

Telephone: 023 9247 4174  
Fax: 023 9248 0263  
Website: [www.havant.gov.uk](http://www.havant.gov.uk)

## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Standing Deputies: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick and Councillor Tim Pike

**Meeting:** Development Management Committee

**Date:** 25 February 2021

**Time:** 5.00 pm

**Venue:** Skype for Business - Skype for Business

The business to be transacted is set out below:

Gill Kneller  
Chief Executive

16 February 2021

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

Page

### PART A - (Items Open for Public Attendance)

**1 Apologies for Absence**

To receive and record apologies for absence.

**2 Minutes**

**1 - 54**

To approve the minutes of the Development Management Committee held on 5 March, 25 June, 16 July, 20 August, 10 September and 10 December 2020

**3 Site Viewing Working Party Minutes To Follow**

To receive the minutes of the Site Viewing Working Party held on 18 February 2021.

**4 Declarations of Interest**

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

**5 Applications for Development and Development Control Matters 55 - 58**

**Part 1 - Applications Viewed by the Site Viewing Working Party**

**5(1) APP/20/00761 - Land on the east side of Helmsley House, Bartons Road, and west of Normandy Road, Havant. 59 - 116**

Proposal: Erection of a 64 bed older persons care home (Use Class C2) together with construction of new access road, car/cycle parking, drainage works, hard/soft landscaping and other associated infrastructure.

**[Additional Documents](#)**

**5(2) APP/20/00875 - Aura House, New Road, Havant 117 - 156**

Proposal: Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated external changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449.

**[Additional Documents](#)**

**5(3) APP/20/00888 - Site of, 19 St Peters Avenue, Hayling Island 157 - 194**

Proposal: Construction of new dwelling to replace house demolished under Planning Permission 97/61610/000.

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

The meeting will be streamed live online to enable members of the public to watch in real time. The meeting will also be recorded and the recording will be published on the council's website.

IP addresses will not be collected, however in order to function, Skype for Business collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

Members of the public, County Councillors, and Non-Members of the Development Management Committee may submit a written deputation to meetings of the Development Management Committee provided that it relates to an item on the Agenda for a particular meeting. A person, who has submitted a written deputation may also be given an opportunity to address the Committee. A request and written deputation must be received by the Democratic Services Team by no later than **5 pm on Tuesday, 23 February 2021**.

Full details of the deputations scheme can be viewed at:

<https://havant.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD1202&ID=1202&RPID=962835>

Written Deputations may be sent to:

By Email to: [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the “Democratic Services Team”

### **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)





### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Site Briefing

- A private remote meeting may be held to enable the Councillors to familiarise themselves with a site's characteristics and request additional information to be provided prior to the meeting the Development Management Committee, where it is considered necessary to do so.
- A site briefing will normally be initiated either by:
  - The Head of Planning in advance of the Development Management Committee, in circumstances where she considers it important to understand the physical circumstances of the site, and representations of third parties (particularly where a deputation is expected), or where the application raises issues of precedent where Councillors need to understand the wider implications of any decision
  - The submission of a Red Card and specific request to site briefing by a Councillor
  - Resolution of the Development Management Committee
- The site briefing is an opportunity for members of the Committee to familiarise themselves with the site officially and have a proposal explained to them by Officers. No decision is made at a site briefing; the matter is always referred to a future meeting of the Development Management Committee for decision.
- Whilst attending a site briefing it is important for members of the Committee to consider:
  1. The site layout and boundaries;
  2. Physical features and constraints including levels and orientation;
  3. The general characteristics of the site and how it relates to the surrounding area;
  4. Nearby land uses, and
  5. Any relevant transport issues affecting the site.
- The site briefing should be a 'fact finding mission' and a means of identifying issues for consideration by the Development Management Committee. It must not therefore be used as an opportunity to debate the merits of an application. There will be no opportunity to receive representations from members of the public or applicants. Members should however ask questions of the Officers present, make points and highlight certain characteristics that they can only draw to the attention of other members of the Site briefing.

- The minutes of the meeting shall be published. The presentation together with supporting materials, which have not already been published on the Council's website, will be published as an appendix to the minutes of the meeting.
- Any member of the site briefing who has a disclosable pecuniary interest (as set out in the Members Code of Conduct) or has formed a concluded view – in the application must disclose to the meeting the existence and nature of that interest. If a disclosable pecuniary interest or a concluded view is declared the Councillor must not take any part in the site briefing or vote on the recommendation regarding the site in question and must not be part of the meeting during the briefing.
- Whilst the site briefing does not make a decision on an application or other planning matter, it is normal working practice for the briefing to make a recommendation to the Development Management Committee in one of the following forms
  1. To resolve, on the basis of the site briefing and information available at the time, that the site briefing does not wish to draw to the attention of the Development Management Committee any additional matters, OR
  2. To resolve on the basis of the site briefing and information available at the time, that the site briefing would wish that the Development Management Committee to consider the following matters in addition to those detailed in the Head of Planning report before making a decision:
    - a. the need for additional information, and/or
    - b. the need for additional conditions, and/or
    - c. areas of concern arising from the site briefing
- The Chairman will seek to secure a majority view as to the recommendation for the need or otherwise of additional matters being drawn to the attention of the Development Management Committee. If it is apparent that a majority cannot be obtained, he will recommend that the site briefing do not record a view.
- Any Councillor interested in a matter on the agenda can attend the site briefing, in order to have a better understanding of a proposal in their own ward or one that is of Borough wide interest. However, other Councillors attending the site briefing will not be allowed to address the working party, other than to point out matters of fact, detail, local knowledge and history.
- No recommendation of the site briefing to the Development Management Committee should be regarded as the final view of any Councillor as to how an application should be determined by the Committee.

