

DELEGATED OFFICER REPORT

PROPOSAL	Retrospective application for a 2m high dark green palisade fence along the eastern and northern boundaries with a 1m wide gate for access on the eastern boundary. Retrospective application for resurfacing works, and approval of change of use (with associated drainage provisions) as open car storage for a period of up to five years.
LOCATION:	Land adjacent to 178A West Street, Havant
REFERENCE NO:	APP/23/00356
APPLICANT:	Richmond Motor Group
APPLICATION TYPE:	Temporary planning permission
CONSULTATION EXPIRY DATE:	3/12/2025
APPLICATION EXPIRY DATE:	03/1/2025
WARD:	St Faith's
SUMMARY RECOMMENDATION:	Approve with Conditions

1 Site Description

- 1.1 178A, West Street is located to the west of Havant Town Centre. To the north is the main south coast railway line and to the south is West Street. To the east, the site abuts the rear gardens of residential properties fronting Staunton Road and West Street.
- 1.2 The Brockhampton Conservation Area abuts the site to the east.
- 1.3 The site falls partially within Flood Zones 1, 2 and 3 and is bordered to the west by the Hermitage Stream. The size of the site is approximately 0.25 hectares.

2 Planning History

APP/16/00418 - Outline application for construction of 9 dwellings with access from West Street following demolition of 178a West Street. Refused 20/06/2016
APP/20/00363 - Demolition of existing single storey structure and construction of a 3 storey building housing 20 No. 1 bedroom 1 person apartments with integrated refuse and cycle storage for Havant Housing Association – No Decision.

3 Proposal

- 3.1 The application seeks retrospective approval for the resurfacing works and the change of use of the land (with associated drainage provisions) for open car storage for a temporary period of up to five years, backdated to the date of submission in 2023.

- 3.2 The application also seeks permission for the retention of a 2m high dark green metal palisade fence along the eastern and northern boundaries with a 1m wide gate for access on the eastern boundary. This fencing would span a length of approximately 125m and is set back from the site boundary to the east.
- 3.3 The current vehicular storage use of the land is unauthorised, which this retrospective application seeks to regularise, which Section 73A of the Town & Country Planning Act 1990 provides for.
- 3.4 Since the submission of the application the following changes have been made:

Proposed Site Plan has been updated removing the drainage details.
The Typical Section Through Bund Plan has been removed from the application.
The Flood Risk Technical Note has been updated.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Brockhampton Conservation Area Character Appraisal and Management Plan 2008

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)
CS2	(Employment)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries & Undeveloped Gaps between Settlements)
DM20	(Historic Assets)

Emsworth Neighbourhood Plan

N/A

Listed Building Grade: Not applicable.
Conservation Area: Brockhampton

5 Statutory and Non Statutory Consultations

County Ecologist - No Objection

I would not raise any concerns in relation to ecological matters. The fence is constructed.

Conservation Officer - No Objection

Site

The site is located on West Street, to the immediate east of the Brockhampton Conservation Area. It comprises an area of hardstanding which forms part of a motor vehicle business which is partially enclosed by a 2m high metal green palisade fence along the eastern and northern boundaries. The Hermitage Stream runs along the west boundary of the site. A row of terrace housing which is within the conservation area backs on to the site from the east.

Proposal

Retrospective application for a 2m high dark green metal palisade fence along the eastern and northern boundaries with a 1m wide gate for access on the eastern boundary. Retrospective application for resurfacing works, and approval of change of use (with associated drainage provisions) as open car storage for a period of up to five years.

Legislative and Policy Context:

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

NPPF

The revised NPPF (December 2024) 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:

189. 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.

194. 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.

195. 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.

196. 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.

197. 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.

199. 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.

200. 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.

201. Local planning policy comprises the adopted Havant Borough Local Plan Core Strategy 2011, along with the Allocations Plan 2014. 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 CS16 (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.

