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Deputation Submitted by Mr Glanville

Agenda Item 4a- Application Ref No – APP/20/00376 – Fowley Cottage, 46 Warblington Road, Emsworth

The application seeks detailed planning permission for 9 No. dwellings and provides for the retention of the existing house and tennis court.

The site was the subject of a dismissed appeal for 7 no. dwellings in October 2020. The Inspector felt that the density of the appeal scheme (at 14.4 dwellings per hectare (dph)) was too low even though the density of the surrounding area was about 10.35 dph.

The density of the current application is about 19 dph. This is compatible with the character of the surrounding area.

This density is consistent with paragraph 122 of the National Planning Policy Framework (NPPF) which supports development that makes efficient use of land and which also maintains an area's prevailing character and setting.

It is also consistent with Criterion 4 of Core Strategy Policy CS9 which seeks to achieve a suitable density of development for the location, that respects the surrounding landscape, character and built form.

These aspects are also reflected in paragraphs 43 and 44 of the Post Examination Referendum version of the Emsworth Neighbourhood Plan which state:

“43/ The density of new developments should be in character with the local surrounding area, and outside of the town centre should be designed to give an impression of spaciousness with opportunity for green landscape between buildings.

44/ New buildings should be in scale with the context of the surrounding buildings and located where they will not overwhelm their surroundings.”

Whilst it is acknowledged that Policy H13 of the Submission Version of the Havant Borough Local Plan (currently at Examination) seeks about 20 dwellings on the site it is important to note that this figure relates to the entire site of just over a hectare, whereas the existing house and its immediate curtilage and the associated tennis court are expressly excluded from the application land, and (ii) does not fully take account of the various constraints (i.e. TPO trees, a foul sewer that crosses the site; potential impact on the Chichester Harbour AONB landscape or the restrictive covenant) that affect the application site. This policy is also the subject of an outstanding objection and yet to be tested at Examination. This was recognised by the Appeal Inspector who confirmed very limited weight should be given to this policy at this stage.

The application site is subject to a covenant that restricts the number of dwellings that can be built to south of the existing house/tennis court to 7. Whilst this is not a material planning consideration it does exist and limits the amount of development

that can be delivered. This, combined with the TPO trees to the north of the existing house limits the amount of development across the application site to no more than 9 homes.

If permission is not granted the property would remain undeveloped and would not make any contribution to the housing land supply or re-use sustainable urban land contrary to the NPPF and the Development Plan.

In addition, many local residents including the Emsworth Residents' Association support the proposed development. Of those who commented on the Planning Portal some 90% said they would object to any greater number of dwellings on the site than are found in the application design.

Based on the above we respectfully request that permission is granted for the proposed development.

Deputation Submitted by Councillors Kennett and Thain-Smith

Deputation for Fowley Cottage, Warblington Road, Emsworth.
(APP/20/00376)

Planning Meeting on 27.5.21

We believe that a pragmatic deliberation of this application would have great value and it would be highly likely that a deliverable solution could be negotiated that would solve and hopefully remove the current impasse and stalemate between the land owner and the planning officers. The proposed scheme is in keeping with the vicinity and would not have a negative visual impact on the foreshore of Chichester Harbour.

Support for the application in its current form is a compromise between those residents in Warblington Road and the rest of South West Emsworth who object to development in any form on this site and those who object to any development greater than the number of 9 houses proposed in the application.

This is a very unusual situation where the Planning Department of Havant Borough Council is asking for more houses to be built on this land and the landowner is arguing for less.

We fully appreciate that Fowley Cottage is included in the Local Plan with an indicative number of 40 dwellings, and that HBC has to date under delivered in the 2020 Housing Delivery Test. and that we need to provide more housing across the Borough

However, in reality with Fowley Cottage we are considering the delivery of nine new homes or none at all as this is privately owned land. 40 houses or even 20 houses for this unique site is not realistic and would constitute overdevelopment

We could end up in a situation where this site/proposal is withdrawn and we lose the ability to contribute any houses to our pressing housing targets

The question to members of the Planning Committee is whether there are material planning reasons to refuse this or is it just due to planning policy?