#### Submission of Questions for the Development Management Committee

- Councillors are encourage to forward questions to be raised at the meeting to Democratic Services at least 4 hours before the meeting. These questions can then be addressed either as part of the officer's presentation or shortly after. This

does not inhibit your ability to ask questions at the meeting, but questions in advance can help facilitate a smoother and easier to follow virtual meeting.

- Questions cannot be directed to persons who have submitted written deputations.
- Questions and answers will be published and attached as an appendix to the minutes.

### Meeting Protocol

- Microphones will be muted centrally unless it is a councillor/officers turn to speak. When unmuted centrally please note that a councillor/officer will also need to press the unmute button before speaking!
- Councillors are encouraged to arrive at the virtual meeting no less than 15 minutes prior to the meeting start time. This will allow any technical issues to be resolved and the quorum to be confirmed.
- Whilst being held remotely, the meeting remains a formal meeting of the council with the same rules of conduct. There is the potential for greater audience numbers due to people being able to watch from their own homes. The meeting will also be recorded and the recording publicly available.
- After reading the report and attending the site briefing, if any, Councillors must forward primary questions to Democratic Services at least 4 hours before the meeting to facilitate a smoother meeting. These questions will be addressed by the officers at the meeting. Please note that the opportunity to ask supplementary questions at the meeting will be limited (please see above).
- There is a viewing pane showing all participants on the left-hand side (clicking the icon depicting three people in the top left of the screen will open). This lists the attendees (committee members) in alphabetical order, which is useful to ascertain when you will have an opportunity to speak.

The Chairman will read out a detailed introduction to outline how the meeting will run.

### Apologies for Absence

Will be read by the Democratic Services Officer.

### Confirmation of Attendance/ Declarations of Interest/ Supplementary Matters

For expediency, the Chairman will ask each councillor in turn to confirm the above. Attendees will be able to mute and unmute their own microphones. Councillors and Officers are requested to mute their microphone when not speaking and wait to be invited to speak by the Chairman at the appropriate time unless you they are experiencing technical difficulties in hearing another person. A standard form of words has been drafted:

*Present. I confirm that I have read the Supplementary Matters papers and that I have no interests to declare.*

If you have an interest:

*Present and I confirm that I have read the Supplementary Matters papers. I have an interest to declare in application xxxx/xxxx – Land at xxxxx, item x of the agenda.*

*The nature of this interest is xxxxxxxx and I shall.....(remain in the meeting for the discussion/voting on this item/ remain in the meeting for the item but abstain from voting/ withdraw from the meeting for this item)*

Please use this form of words.

### **Confirmation of Minutes**

The Chairman will ask each councillor in turn whether they have any amendments to the previous minutes. Either reply 'No amendments Chairman', or yes and clearly state the amendment.

The Chairman will ask for a proposer, at this point all microphones will be unmuted. The first councillor to speak, stating only their name 'Cllr X' will be taken as the proposer. The process will be repeated for the seconder. Prior to speaking please remember that you need to unmute your microphone!

### **First Application**

The officer will introduce as usual, with a PowerPoint shown via Skype for Business. During his introduction, the officer will highlight any new issues raised in the presentation, which are not covered in the report or supplementary papers. Public and ward councillor deputations will be submitted in advance and published. They will not be read aloud.

Following this the Planning Officer will respond to the deputations and answer questions that have been submitted by members of the committee prior to this meeting. After a reply has been given to each question, The Chairman shall ask the Councillor, who asked the questions if they are satisfied with the answer and/or have a supplementary question prompted by the answer.

The Chairman will then ask each Councillor in turn whether they have any supplementary questions. Once questions have been answered the Chairman will move to the debate. This will follow the same format as questions. Councillors are encouraged to move a motion (including an amendment) at any stage during the debate. The Chairman will announce when a motion has been proposed and name the proposer and will then call for a seconder. All microphones will be made live and Councillors must state their name if they wish to propose/seconder. At this point the Chairman shall ask each Councillor in turn if they wish to speak, the debate centring solely on the motion.

If members are minded to refuse an application, contrary to officer advice they must clearly state their reasons for refusal. If a member wishes to add conditions not recommended by the officers, he or she must also give reasons for this new condition. These reasons will be noted by the Officers. Councillors should make it clear that they are putting a motion forward and state the wording of the motion clearly.

Officers shall be given an opportunity to comment on any motion (including amendments) and any issues raised during the debate.  
At the end of a debate the Chairman shall ask each member, alphabetically, if they have anything to add.

### **Voting**

When voting, the Chairman will ask each Councillor in turn, alphabetically, to state either 'FOR, AGAINST or ABSTAIN'. Your microphone will be made live to enable you to speak, but please - remember to unmute before speaking!  
The Democratic Services Officer will confirm the voting numbers, following which the Chairman will declare the result of the vote.

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## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 10 December 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lowe and Patel (Standing Deputy)

Other Councillors Present:

Councillor(s): Lloyd, Patrick and Pike

### **9 Chairman's Announcements**

The Chairman opened the meeting by thanking Holly Weaver, Democratic Services Assistant personally and on behalf of the Committee for her hard work and dedication since servicing the Committee, and wished her well for the future.

### **10 Apologies for Absence**

Apologies for absence were received from Cllr Lloyd. Councillor Patel stood in as her deputy.

### **11 Minutes**

The minutes of the meeting of the Development Management Committee held on 12 November 2020 were agreed as a correct record.