Assessment

The works applicable to this application are retrospective as the land is currently being used for the storage of cars. The site is immediately adjacent to the conservation area boundary. The site previously comprised an area of vegetation which has since been cut back / removed to make way of the hardstanding which is enclosed with a palisade fence on two sides.

The site is located within a built up urban / commercial area and the Brockhampton Conservation Area is characterised by a its urban form of development rather than a verdant setting. Whilst it is regrettable that a rare green space has been removed, the change of use of the land does not have a direct impact on the special character of the conservation area. As such, the harm is considered to be negligible from a heritage perspective.

Conclusion

NO OBJECTION

Councillor Berwick - No Comment Received

Councillor Harris- No Comment Received

Councillor Munday - No Comment Received

Developer Services, Southern Water - No Objection

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalized.

- The 300mm public foul sewer and 525 mm public foul sewer, 600 mm public foul

syphon requires a clearance of 3 and 3.5 meters on either side of the public foul sewer and syphon to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3.5 and 3 meters of the external edge of the public foul sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 meters of a public foul sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

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.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Engineering/Drainage

Final Comment - Comments

1. As it appears the railway ditch requires maintenance, to report this to Network Rail for action.
2. The applicant, as a good will gesture, could create a shallow swale along the boundary to intercept surface water and route it into the river. However, I think that here the river has hard concreted training walls and it may not be possible to get the swale through the hard edge of the river.

Officer Comment: *the matter of the railway ditch requiring maintenance has been reported to Network Rail and whilst this did not result in positive engagement, the agent advises this appears to have been resolved as there is no further evidence of leaking/flooding visible from this source.*

As to the possible creation of a shallow swale the agent has been contacted over this point who has advised that attempted discussions with the Environment Agency, or Southern Water have not been successful in moving this forward.

Engineering/Drainage

Initial Comment – No Observations

Environment Agency - No Comments Received

Environmental Health Manager, Community Group - No Objection

I have considered the above retrospective application. I can confirm that we do not have any adverse comments to make from a noise and environmental nuisance perspective.

Fire & Rescue Service – Comment

Building Regulations: Access for Firefighting Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Water Supplies

Additional water supplies for fire fighting may be necessary. You should contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss your proposals.

Testing of Fire Safety Systems

HIWFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

Fire-fighting and the Environment

Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.

Officer Comment: If permission is granted for the proposal the comments of the Fire & Rescue Service would be an informative on the decision notice.

Highway Authority

Final Comments – No Objection

In regard to application APP/23/00356, and following on from the previous HCC Highways response dated 01 October 2025; it is noted that additional information has been submitted by the applicant in order to respond to questions previously raised.

Having reviewed the information provided, it can be confirmed that there is no

objection to the temporary proposals as outlined above.

In terms of vehicle transporter movements, information has been provided as to why no more movements of these would be anticipated as a result of the proposed change of use. This outlines how historically an adjacent dealership would have utilised 2 to 3 transporters per week, but following its conversion from new cars to second hand cars, transporters are no longer required given the reduced movement of stock vehicles in and out of site. Whilst it would be anticipated that such a situation may fluctuate over time, it is agreed that this will be the general situation and as such there are no highway concerns in this regard.

Transporter movements in and out of site have also been covered, with confirmation that this will be via a reverse movement into the site, and a forward gear egress. Whilst such a movement is not wholly supported, it is acknowledged that this replicated the historical situation, which has worked without known incident. Additionally, it is acknowledged that West Street is a relatively low vehicle flow and speed street, and so accommodating movements can easily be achieved in this specific case.

Confirmation of vehicle movements in and out of the site was also requested, given 30 movements (15 in / 15 out) had previously been suggested by the applicants which appeared potentially low.

Two days' worth of site-specific surveys have subsequently taken place at the site, and these have demonstrated that an average of 30 movements took place on each day 1 (12 in / 18 out) and 31 movements took place on day 2 (16 in / 15 out).

This level of movement is not of a concern to HCC as Local Highway Authority given the specifics of the individual site.

Highway Authority

Interim Comment – Further Information Required

I refer to your re-consultation for the above planning application, and would offer the following comments.