Update report re APP/20/00376 – Fowley Cottage, 46 Warblington Road, Emsworth, PO10 7HH

Proposal: Nine new dwellings on the site surrounding the retained Fowley Cottage, 2 on the Warblington Road frontage and 7 in the rear garden area.

6 Community Involvement

Since the publication of the Committee report, one further representation has been received from a third party supporting the proposal and raising concerns that were a higher number of dwellings proposed for the site, this would have an impact on the character of the area, traffic, flooding, utilities and infrastructure.

7 Planning Considerations

Appropriate Assessment

Since the publication of the Committee report, completed S106 legal undertakings have been received securing the contributions necessary to address the impact of the development in terms of recreational pressure and water quality. With these in place, the likely significant effect of the development on the Solent's European sites has been appropriately mitigated and the second recommended reason for refusal of the application has been overcome.

9 REVISED RECOMMENDATION

In light of the second recommended reason for refusal of the application having been overcome, the recommendation is now as follows:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00376 for the following reason:

- 1 At a density of only 18.9 dph the application fails to make efficient use of land and is therefore contrary to the requirements of the National Planning Policy Framework, Policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, Policies H3 and H13 of the Submission Havant Borough Local Plan and D3 of the Emsworth Neighbourhood Plan.

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**Deputation
on behalf of Havant Climate Alliance and Havant Friends of the Earth
to Planning Committee on 27th May 2021 re.
Planning Application 20/00875 Aura House**

We object to the application to convert this office space to 6 residential flats.
We agree with the recommendation that permission should be refused.

The location is too noisy, sandwiched tightly between the Waterloo/Brighton railway line and New Road. As designed, the flats will have windows on both sides. There is little leeway to change this design.

From the Environmental Impact Assessment, noise levels day and night will be such that specialist glazing and ventilation will be needed to mitigate for this so as to achieve an acceptable internal noise environment. David Fitzgerald, Environmental Protection Manager points out that this means that residents will be unable to open windows for fresh air, increase airflow in summer, or to flush out smells, without being subjected to loud noise. "The development falls well short of providing what should be regarded as an acceptable living standard for its residents".

In addition the Landscape Architect Harry Mitchell states that there is no private residential amenity space contrary to HBC's Design Code. Covid 19 lockdowns have highlighted the importance of people having some outdoor amenity space, even if it is only a (not too noisy) balcony. The flats would provide an oppressive environment for their residents. A number of studies have indicated a link between people living in noisy environments and stress, linked to depression and anxiety, i.e. contrary to peoples' well being.

Patricia Brooks

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Deputation Submitted by Ms Buckley

Re: APP/20/00875. Aura House, Bedhampton.

Unfortunately, I am unable to make a spoken deputation at the planning committee but would like to submit the following as a written deputation to the planning committee.

I have served as both a Borough and County Councillor for Bedhampton and know the New Road location for the planning application very well.

My work background has been in housing; I am a Member of the Chartered Institute of Housing and spent many years assessing housing need and standards of accommodation.

The planning Officer David Eaves presents a very compelling report to refuse this application and I strongly support his recommendation.

If approved these flats would be substandard housing accommodation not providing good living conditions for those housed there. Aura House is simply too close to railway which will cause noise and vibration and residents would have no access to outside space.

Due to global warming we are experiencing more frequent spells of very hot weather and good ventilation is essential. If approved Aura House would provide six new flats but this conversion of a property that was not designed as residential accommodation would create poor living conditions for those accommodated there.

As councillors I know you work towards providing the best standards for our residents and I am surprised that a ward councillor has brought this application forward.

Please refuse the application for substandard accommodation.