### **12 Site Viewing Working Party Minutes**

The minutes of the Site Briefing held on 3 December 2020 were received.

### **13 Declarations of Interest**

There were no declarations of interest relating to items on the agenda.

### **14 WITHDRAWN FROM MEETING APP/20/00696 - 162 Stakes Hill Road, Waterlooville**

The Chairman advised the Committee that application APP/20/00696 – 162 Stakes Hill Road, Waterlooville had been withdrawn from this meeting at the request of the applicant. She assured the Committee that this application would still come to Committee in the New Year.

### **15 APP/20/00757 - Southleigh Park House, Eastleigh Road, Havant, PO9 2PE**

The site was the subject of a Site Briefing by the Site Viewing Working Party.

Proposal: Felling of trees as shown in schedule accompanying plan 20122-BT1 (agreed under Planning Permission APP/17/00863).  
Subject to TPO 1068.

Reason for Committee consideration: The application was brought to the Committee at the request of the Director of Regeneration and Place.

The Committee considered the written report and recommendation from the Head of Neighbourhood Support to grant TPO consent.

The Committee received the supplementary information, circulated prior to the meeting which included:

- a) the written deputations received by Democratic Services over 48 hours in advance of the meeting;
- b) a copy of the presentation slides to be given by the officers; and
- c) the minutes of the Site Briefing held on 3 December 2020 which viewed the application.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report.

There had been 7 requests to make verbal deputations by Councillors and members of the public. Those opposing the application were Nicholas Knight, Malinda Griffin (Havant Borough Tree Wardens), Thomas Griffin, Councillor Dianne Lloyd, Councillor Diana Patrick and Councillor Tim Pike. Paul Thomas (Bargate and Vivid Homes) spoke in support of the application. These were received by the Committee. These verbal deputations were a summary of the written deputations supplied and published on the council's website. The audio recording of these deputations is found within the recording of the meeting itself, beginning at 0.13.27. This is published on the council's website.

Following the deputations, the officers advised that outline permission had already been granted for the site when it came to Committee in April 2018. With that outline application a landscape strategy was received which, whilst indicative, showed a significant number of trees would need to be felled in order to accommodate the number of proposed dwellings on the site (up to 70). Since this permission had already been granted, this particular TPO application was sent in by the applicant in order to be able to fell the necessary trees in order to make site investigations, prior to submitting a reserved matters application. The Committee was being asked to approve or not approve the felling of trees at this meeting, not to approve or not approve the principle of development. It was typical for reserved matters applications to come in prior to agreeing to the felling of TPO trees, but it was not unlawful to have it be the other way around.



In response to questions raised by Members of the Committee, the officers confirmed that:

- 1) in the officer report for the Committee meeting where outline permission had been granted, the significant felling of trees required for the development was highlighted;
- 2) whilst the original designation in the emerging Local Plan at the time of the Committee's consideration of the outline planning application was for an indicative figure of up to 35 dwellings on the site, that outline planning application had demonstrated that up to 70 dwellings could be accommodated on the site, and as such a future application for 70 dwellings would be in keeping with the outline permission granted in 2019;
- 3) condition 27 in the outline permission allowed for felling to commence prior to a reserved matters application only if it was agreed in writing by the Local Planning Authority; if TPO consent was granted at this meeting this would constitute that written agreement;
- 4) the figure of 70 dwellings was deemed acceptable by the Local Planning Authority in 2018 as planning concerns such as local infrastructure and transport were considered at the time; and
- 5) as the minutes of the meeting of the Development Management Committee held on 5 April 2018 were signed and agreed by the Committee as a correct record, they were now the reliable record of the meeting where outline permission was granted.

The Committee discussed this application in detail together with the matters raised by the deputees. Concerns were raised by Members regarding the prematurity of removing the trees prior to a reserved matters permission being granted, as once felled they could not be brought back if the final site layout did not require them to be removed. Members also considered the age and significance of the trees to the setting of the listed building.

Members expressed a desire for any future applications regarding this site to come before the Committee. The Committee was advised that whilst it could not be mandated that any further applications relating to this site come before the Committee, it was the prerogative of Members, the Head of Service or the Director of Regeneration and Place to bring applications to the Committee at their request. Officers also advised the Committee that as this site was in the emerging Local Plan and not the existing Local Plan, a reserved matters application would have to be brought to Committee anyway.

It was therefore, unanimously RESOLVED that Application APP/20/00757 be refused for the following reason:

In the absence of a reserved matters application pursuant to planning application APP/17/00863 being submitted and approved, the removal of all of the trees the subject of this application would be premature and would lead to

undue loss and detriment to the visual amenities of the locality. In particular, in the absence of an approved layout and landscaping proposals for the development, the removal of all of the trees the subject of this application would prejudice the proper consideration of natural features as part of the development, as is required by policies CS16 and DM8 of the Havant Borough Local Plan Core Strategy 2011 and the National Planning Policy Framework.

**16 APP/20/00712 - Hayling Island Community Centre, Station Road, Hayling Island, PO11 0HB**

Proposal: Installation of 4No. LED lamps (floodlights), mounted on maximum 8 m high columns and an artificial surface for the bowling green.

Reason for Committee Consideration: Havant Borough Council Application.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Members received a presentation from the officers outlining the report.

The Chairman advised the Committee that no deputations had been received regarding this application.

In response to questions by Members of the Committee, the officers advised that:

- 1) the only reason this application was before the Committee was because it was an application submitted by Havant Borough Council; and
- 2) there had been no representations made by any of the nearby neighbouring properties.

The Committee discussed the application and the qualities proper illumination and resurfacing of the bowling green would offer in terms of recreation opportunities for residents.