Additional information has been provided in relation to the use of the site. This based on a first principles approach, from information provided by the Applicant. This states that up to 130 vehicles are stored on-site, with the average length of storage being 1.5 months, and an average turnover of 15 vehicles per day.

No evidence has been provided to justify the average turnover of 15 vehicles a day. Given that the site is in operation, survey data is requested to show the actual vehicle turnover per day and over the course of a typical week.

In terms of deliveries, the supporting information states that there will not be an increase from current level of 2 to 3 transporters a week. Given that the development will result in a significant increase in the number of cars that can be stored on the sites, the reason why there would not be an increase in transporter trips is unclear, and it is expected that such an increase in vehicle storage would increase the number of transporter deliveries.

The information also states that transporters do not traverse the vehicle crossover. On this basis, further information is requested regarding how vehicles are delivered to the site, and where the transporters park to offload the vehicles.

Additional information is requested to address the points which have been raised in this response.

Highway Authority

Initial Comment – Further Information Required

The Highway Authority have reviewed the documents available on the planning portal. Whilst it is appreciated that this is a retrospective application, no transport related information has been provided for change of use and therefore the Highway Authority are unable to assess the transport impacts of the change of use compared to the existing use on the site. Additional information may be requested dependent on the outcome of the trip generation assessment and the Highway Authority reserve the right to request this at a later date.

The proposed fencing is set back an appropriate distance from the public highway. Additionally, the gates proposed are located internally within the site and do not abut the public highway. The Highway Authority do not consider that fence and gates have any highway related impacts and therefore no further comments are made on this matter.

Having regard to the above, the Highway Authority require the further information requested with regard to trip generation proposals before a formal recommendation can be made on this planning application.

Natural England

Final Comment

SUMMARY OF NATURAL ENGLAND'S ADVICE NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

Officer Comment: *Annex A was not attached to Natural England's comments.*

Natural England

Initial Comment

Natural England are statutory consultees for planning applications which may potentially affect Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Important Wetland Areas covered by the Ramsar Convention. Generally speaking, it is for the Local Planning Authority to decide whether a development proposal is 'in or likely to affect' a protected site, using Natural England's published set of mapped Impact Risk Zones (IRZs) for SSSI/SAC/SPA/Ramsar sites which are available for viewing on www.magic.gov.uk.

We have been advised that the above planning application has been received by Havant Borough Council, and believe that this proposal falls within Natural England's remit as it is located within both the Solent SPAs Functional Land SSSI as well as the Langstone Harbour SSSI IRZs.

Natural England therefore hopes to be consulted on this proposal in the near future.

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: 41

Number of site notices: 1

Statutory advertisement: 02/06/2023

Number of representations received: 8

Comment	Officer Comment
Use illegal - done without planning permission.	Use of the land is unauthorised, not illegal, which the application seeks to regularise
Impact on ecology not taken into account	See Section 7
Protected Slow worms were on the site – crime committed	This would be a matter for NE.
Loss of local wildlife and natural habitats	
Was permission obtained to remove the protected species?	
Site in flood zones 1,2 & 3 - proposal made matter worse	See Section 7
Flooding in rear garden – SW pumped out	
Increased risk of flood risk due to height of land - future insurance concerns.	
Level of land raised - no drainage	
Gradient of hardstanding needs to be adjusted	
Adequate drainage should be installed.	
Untidy appearance of the site	
Dumped earth should be landscaped	
Uncontrol weeds	
Increase in rat activity	
What will happen after 5 years?	

Car alarms - interrupting sleep Adversely impacts on privacy Light pollution Loss of privacy Increased risk of antisocial behaviour Use of concerns Paddock on gate - trespass Fire risk – has this been assessed? Is there access for fire vehicles. What is the guidance for parking vehicles next to properties?	Claimed trespass would be a private matter between the parties involved. The agent has advised this has been assessed by his client, with the appropriate response taken.
	The applicant has advised, that in response to HBC's call for sites the application and neighbouring sites have been submitted for potential development. Hence a temporary permission is sought.