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Deputation Submitted by Mr Allsop, Tetra Tech

Written deputation: APP/20/00875 Aura House

Office use

In their efforts to improve the marketability of the office, the applicant secured planning permission for a two storey extension at committee in October 2018 and have been marketing the building thereafter (almost 3 years). The approved extension was never built due to the lack of demand, which in itself demonstrates that the office is no longer fit for purpose. We have provided a detailed marketing exercise as part of this application which exceeds the Council's 12 month requirement. All viewers of the office went elsewhere such as Arena, Regus and northharbour as these provided much better facilities such as meeting rooms, receptions. It was noted that the parking wasn't appropriate for an office use either.

Havant have a 65,000m² surplus of employment floorspace, the loss of 241m² is not considered harmful, especially when it is weighed against the housing benefits being provided. There is no evidence that the loss of this small space would be harmful. The planning policy comments agree that there is an oversupply of office space in the borough, therefore it seems perverse to recommend refusal when the harm cannot be identified. The site has never been safeguarded or allocated for office space, therefore the restriction of residential development and the retention of an office use is not justified by the Council. The impact of covid-19 has had a significant effect on the interest of this site as an office which has exacerbated the situation.

Nosie

The Council refer to old appeal decisions from 8-10 years ago, however they have not given due consideration to the new solutions we are now providing as part of this application. The windows on the building will be fully openable and the proposals don't restrict residents' ability to open windows should they wish. The windows are triple glazed and a ventilation system will provide fresh air to all flats and remove odours from the property when needed. This is a common design practice in built up areas and will provide fresh air 24/7. Furthermore, the Council do not object to the level of noise when windows are shut. Care has been taken to site the bedrooms at the front of the site, away from the railway.

It is accepted that the proposed flats are located close to the railway line, however, so is every other home in the area, these all share the same built relationship with the railway line. This is not uncommon within the built up area, especially those which are highly sustainable. This can be seen throughout the country.

We have provided additional information to assist the case officer based on the previous report and the Council have confirmed the vibration impact is now acceptable. Additionally, the applicant has sought professional advice in relation to ventilation, this information has been submitted and again, the Council have confirmed this is achievable.

External amenity space

We have revised the site layout to provide a more attractive living environment through the provision of soft landscaping and electric vehicle parking to the front of the site. In this instance, it is not appropriate to provide a garden area to the rear of the building. However, the omission of such does not warrant a reason for refusal and it is not unusual for a flats development to not provide this. Just like Chapel House, the other side of the railway crossing, less than 60m from the site. The councils SPD says the requirement for garden area would depend on local context. The site has great access to attractive and high quality open spaces in the area such as Bidbury mead and Havant park. There is also access to a riverside walk and Leigh park which will encourage healthy lifestyles for residents.

Principle

The Council do not have a 5 year housing supply. The proposals provide a great opportunity for the council to address the housing shortage in a sustainable location and on a brownfield site, making an efficient use of land. The area is highly sustainable and would enable people to get on the housing ladder, there are no reasons for refusal in relation to character, appearance, neighbouring amenity or highways. This site would make a positive contribution to the housing shortage and will help prevent greenfield sites or more protected land being developed to meet their housing need.

Therefore, it is requested that this application be supported.

Deputation Submitted by County Councillor Fairhurst

Re: APP/20/00875. Aura House, Bedhampton.

I am speaking in support of this application for the following reasons.

The existing street scene

Traffic

Need for housing

Present business moving to Broadmarsh so no loss of jobs.

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Item 4b

Aura House, New Road, Havant
Updated 26th May 2021

Site View Working Party

A question was raised in relation to the planning history and the sites possible unsuitability for an increase in business use in relation to refused applications considered at previous Development Management Committees.