It was RESOLVED that the Head of Planning be authorised to grant permission for Application APP/20/00712 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan- Scale 1:1250

Block Plan - Scale - 1:500

Lux LED Revision 1, Spillage Iso Contours - Drawing No. HIBC S4

Lux LED Revision, 1 Spillage Results  
Detail of T087RLYH Column - Drawing No. TO87RLH  
Column Elevations - Drawing No. HIB E1  
Spillage Impact Report -Highlights Floodlighting Ltd.

**Reason:** - To ensure provision of a satisfactory development.

- 3 The floodlights hereby permitted shall not remain illuminated after 22.00 hours on any day; and shall not be used at all during the months of April to September inclusive.

**Reason:** To protect the amenities of nearby residential properties and nocturnal species, including bats, in the locality and having due regard to policies DM10 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

**The meeting commenced at 5.03 pm and concluded at 7.16 pm**

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**Chairman**

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## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 10 September 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard and Lowe

Other Councillors Present:

Councillor(s): Lloyd and Patrick

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Declarations of Interest**

There were no declarations of interest relating to items on the agenda.

### **3 Minutes of the Site Viewing Working Party**

The Committee received the minutes of the Site Viewing Working Party held on 3 September 2020.

### **4 APP/18/01033 - Land East of, Castle Avenue, Havant**

The site was the subject of a site briefing by the Site Viewing Working Party.

Proposal: Residential development comprising 69 No. dwellings with access from St George's Avenue together with access, car parking, landscaping, electrical substation and associated works.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- 1) included an additional comment received from the owner of 27 St Georges Road;
- 2) included a copy of the presentation given to the Site Viewing Working Party held on 3 September 2020;
- 3) included the minutes of the Site Viewing Working Party held on 3 September 2020;

- 4) updated the officers report with amended plans and a revised recommendation to reflect these plans; and
- 5) gave responses to the additional information requested at the Site Briefing which included:
  - a. clarification of the distance from the centre of the site to the bus stop at Green Pond Corner;
  - b. clarification of the timetables for buses serving the bus stops in Southleigh Road and Green Pond Corner;
  - c. clarification on the definition of sustainability in relation to bus services;
  - d. a slide indicating the separation distances from 27 St Georges Avenue to plot 69;
  - e. clarification on the potential for adopting the proposed link road into the remainder of site H15 as a highway maintainable at the public expense;
  - f. clarification on the nutrient neutrality aspect of this application.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and individual members of the Committee since the agenda was published. The officers brought the Committee's attention to the fact that at Full Council on 9 September 2020 the Council had approved the changes to the pre-submission Local Plan and these changes could now be given limited weight. The officers also drew the members' attention to the amended plans received which had rectified the external garage sizes to meet the correct parking space size.

With regards to the 5 deputations and 1 comment received, the officers commented that:

- i. the proposal included electric vehicle charging points for the majority of dwellings;
- ii. given that the Local Plan had not yet been submitted to the Secretary of State for approval, and given the level of unresolved objections to the policies, only limited weight could be afforded to the emerging policies;
- iii. 70% of the dwellings complied with the technical space standards;

- iv. Policy H15 which identified the site as a site for development had no unresolved objections and so could be given more weight in the planning balance;
- v. a contribution would be given by the developer towards the work in the community;
- vi. the area to the south of the development was not available to the developer to use as an access point to the site, and so could not be used as a link at the time of the meeting;
- vii. the Local Lead Flood Authority and Southern Water had raised no objections to the proposal which would improve the existing greenfield run off rates; and
- viii. a traffic regulation order was being sought in the event that any issues did arise during or following construction.

In response to questions by Members of the Committee, the officers answered that:

- 1. the exact nature of the TRO would be determined when an issue had taken place either during or post-construction;
- 2. while 30% of the dwellings did not comply with technical space standards, not all of these dwellings were affordable housing, and some of the smaller dwellings were found by the green space;
- 3. the parking spaces which did not comply with technical space standards had been altered in order to meet them, but as they only required enlarging between 0.2-0.4m not much additional green space and amenity was lost to parking spaces;
- 4. the affordable housing was spread across different areas of the site, and so each dwelling's impact from noise varied depending on where it was placed;
- 5. the garages were the correct size according to the parking supplementary planning document in order to be counted as parking spaces for the development;
- 6. the permitted development rights at the time of granting permission would remain the same throughout construction and would not be impacted by changing laws and so the conditions would be protected; and
- 7. a condition could be included to ensure the access road is built to an adoptable standard.

It was therefore RESOLVED that Application APP/18/01033 be granted planning permission subject to:

- (A) a Section 106 Agreement as set out in the submitted report;
- (B) the following conditions (subject to such changes and/or additions that the Head of Planning considered necessary to impose prior to the issuing of the decision):