7 **Planning Considerations**

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area & Conservation Area
- (iii) Impact upon residential amenity
- (iv) Flood Risk & Surface Water
- (v) Impact on Highways
- (vi) Impact on Ecology

(i) Principle of development

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

7.3 Policy CS2 of the Core Strategy supports the retention and growth of existing businesses and the economic output of employment sites. The application site, together with adjacent land to the west and south, is under the ownership of the applicant and currently accommodates commercial motor vehicle uses. The proposed use of the land for vehicle storage would represent an extension of this established business activity.

(ii) Impact upon the character and appearance of the area & Conservation Area

- 7.4 The site is situated on West Street in Havant, immediately adjacent to the eastern boundary of the Brockhampton Conservation Area. It comprises a plot of land accessed from West Street, which was heavily vegetated prior to its development. Brockhampton is a distinctive historic neighbourhood close to Havant Town Centre, historically associated with natural springs and freshwater-based industries. The area was designated as a Conservation Area in 2005.
- 7.5 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.
- 7.6 The significance of the Brockhampton Conservation Area is well established and must be taken into account when assessing proposals that may affect this designated heritage asset, in accordance with paragraph 208 of the NPPF, which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by development. The Brockhampton Conservation Area Appraisal identifies the area's historic importance, including its location along West Street, a former Roman route connecting Chichester to Wickham, as well as the presence of natural springs and a varied architectural character comprising 19th- and 20th-century buildings.
- 7.7 The site shares its eastern boundary with the Brockhampton Conservation Area. The rear gardens of properties fronting Staunton Road also adjoin part of this boundary. These properties predominantly comprise a row of Victorian terraced houses extending towards Cross Way, although a shorter terrace adjacent to the Prince of Wales Public House is of more modern construction. The Prince of Wales Public House is a locally listed building within the Borough and is specifically referenced in the Conservation Area Appraisal.
- 7.8 The Council's Conservation Officer has been consulted on the proposal and notes that the site is *"...located within a built-up urban/commercial area, and the Brockhampton Conservation Area is characterised by its urban form of development rather than a verdant setting."* While the loss of a rare green space is regrettable, it does not have a direct impact on the special character of the Conservation Area. Accordingly, the Conservation Officer considers the level of harm to be negligible from a heritage perspective and raises no objection.
- 7.9 Regarding the 2-metre-high dark green palisade fencing along the eastern and northern boundaries this has a utilitarian appearance; however, it is read in the context of the adjacent commercial uses and existing boundary treatments. The fencing is set back from neighbouring residential boundaries and does not materially intrude into public views. By reason of its height, colour and positioning, the retention of the fencing does not result in material harm to the character or appearance of the area or to the setting of the Brockhampton Conservation Area. Therefore, the proposal would maintain the character of Brockhampton Conservation Area and would result in negligible harm to its significance in accordance with Policy CS11 of the HBLPCS.
- 7.10 It is acknowledged that the proposal has resulted in the loss of a vegetated area that previously contributed to the character and appearance of the locality. However, the proposed use represents an extension of the established commercial activity to the west, which includes vehicle repairs and sales. When considered alongside this

existing development, the proposal is not regarded as being out of character with the area, nor would it have an adverse impact on its overall appearance.

7.11 The proposal is considered to accord with policies CS11 and CS16 of the HBLPCS.

(iii) Impact upon residential amenity

7.12 Representations have been received raising concerns regarding car alarms, loss of privacy, pest infestation, potential fire risk from stored vehicles, and flooding issues (the latter is addressed under the heading 'Flood Risk & Surface Water').

7.13 The site adjoins part of the eastern boundary of residential properties on Staunton Road. However, the metal fencing has been set back from the boundaries of properties on Staunton Road and West Street, with spoil from the main part of the site creating natural green screening. During the Officer's site visits, it was noted that some of these areas had become overgrown, offering opportunities for wildlife habitats. The separation distance from the closest rear elevation of residential properties is approximately 13 metres.