There are two previous refusals of most relevance considered below:

APP/17/00347 – Proposed 2 storey undercroft office extension

This application was considered at the Council's Development Management Committee on the 29th June 2017 and subsequently refused planning permission on the 30th June 2017 for the following reason:

The proposed Office Extension would by reason of its prominent siting, design, size, height, mass and bulk have a harmful impact on the character and appearance of the area, detract from the appearance of the existing main building and represent an overdevelopment of this shallow and constricted site. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Frame

Appeal Subsequently Dismissed on 1st December 20

The Committee report in relation to that application considered the impact on employment and business as follows:

7.12 The proposed extension would provide a modest additional office floorspace and therefore an opportunity for potential additional employment at the site. The previous application included no details in relation to existing or proposed employment; this application has included the following information:

One key feature the scheme benefits from is its ability to adapt to the changing needs of the users over the its lifespan of the building. The applicant has always sort to create a place where people want to work within their locality and has expressed concerns to councillors over the lack of job opportunities for young people in particular, within their ward - with many having to travel as far as Southampton to find employment. The site has already proven that it is successful in recruiting local people and businesses and the potential to provide a further office unit can only increase the job opportunities that are available. The business case for this development is solid and is supported by the council's corporate strategy. As well as creating a new opportunity's for a local businesses in a new state of the art office facility which boasts 4G broadband, it also has close links to rail and bus as well as the motorway.

7.13 A letter has also been submitted from Codepotato Limited who rent an office at Aura House. They comment on the attractiveness to businesses of the office accommodation at Aura House, the ideal location of the site and the fact that they may be looking to expand their facilities at the site.

7.14 The Council's Corporate Strategy seeks economic growth and environmental sustainability. Employment uses are supported by the Havant Borough Local Plan (Core Strategy) 2011. In particular policy CS2 states that Planning permission will be granted for development proposals that (amongst other matters) *Provide jobs, generate wealth or produce an economic output on existing employment sites that are not fit for current purpose*. It is however noted that in relation to offices that the plan favours town centre locations for the provision of B1a offices and other town centre uses. This site is not located within a town centre.

7.15 Whilst business use and any associated employment is a key priority of the Council this has to be balanced against the environmental impacts of the proposals (another key priority) highlighted in paragraphs 7.3 - 7.11 above. In this case officers consider that the employment and business opportunity provided by the development would not on balance override the clear concerns in relation to the character and visual amenities of the area that would result.

Officer Comment: It is clear from the report that the application was not refused in relation to the proposed business expansion but in relation to the impact on the character and appearance of the area and over development.

APP/16/00928 - Proposed two storey undercroft office extension

This application was determined at the Council's Development Management Committee on the 8th December 2016 and subsequently refused planning permission on the 9th December 2016 for the following reason:

The proposed Office Extension would by reason of its prominent siting, design, size, materials, height, mass and bulk have a harmful impact on the character and appearance of the area, detract from the appearance of the existing main building and represent an overdevelopment of this shallow and constricted site. The proposal would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 and the National Planning Policy Framework.

The Committee report in relation to that application considered the impact on employment and business as follows:

7.11 The proposed extension would provide a modest additional office floorspace and therefore an opportunity for possible additional employment at the site. No details in relation to existing or proposed employment have been submitted with the application, however, employment uses are supported by the Havant Borough Local Plan (Core Strategy) 2011. In particular policy CS2 states that *Planning permission will be granted for development proposals that (amongst other matters) Provide jobs, generate wealth or produce an economic output on existing employment sites that are not fit for current purpose*. It is however noted that in relation to offices that the plan favours town centre locations for the provision of B1a offices and other town centre uses. This site is not located within a town centre.

7.12 No case has been put forward to state that this development is critical to the business viability of the site and indeed given the lack of an internal link between existing and proposed offices it would appear likely that the proposals would be for a stand alone office use.

7.13 Whilst business use and any associated employment is a key priority of the Council this

has to be balanced against the environmental impacts of the proposals (another key priority) highlighted in paragraphs 7.3 - 7.10 above. In this case officers consider that the relatively modest additional employment and business opportunity provided by the development should not override the clear concerns in relation to the character and visual amenities of the area that would result from the proposed development.

Officer Comment: The above decision it is clear that the refusal of permission was not based on the proposed business expansion on the site but related to the character and appearance of the area and overdevelopment concerns.

It is also the case that following these refusals further office extensions were granted planning permission including the two storey extension APP/18/00499 which forms part of the current application.

The application under consideration would lead to the loss of business floorspace and this is considered in the Committee report.