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Location plan 507-01-A-02-001-SL REV A  
 TENURE PLAN 507-01-A-02-010-TP REV J  
 MATERIAL PLAN 507-01-A-02-011-MP REV F  
 BOUNDARY TREATMENTS 507-01-A-02-012-BT REV J  
 SITE PLAN 507-01-A-02-020-SP REV E  
 STREET ELEVATIONS 507-A-02-030-SE REV A  
 Chalet Bungalow Plots 067 & 069 1385A- 001  
 HOUSE TYPE ALNWICK – PRIVATE ALN-001 A  
 HOUSE TYPE ALNWICK - HA ALN-HA-002 A  
 HOUSE TYPE ALNWICK - HA MIDTERRACE ALN-HA-002 A  
 HOUSE TYPE ALNWICK - HA  
 ENDTERRACE ALN-HA-004 A  
 HOUSE TYPE CHEDWORTH – PRIVATE CHED-001  
 HOUSE TYPE CHEDWORTH – PRIVATE CHED-002 A  
 HOUSE TYPE CLAYTON – CORNER CLAY-C-001 A  
 HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55  
 CLAY-C-002 Rev: B  
 HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55  
 floor plans CLAY-C-003 Rev: B  
 HOUSE TYPE CORFE – PRIVATE COR-001  
 TWIN GARAGE GAR-001 Rev: B  
 SINGLE GARAGE GAR-002 Rev: B  
 TRIPLE GARAGE GAR-003 Rev: A  
 HOUSE TYPE HANBURY – PRIVATE HAN-001 A  
 HOUSE TYPE HANBURY - HA MIDTERRACE HAN-HA-002 A  
 HOUSE TYPE HANBURY - HA ENDTERRACE HAN-HA-003 A  
 HOUSE TYPE HANBURY - HA MIDTERRACE HAN-HA-004  
 HOUSE TYPE HATFIELD – PRIVATE RENDER HAT-001  
 HOUSE TYPE KENDAL - PRIVATE KEN-001 Rev: C  
 HOUSE TYPE MOSELEY - PRIVATE MOS-001 A  
 HOUSE TYPE SOUTER – PRIVATE SOU-001 A SOUTER  
 SECTION SOU-SECTION  
 HOUSE TYPE STAFFORD – PRIVATE STAFF-001 A



SUBSTATION SUB-001 A  
LUMLEY – HA 4620a-001 B

Landscape

LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 1  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 2  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 3  
SOFT LANDSCAPE MANAGEMENT AND MAINTENANCE  
PLAN - PERSC22164 Man Revision: A PERSC22164 (Soft  
Landscaping Specification document)

Ecology

ECOLOGICAL ASSESSMENT REV.4 ECOSA TECHNICAL  
NOTE – Ecological Construction and Management Plan Third  
Addendum DATED 21ST AUGUST 2019 Cranleigh Road,  
Portchester - ECMP Addendum FINAL 210819

Trees

ARBORICULTURAL ASSESSMENT AND METHOD  
STATEMENT 18295-AA2-AN TREE PROTECTION PLAN  
18295-BT2

Street lighting

5972-01B (MJA)  
Castle Avenue Rev E (Prolectric)

Drainage

S1857/502-01 Rev I J ES1857/502-02 Rev I  
J ES1857/502-03 Rev I (Manhole Schedule) J  
ES1857/501-02 Rev B C ES1857/S104-01 Rev I J  
ES1857/S104-02 Rev D E ES1857/501-05 Rev E & ES1857  
501-06 (Construction Details)

External works

ES1857/504-01 Rev G H  
ES1857/504-02 Rev F G  
ES1857/501-01 Rev C (Construction Details) D

Reason: - To ensure provision of a satisfactory development.

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

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

- 4 No above ground construction works shall be carried out until a programme/timetable for the provision of roads, footpaths, junctions and visitor car parking have been submitted to and approved, in writing by the Local Planning Authority for each phase of the development. The development shall thereafter be carried out in accordance with the approved programme/timetable and retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. No dwelling shall be occupied until the car parking areas for that dwelling have been laid out and provided in accordance with the details shown on plan A-02-020SP Rev F. The car parking areas shall be retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- i) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,
- ii) An appropriate assessment of the risks to all receptors that may be affected, based upon i), and;

- iii) Where potentially unacceptable risks are identified by ii), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by i)-iii) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) statement confirming that no suspected contamination was identified during development,

OR;

- B) Documentation in accordance with i-iii) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: In the interests of the amenity of the locality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Plots 37, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 as shown on the approved plan, A-02-020-SP Rev F, shall not be occupied unless and until mitigation has been installed and demonstrated through post validation testing to determine compliance with the noise impact assessment as provided by Noise Impact Assessment (SA4823-5, dated February 2019). This shall be submitted to and agreed in writing by the Local Planning Authority. This report is to confirm the expected noise levels within the proposed dwellings have been achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. the glazing and ventilation strategy mitigation measures outlined in the Noise Impact Assessment (SA-4823-5, dated February 2019), shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the residents of the properties are not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 8 The approved external lighting scheme shall be installed in full accordance, with the details as shown on plan ref 5972-01B (MJA) and Castle Avenue Rev E (Prolectric) unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 The soft landscaping scheme shall be carried out in accordance with the approved plans, PERSC22164 11G-Sheet 1, PERSC22164 11G-Sheet 2, PERSC22164 11(G)-Sheet 3 and timetable for provision unless otherwise agreed, in writing, by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.
- Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 10 The hardsurfacing shall be carried out in accordance with the approved plans, ES1857-504-01-G External Works and ES1857-504-02-F External Works, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before works proceed above ground level, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of the amenities of the locality and having due regard to policies CS1, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
11. The development shall be carried out in strictly in accordance with the Boundary Treatments as shown on approved plan ,507-01-A-02-012-BT Rev J Boundary Treatments unless otherwise agreed, in writing, by the Local Planning Authority. The boundary treatments shall be installed prior to the occupation of each individual dwelling.

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

- 12 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water. Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement, unless agreed in writing by the Local Planning Authority.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply. This condition is therefore necessary 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.