7.14 The retained boundary fencing provides a defined and secure edge to the site and, while the existing metal palisade fencing is visually permeable, the relationship between the site and neighbouring dwellings, including separation distances and existing domestic boundary treatments, is such that the retention of the fencing and the operation of the storage use would not result in material harm to residential amenity.

7.15 Regarding the potential fire risk associated with stored vehicles, the agent has advised that liaison with the Fire Brigade is ongoing. In relation to vehicle deliveries, the agent confirms that vehicles arrive in "Shipping Mode," a safety setting specifically designed for transportation purposes.

The agent has also advised: *"In addition to this, petrol cars will arrive with a very small amount of fuel in and EV vehicles arrive with less than 10% charge in the battery. The combination of these vehicles being stored in "Shipping Mode" and that they have very little charge or fuel in make them less of a fire hazard. These are precautions that are taken deliberately by the manufacturer when these cars are being shipped around the world and these vehicles stay in this state of safety while they are in our storage compound until they are ready to be delivered."*

7.16 The agent has advised that there are currently no official regulations governing the storage of electric vehicles in open spaces. The agent has also advised that the measures implemented on site comply with the requirements of the Regulatory Reform (Fire Safety) Order and have been agreed in consultation with the local fire brigade. The Fire & Rescue Service has been consulted over the proposal and has raised no objection to the proposal.

7.17 Based on the information available to the Local Planning Authority, appropriate steps have been taken to minimise the potential fire risk associated with vehicle storage on the site.

7.18 The storage compound currently operates Monday to Friday from 07:30 to 17:30, with limited hours on Saturday mornings, which are not considered unsociable. If permission is granted, the hours of use would be restricted to Monday to Friday, 07:30 to 17:30, and Saturday mornings up to 13:00. In addition, a condition is recommended

to prohibit vehicle repairs or servicing within the storage compound. Subject to these conditions, the use of the compound is not considered to result in significant harm to residential amenity.

- 7.19 The site is equipped with security cameras that are monitored 24/7 to ensure any car alarms are promptly addressed.
- 7.20 With regard to privacy, the separation distances between the site and neighbouring dwellings, together with existing domestic boundary treatments to neighbouring gardens, are such that the proposal would not result in a material loss of privacy.
- 7.21 The Council's Environmental Health Team has been consulted and raises no objection in respect of noise or environmental nuisance.
- 7.22 The proposal is considered to accord with Policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, as the controls proposed, including restrictions on hours of use, the prohibition of vehicle repairs and servicing, and the absence of objection from the Council's Environmental Health Team, ensure that the development would not result in unacceptable harm to the amenity of neighbouring residential occupiers through noise or other forms of environmental nuisance.

(iv) Flood Risk & Surface Water

- 7.23 The site lies within Flood Zones 1, 2 and 3 as identified on the Environment Agency's Flood Map for Planning. Concerns have been raised regarding the potential for increased flooding to residential properties to the east following the installation of hard surfacing.
- 7.24 In relation to the hard surfacing laid to facilitate the development, the agent has advised that contaminated soil was removed and a Drintex geotextile membrane installed, followed by 100mm of Type 1 MOT and a 50mm limestone topping. The surfacing is permeable, allowing rainwater to soak away and thereby limiting surface water run-off to adjoining land. While the resurfacing and general tidying of the site has resulted in a slight increase in land levels, the natural fall of the site directs surface water away from properties on Staunton Road, with the exception of the rear garden of No. 26 Staunton Road, which lies at a lower level and where flooding was previously experienced.
- 7.25 The Council's Drainage Engineer was consulted and advised:
1. *That the railway ditch appeared to require maintenance, which should be reported to Network Rail; and*
 2. *That, as a goodwill measure, the applicant could consider the provision of a shallow swale along the boundary to intercept surface water and route it towards the river, noting however that the river has hard, concreted training walls and it may not be possible to form a connection.*
- 7.26 In respect of item 1 above, the maintenance requirement was reported to Network Rail and it is understood this matter has been resolved.
- 7.27 In respect of item 2, the applicant, via his agent, has been requested to provide, if possible, a shallow swale along the northern boundary to intercept surface water and route it to the river. The agent has advised that, despite numerous attempts, it has not been possible to take this matter forward with Southern Water or the Environment

Agency. In the absence of agreement from the relevant statutory bodies and having regard to the permeable surfacing installed on site and the lack of evidence of ongoing surface water flooding, it is not considered necessary for the applicant to pursue this measure further.

