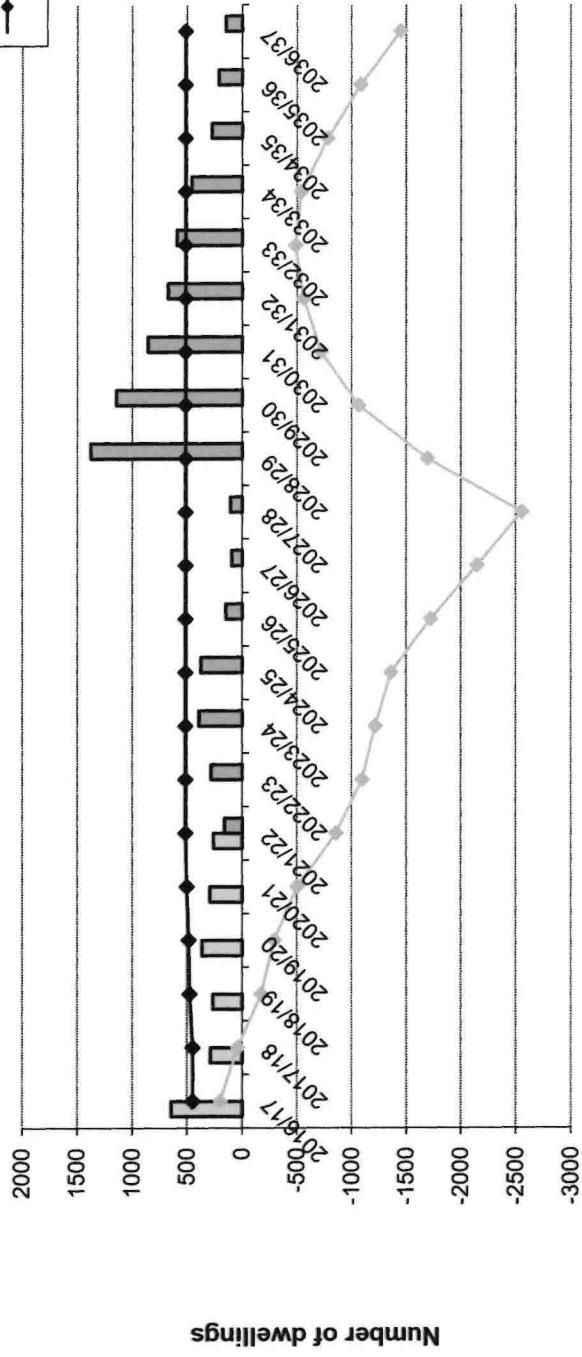
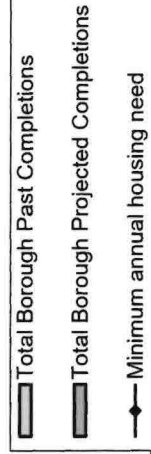
PA (19/00533)	Fernwood House, 45-47 London Road	8	8	8	8				
Small site permissions (less than 5 dwellings)		27	27						
	TOTAL:	490	165	79	50	36	0	0	0
Sites with Outline Permissions									
	TOTAL:	0	0	0	0	0	0	0	0

Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28
Potential Housing Sites								
(19/00224)	Padnell Grange	84	0					
	Campdown	650	0					
	Goodwillies Timber Yard	96	0					
	Former South Downs College Car park	95	0					
	Blue Star	50	0					
	Land at Waterloooville Golf Club (Land off Anvil Close)	45	0					
	Land North of High Bank Avenue	25	0					

	WaterlooVille Town Centre	265	0									
	TOTAL:	1310	0	0	0	0	0	0	0	0	0	0
Windfall												
	TOTAL:	690	0	0	0	0	0	0	0	0	0	0
	TOTAL WaterlooVille delivery	2490	165	79	50	36	0	0	0	0	0	0
Strategic site												
	Southleigh	800	0									
	TOTAL:	800	0	0	0	0	0	0	0	0	0	0
Permission / allocation ref	Site name	Total Site Capacity	Total included in Five Year Supply	2023/24	2024/25	2025/26	2026/27	2027/28				
Older persons Housing												
	Various permissions	136	72	72	0	0	0	0	0	0	0	0
	TOTAL:	136	72	0	0	0	0	0	0	0	0	0
Totals for trajectory												
	Total permissions	895	297	171	90	36	0	0	0	0	0	0
	Total allocations with permission	998	555	135	244	69	50	57				
	Total allocations	3634	195	15	40	45	45	50				
	Total windfall	1485	0	0	0	0	0	0	0	0	0	0
	Sub-total:	7012	1047	321	374	150	95	107				
	Southleigh	800	0	0	0	0	0	0	0	0	0	0
	Older persons housing	92	72	72	0	0	0	0	0	0	0	0
	TOTAL for trajectory	14916	1119	393	374	150	95	107				

Appendix 3: Housing Trajectory

Housing Trajectory



APPENDIX E

Suggested Conditions

Condition 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.

Condition 2

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

Location & Proposed Block Plan dated 10.2.22

Proposed Ground & First Floor Plans & Proposed Roof Plan

Proposed Front Ortho Plan

Proposed Rear Ortho

Proposed Rear Ortho 2

Proposed Section Through

Reason: To ensure provision of a satisfactory development.

Condition 3

The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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

Condition 4

Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer during the development shall be submitted to and approved in writing by the Local Planning Authority, to be determined in consultation with Southern Water. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer 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.

Condition 5

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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Condition 6

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.