- 13 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Assessment (Ecosa, Final Rev.4, August 2019) and ECOSA TECHNICAL NOTE – Ecological Construction and Management Plan Third Addendum dated 21ST AUGUST 2019 unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Details of the implementation of all ecological mitigation, compensation and enhancement features shall be reported to the LPA in writing within one month of their completion.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 14 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the Arboricultural Impact Appraisal and Method Statement reference 18295-AA2-AN and in & Tree Protection Plan - plan 18295-BT2 written by Barrell Tree consultancy shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, and E, of Schedule 2, Part 1 of the Order shall be carried out on plots 67 and 69, as shown on the approved plan, A-02-020-SP Rev E, without the prior written consent of the Local Planning Authority.

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

- 16 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, as shown on plan A-02-010-TP Rev I shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points shall be installed prior to the occupation of each individual dwelling.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

17. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no hard surface forward of the front elevation of Plot 1 and Plot 2, as shown on approved plan A-02-020-SP Rev F, shall be provided or replaced in whole or in part, including any works permitted by Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, without the prior written approval of the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is protected and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 18 The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
  - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 19 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan'.



20 No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment – Project Number: 23086 dated September 2018 has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. A revised drainage plans including pipe / chamber references linked to the hydraulic calculations and highlighting the revised discharge points and rates as per Southern Water’s response.
- b. Revised drainage calculations to demonstrate that the drainage will function as needed in the different return periods up to and including the 1:100 + climate change.

The development shall be carried out in accordance with the approved details.

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

**The meeting commenced at 5.00 pm and concluded at 6.02 pm**

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**Chairman**

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## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 20 August 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Lowe and Patrick (Standing Deputy)

### 1 Apologies for Absence

Apologies for absence were received from Councillors Lloyd and Howard. Councillor Patrick attended as Councillor Lloyd's deputy.

### 2 Site Briefing Notes

Notes from the Site Briefing were received.

### 3 Declarations of Interest

There were no declarations of interest.

### 4 APP/19/00324 - 5-7 Station Road, Hayling Island

The site was the subject of a Site Briefing by the Site Viewing Working Party.

Proposal: Demolition of existing dwelling and business units and construction of a 2/3 storey building to provide 19 flats and 2 commercial units with vehicle and bicycle parking and a bin store.

The Committee considered the written report and recommendations from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- 1) included the minutes of the Site Briefing held on 12 August 2020;
- 2) gave responses to the information requested at the Site Briefing by Members of the Site Viewing Working Party which included:
  - a. the size of the flats;
  - b. an annotated East elevation with explanations of each room facing, and whether the windows be sealed or not;
  - c. fire safety provisions for the rooms with sealed windows from building control;

- d. hard copies of the building layouts in a size clear enough to read;
- 3) gave a revision to the officer's recommendation to grant permission to reflect the additional approved plans laid out in Condition 2; and
- 4) included a Schedule of Accommodation for the proposed development.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering questions raised in the Site Briefing and individual members of the Committee since the agenda was published.

There had been 3 deputations made in respect of this application. In response to issues raised in the deputations, officers stated that:

- a) Condition 4 ensured that the developer would submit a construction method statement which included a phased process, and in doing this could take account of the needs of Herons Autos during the demolition and construction of the site;
- b) the width of the proposed new access would be 5m, which was in excess of the standard 4.8m requested allowing for 2 cars to pass one another with room to spare;
- c) the new access would be more direct, more visible, and safer for customers than the access across the site at present;
- d) there were 24 proposed parking spaces for the site which did give a modest shortfall for office users, however there were other nearby parking spaces available and other sustainable transport methods nearby to be used instead of a car to reach the office space;
- e) the local Highways authority had requested the council look at pedestrian routes in the construction method statement in order to ensure safety guidelines were met;
- f) the Environmental Health officers had raised no objections to the revised plans; and
- g) the applicant had expressed their plans to speak directly to Herons Autos should permission be granted.

In response to questions by Members of the Committee, the officers advised that:

- i the access for construction would be different to the final access once construction was complete, and the plans showed the doors into the building which would ensure that residents did not need step directly on foot out into the Herons Auto access;
- ii the issue of ventilation and sealed obscure windows was a matter for Building Control;
- iii Condition 16 regarding acoustic mitigation measures would take account of noise coming in through windows and sound travelling through the fabric of the building. If the condition could not be met within the existing design, then other dampening and other types of ventilation would be investigated;
- iv whilst it was not in the business of the Council as the Local Planning Authority to ensure affected neighbours be allowed to remain open, the Committee could include a reason with Condition 4 which gave recognition of the interests of Herons Autos to remain open and functioning;
- v the construction method statement would outline the phasing of the demolition and construction work, contractor parking, deliveries, plant and machinery, and protection of pedestrian routes during construction;
- vi the original submitted plans had bedrooms for the rooms where sealed obscure windows were placed, and upon consultation with Environmental Health and the Development Manager the developer had redesigned the affected flats to meet Environmental Health standards; and
- vii the choice to obscure the windows of flats 2, 11 and 16 on the East elevation of the building was a design choice by the developer.

The Committee discussed the application in detail together with the issues raised in the deputations received.