- 7.28 That said, the agent confirmed that the applicant has cleared the site to enable its use for the storage of vehicles, the condition of which was previously overgrown and considered to be a health hazard, due to the overflowing of foul sewerage and infestation of rodents. The agent goes on to advised that:

“With the RMG site cleared of overgrown and unmanaged landscaping, the water authority was able to gain regular access to maintain and monitor their assets. The earlier reported issues of flooding appeared attributable more to problems with the foul system overflowing (from lack of maintenance), rather than the site flooding directly from storm water.

Another potential cause of flooding appeared attributable to a leaking water authority asset located in the nearby Network Rail embankment (the other side of No. 26 Staunton Road). Despite repeated efforts and threats of legal action, no positive engagement was received, however, it appears that this may have since been resolved as there is no further evidence of leaking/flooding visible from this source.

Over the past 18months, we have provided regular updates, confirming that there have been no further reports of flooding on the site, or neighbouring sites, since the temporary surface was laid. Nor have there been any complaints raised by neighbouring residents, either in respect of flooding, or anything otherwise associated with the site’s operational use (hours of use/lighting/noise etc.).”

- 7.29 The LPA has also not received any further reports as to localised flooding, since the original representations.
- 7.30 The Environment Agency was consulted who has not commented on the proposal.
- 7.31 Southern Water was consulted over proposal, whose response is concerned with the public foul sewer within the site and the required stand-off distances from this utility. No comments were made as regard to possible flooding on surrounding properties and the development.
- 7.32 Portsmouth Water, who were specifically consulted, advised that “The catchment and Environment Team are looking to respond to applications from a groundwater quality perspective, so this application is really outside of our remit.” As to the Lead Local Flood Authority, who likewise were specifically consulted over the proposal, they advised that the Environment Agency should be consulted (which occurred, with no comment received), with other general comments made, as the proposal is not a major development.
- 7.33 As to the existing use of the land for vehicle storage in the NPPF, the vulnerability classification for such a use is ‘Less Vulnerable’. The development is considered to be appropriately flood resistant and resilient, such that in the event of a flood risk, it could be quickly brought back into use without significant refurbishment.
- 7.34 The proposal is for a temporary use rather than a permanent one. Based on the information available to the Local Planning Authority, it is understood that an initial flooding issue affecting a neighbouring garden has been resolved. This matter may be reviewed again at the end of the temporary period, should the applicant seek to

continue using the land for storage purposes. As to the recommended temporary period, initially this was sought for 5 years. However, this is a retrospective application and since 2023 has been used for the storage of vehicles. In view of this it has been agreed with the agent, that if permission is granted, the 5 period should run from 2023 when the use commenced, expiring on 31 December 2028.

7.35 The proposal is considered to accord with Policy CS15 of the Core Strategy.

(v) Impact on Highway

7.36 The proposal would not alter the existing site access, and sufficient space is available within the site for vehicles to enter and exit in a forward gear. The Highway Authority has been consulted and, following the submission of additional information including delivery frequency, has raised no objection to the proposal.

(vi) Impact on Ecology & BNG

Ecology

7.37 Representations have been received regarding the loss of wildlife and slow worms on the site.

7.38 The previous application (reference APP/20/00363) was accompanied by an Ecological Impact Assessment prepared by ECOSA in July 2019. At that time, the site comprised of an overgrown area containing former allotments, secondary woodland, dense scrub and semi-improved grassland. The surveys identified a low population of slow worms, a typical assemblage of bird species and potential for foraging bats. The site was considered to be unusual in the context of the immediate surrounding area, which is generally densely developed.