Updates to the Officers Report:

5. Statutory and Non Statutory Consultations

A further re-consultation response has been received from Environmental Health

Environmental Health

Final Comments

The two issues that you wish further comment on, are the following the following were:

Mechanical Ventilation

I am satisfied the ventilation could be provided to, however this is not optimum solution, as detailed in the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise. The proposed layout of the development, has windows facing onto, the two noisy facades (railway and road), meaning there is no quiet façade giving you rest bite. This position has been supported by the following planning appeal.

Planning Appeal Decision by Herefordshire Council

Appeal decision APP/W1850/W/19/3229484 - dismissed

excerpt below (see Living Conditions - 23 to 28:

26. The noise assessment report goes on to recommend various mitigation measures to address the issue. This includes setting dwellings 18 metres back from the road, gable ends with no windows facing the roads and 2-metre-high garden fences. Bedrooms are expected to be at a high risk of traffic noise at night and therefore fan assisted ventilation is recommended so that windows could remain closed. In terms of external amenity areas, ProPG recommends noise levels should ideally not be above the range 50-55dB. The report suggests that even with the provision of acoustic fences, noise levels would still

achieve the lower end of this range. Whilst internal noise levels may achieve the standards with artificial ventilation systems, the external noise levels with mitigation would still be high. Accordingly, I consider that the living conditions of future occupiers would be adversely affected.

Vibration levels

I am satisfied vibration levels are satisfactory and the proposed development could be occupied for residential purposes without causing issues for occupiers.

6. Community Involvement

3 additional representations received

- Support recommendation to refuse permission.
- Applications to convert Aura House to residential accommodation have been made before and refused on strong grounds. **Officer Comment:** Previous residential proposals have related to new build development.
- Proposed housing will not provide acceptable standard of accommodation and will be detrimental to Bedhampton.
- Please do the right thing for Bedhampton and reject this application.

- Object to planning application as the office block is wholly unsuitable for conversion to residential occupation on account of noise and ventilation.
- I have become expert MVHR systems over last thirty years.
- HVHR systems provide heat recovery in summer and winter. Unless a “summer block” is inserted in place of the heat exchanger, the HVHR will heat incoming air in summer raising the temperature of already hot south and west facing windows even more.
- We insert “summer block” in summer and replace heat exchanger in autumn when need inbuilt heat exchanger to provide heat recovery. Also have electrostatic filter fitted, no mention of such desirable filtering in submission.
- Follows that MVHR will further heat the rooms and property via south and west facing windows in summer, so necessitating need to open windows in summer to let excess heat out and noise in. With climate change requirement would increase.
- Solution to over-heating would be to fit heat-pump controlled full air conditioning system and this system provides good heating in winter and cooling in summer.
- Unreasonable for applicant to want to convert an office block to residential without providing even minimal consideration to the health and safety aspects of residents.
- Triple glazing will keep down noise, but also keeps in heat in summer and proposed MVHR system would exacerbate this to detriment of the health of the occupants.
- Urge Council to reject this planning application

- As Environmental Health report states, this is a completely unsuitable site for residential development.
- Note inclusion of a ventilation system in the design but it is unacceptable for occupants to be required to live in a hermetically sealed environment with explicit expectation that they will never want to open their windows.

- Property built originally with the view to eventually change into accommodation as hot water points and drainage were strategically placed ready to convert. **Officer Comment:** The application has been considered on its planning merits.
- Due to closeness to the railway line and busy road with little parking this should be declined as the well-being of the future residents will fall short of what should be considered acceptable.

1 Further Comment from Havant Civic Society

- Agent argues Council has not got a 5 year housing supply and application should be approved.
- Our view is, that this is a poor quality speculative application, on a site which is not suitable for residential accommodation, which would only have a very minimal effect on the Council's housing target.

7. Planning Considerations

- 7.30 Updated comments are provided in relation to vibration issues in the Environmental Health comments above. Vibration impacts are not considered a reason for refusal.
- 7.46 The agent has not provided information as to the current occupancy and last use of the units.

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