It was therefore RESOLVED that planning permission be GRANTED to Application APP/19/00324 subject to:

- (A) the completion of a legal agreement under S106 of the Town and Country Planning Act to secure the matters set out in the submitted report; and
- (B) the following conditions, subject to such changes and/or additions as the Head of Planning considers necessary to impose prior to the issuing of the decision:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Plans

Site Location & Block Plan 5531 1100 E  
Proposed Ground Floor Layout 5531 1200 R  
Proposed First & Second Floor Plan 5531 1201 N  
Proposed North & South Elevations 5531 1300 G  
Proposed North & South Elevations 5531 1310 B  
Proposed East & West Elevations 5531 1301 J  
Proposed Perspectives 5531 1500 G  
Proposed Bin Store Elevations 5531 1320 A  
Landscape Strategy Plan 120 - 101  
Landscape Maintenance Plan February 2020

Drainage

Existing Site Runoff Calculations revB  
Proposed Site Runoff and Tank Design Calculations revC  
New Storm Water Pipework Size Check  
Drainage Assessment Report dated 07/05/20  
Drainage General Arrangement ref: 414406-100P7

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;

- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 4 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
  - (a) A programme of and phasing of demolition and construction work;
  - (b) The provision of long term facilities for contractor parking;
  - (c) The arrangements for deliveries associated with all construction works;
  - (d) Methods and phasing of construction works;
  - (e) Access and egress for plant and machinery;
  - (f) Protection of pedestrian and vehicular routes during construction;

- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- (h) Details of all proposed external lighting to be used during demolition, excavation, clearance and construction works and the measures used to limit the disturbance to any nearby properties, to be provided. Lighting shall be used only for security and safety; and
- (i) Details of measures to be employed to control the emission of noise during demolition, excavation, clearance and construction. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise, and Part 2: Vibration (BSI, 2014v) provide guidance on the requirements and indicative noise and vibration levels and criteria. Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To safeguard the amenities of the locality and in the interests of the operations of the adjacent commercial premises, traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the proposals outlined within the GCC Ground Condition Desk Top Study Ref: J19-005-R01; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors, including those off site;
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;



- appropriately considered remedial objectives,
  - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
  - clearly defined proposals for mitigation of the identified risks;
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Having due regard to Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site, or contamination-sensitive receptors in the immediate vicinity.

- 6 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 5 shall be submitted to and approved in writing by the Local Planning Authority.  
The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2011, contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site, or contamination-sensitive receptors in the immediate vicinity.

- 7 No development shall begin until a detailed surface water drainage scheme for the site, based on the principles outlined under planning reference APP/19/00324, has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:
- a. A technical summary highlighting any changes to the design from that within the approved documentation submitted under APP/19/00324;
  - b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations;
  - c. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change; and
  - d. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall thereafter be carried strictly in accordance with the approved scheme.

Reason: To safeguard the amenities of the locality and ensure that all drainage provision is constructed to an appropriate standard and quality and having due regard to Policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Details for the long term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include maintenance schedules for each drainage feature type and ownership.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is maintained to an appropriate standard and quality and having due regard to Policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

- 10 No above ground construction works shall take place until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No above ground construction works shall take place until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No above ground construction works shall take place until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

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

- 13 No above ground development shall take place until a scheme for the external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance / nuisance, and in order to provide for the safety and security of residents and visitors in accordance with Policies CS8, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No above ground development shall take place until a scheme for the provision of CCTV covering the development has been submitted to and approved in writing by the Local Planning Authority. The approved CCTV scheme shall be implemented in accordance with the approved details prior to the occupation of the development, and shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: In order to provide for the safety and security of residents and visitors in accordance with Policies CS8 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 No above ground development shall take place until a scheme for the provision of EV charging points covering the development has been submitted to and approved in writing by the Local Planning Authority. The approved EV charging point scheme shall be implemented in accordance with the approved details prior to the occupation of the development, and shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: In order to provide for more sustainable modes of transport in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Pre-submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

- 16 No dwelling shall be occupied until:
- (i) a scheme of acoustic mitigation measures has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will achieve and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms; and for traditional external areas that are used for personal amenity space, such as gardens, patios and balconies, that the external noise level does not exceed 50 dB LAeq with an upper guideline value of 55 dB LAeq in noisier environments; and
  - (ii) The approved measures have been installed and demonstrated through post validation testing to determine compliance with the approved acoustic performance levels.

The mitigation measures shall thereafter be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the dwellings hereby approved is not impacted upon by any external noise levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 17 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the commercial units shall only be used as Class B1(a) offices, and for no other purposes within Class B1 of the above Use Classes Order, without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application submitted; to ensure that the use of the commercial units is compatible with the Local Centre setting of the site; to ensure that satisfactory car parking provision is available locally for the development; and having due regard to Policies CS4, CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL3 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 6.19 pm**

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**Chairman**

## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 16 July 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Other Councillors Present:

Councillor(s):

### **24 Apologies for Absence**

There were no apologies for absence.

### **25 Site Viewing Working Party Minutes**

The minutes of the Site Briefing held on 8<sup>th</sup> July 2020 were received.

### **26 Declarations of Interest**

There were no declarations of interest relating to items on the agenda.

### **27 APP/19/01048 - Northney Farm, St Peters Road, Hayling Island**

The site was the subject of a site briefing by the Site Viewing Working Party.

Proposal: Retrospective application for agricultural maize silage clamp and 3-metre-high walls with safety rail.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- 1) included the minutes of the Site Viewing Working Party held on 8 July 2020;
- 2) included a copy of the presentation given to the Site Viewing Working Party held on 8 July 2020;
- 3) included a written deputation received in advance of the Committee;
- 4) gave responses to the information requested by the Site Viewing Working Party which included:

- a. more recent photographs showing the site in summer foliage;
  - b. the results of an investigation into the suitability of using Ash trees to screen the proposal;
  - c. the results of an investigation into the most suitable size for proposed planting; and
  - d. clarification on the limits of the capacity of the silage clamp and the height of the silage within the metal frame;
- 5) included updates to the officers' report; and
- 6) included an amended Condition to the officers' recommendation.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and individual members of the Committee since the agenda was published.