7.39 Following the submission of the previous proposal, the site was cleared and a hard, porous surface installed to facilitate its use for the open storage of vehicles, which commenced prior to the current application being submitted. As a result, any habitats or species previously present on the site have been removed.

7.40 The loss of slow worms on the site has been raised with the agent, who advised that this occurred as an unfortunate error, made in ignorance of their presence. In response, the agent has sought advice from a local ecology consultant, who recommended making a charitable contribution to the Amphibian and Reptile Conservation Trust. It is understood that this will be discussed directly with the Trust. Any potential legal action regarding the loss of slow worms would be a matter for Natural England to investigate and pursue.

7.41 The Ecologist has been consulted who has advised that he has no concerns in relation to ecological matters pertaining to the use of the site.

7.42 Natural England has been consulted and, based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or designated landscapes.

7.43 The proposal is considered to accord with Policy CS11 of the Core Strategy

Biodiversity Net Gain

7.44 Biodiversity Net Gain, does not apply to this proposal, as the application was

submitted prior to this legislation coming into effect.

8 Conclusion

- 8.1 The proposal for temporary vehicle storage, together with the retention of the fencing, drainage works and hard surfacing, is acceptable. The development extends an established business within a sustainable location and would cause negligible harm to the setting of the Brockhampton Conservation Area. Subject to conditions restricting hours of use and the nature of activities undertaken, the proposal would not result in significant harm to residential amenity. Flood risk has been addressed through the provision of permeable surfacing and associated drainage measures and may be reviewed should a further permission be sought once the temporary use expires. The Highway Authority raises no objection, and ecological impacts are limited, with Natural England confirming that there would be no significant adverse effects. The proposal is considered to accord with the development plan as a whole, and temporary permission for the use, with conditions, is recommended.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to Grant Permission for application APP/23/00356 subject to the following conditions

1. The use of the land for the storage of motor vehicles, shall be temporary only and shall cease on or before 31 December 2028, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the use of the site following the expiry of the temporary period, having regard to its location adjacent to the Brockhampton Conservation Area, nearby residential properties, and the potential implications for flood risk, in accordance with Policies CS11, CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

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

Proposed Site Plan – Drawing No. WSH-BSL-ZZ-DR-A-2001-PL-B
Location Plan – Drawing No. WSH-BSL-ZZ-DR-A-1005-PL

Document

Flood Risk Technical Note
Transport Statement

Reason: To ensure provision of a satisfactory development.

3. Except for the storage of vehicles on the site, no activities associated with the vehicle storage use, including vehicle movements and deliveries, collections, shall take place outside the following hours:

Monday to Friday: 07:30 hours to 17:30 hours
Saturdays: 07:30 hours to 13:00 hours

There shall be no such activities on Sundays or Public Bank Holidays.

Reason: To safeguard the amenities of occupiers of nearby residential properties by preventing noise, disturbance and activity materially exceeding that associated with vehicle storage only, in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

4. No vehicle repairs, servicing, maintenance, valeting, testing, or mechanical works shall be carried out within the vehicle storage compound at any time.

Reason: To safeguard the amenities of occupiers of nearby residential properties by preventing noise, disturbance and activity materially exceeding that associated with vehicle storage only, in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

Informatives:

1. 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.

2. Fire & Rescue Service – Comment

Building Regulations: Access for Firefighting Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Water Supplies

Additional water supplies for fire fighting may be necessary. You should contact the Water Management Team, Hampshire & IOW Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (hydrants@hantsfire.gov.uk) to discuss your proposals.

Testing of Fire Safety Systems

HIWFRS strongly recommends that, upon commissioning, all fire safety systems are

fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

Fire-fighting and the Environment

Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises' occupiers have a duty to prevent and mitigate damage to the water environment from 'fire water run off' and other spillages.