In response to issues raised within the deputation, the officers explained that the application was made following consideration by the Council's Enforcement Team, and that the application needed to be decided based on planning merits alone. The Heritage Team Leader also informed the Committee that they had visited the application site twice and had been able to have full view of the silage clamp in relation to the listed building and its surroundings. They believed that the intermittency of the frame did not have a significant enough impact for them to object to the application.

The Chairman stated to the Committee that the photos shown in the presentation were a snapshot of a moment in time, and so were not representative of the full site. They also reaffirmed the retrospective nature of the application, and that they should question, debate, and make a decision on the application as if it was not already erected.

In response to questions raised by the Committee, the officers answered that:

- i. agricultural permitted development rules were complex but give increased rights to developers, meaning that the concrete walls of the silage clamp were permitted without the need to seek planning permission up to a height of 3m. It was the railings and metal framework of the development which required permission to be sought;
- ii. the applicant had informed officers that the railing was a necessary safety requirement for agricultural use of the silage clamp, and whilst not being requested by the Council, did offer the addition of supporting the walls of the structure;



- iii. officers believed that the development would be more acceptable if the presently red railings were painted green, as this would be more in keeping with its surroundings and would therefore create a less harmful visual impact to the area;
- iv. the condition concerning cladding could be varied to agree the extent of the cladding necessary according to the sections of the structure which required it, should the Committee be minded to grant planning permission;
- v. the process of adding cladding would require some shrubbery along the clamp walls to be removed;
- vi. the listed farmhouse was significant in terms of architectural detailing, the mature grounds in which it was based, the holistic appearance of the building and the wider surrounds, but there was no calculation to use to determine whether an application was harmful to the setting of a listed building - this was assessed on a case by case basis on the merits of the proposals;
- vii. the investigation by Planning Enforcement as to whether the silage clamp was permitted under agricultural permitted development had taken time, but the Committee would be deciding on whether to grant planning permission within the meeting, and so should focus on planning merits only;
- viii. an additional condition could be included should the Committee be minded to grant planning permission to restrict the capacity of the silage clamp to no more than 3 metres high;
- ix. the proposed cladding would blend the concrete walls of the silage clamp into the rural setting, whilst the railings painted green would help further disguise the clamp in the natural surroundings, giving the maximum visual softening of a manmade structure;
- x. the maximum height of the silage was 3 metres to match the height of the concrete walls of the clamp, but this did not include the height of the tyres placed on top to secure the silage in place.

The Committee discussed the application in detail together with the views raised in the deputation received.

Although a minority of the members considered that the proposed development was acceptable subject to added conditions and would not have an unacceptable impact on the neighbouring property, a majority of the members felt that the proposal by reason of its design and siting would result in a harmful impact on the setting of the listed building and its surroundings.

It was therefore:

RESOLVED that application APP/16/0035 be refused for the following reason:

The development by reason of its height causes less than substantial harm to the setting of the adjacent grade 2 listed building, North Farm House. On the basis of the information available to the Local Planning Authority, it is not considered that this harm is outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 7.08 pm**

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**Chairman**

## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 25 June 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lowe and Patrick (Standing Deputy)

### **20 Apologies for Absence**

Apologies for absence were received from Councillor Lloyd.

### **21 Site Viewing Working Party Minutes**

The minutes of the meeting of the Site Viewing Working Party held on 23 June 2020 were received.

### **22 Declarations of Interest**

There were no declarations of interests.

### **23 APP/20/00123 - 5 Orange Row, Emsworth, PO10 7EL**

The site was the subject of a site briefing by the Site Viewing Working Party

Proposal: First floor balcony and replacement spiral staircase

The Committee considered the written report and recommendation from the Head of Planning to refuse permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- (1) gave details of the internal layout of 2 and 4 Seaview Terrace as requested by the Site Viewing Working Party;
- (2) updated the officer's report including an amended reason for refusal;
- (3) included the minutes of the Site Viewing Working Party held on 23 June 2020;
- (4) included a copy of the presentation given to the Site Viewing Working Party held on 23 June 2020; and
- (5) included a written deputation submitted by Councillor Bowerman in support of the application.

The Committee noted that the following question had been submitted since the agenda was published:

*“How many properties near to the application site have balconies?”*

All the members confirmed that that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and mindividual members of the Committee since the agenda was published. The Working Party noted that the existing south elevation drawing needed to be amended to reflect the position that there are no existing second floor balconies.

With regard to the deputation received from Councillor Bowerman, the officers commented that:

- (a) it was recognised that the property featured an existing fire escape platform and staircase, which overlooked the harbour and Seaview Terrace cottages at first floor level. However, it was considered that proposed balcony was more overt and would change the use of the platform from a fire escape to a more functional balcony area, which would be used for gatherings and functions to the detriment of the occupiers of 3 and 4 Seaview Terrace
- (b) although there were other balconies on nearby properties, these did not create a precedent due to their different relationship and impact on the cottages in Seaview Terrace;
- (c) the main concern was that the proximity of the proposed balcony to the cottages in Seaview Terrace and its use and operation would appear overbearing and lead to overlooking, which would have an unacceptable impact on the properties immediately to the rear of the application site;
- (d) it was acknowledged that the applicants had made amendments to resolve some of the concerns of the officers. However, these changes did not overcome the officers main concern relating to the impact of the proposed balcony on the 3 and 4 Seaview Terrace; and
- (e) although there was community support for the application, the Council was required to consider the impact of a proposal on current and future occupants when making a decision.

In response to questions from the Committee, officers advised that:

- The balcony shown being constructed at 4 Orange Row in the presentation was set back further and had a more acceptable relationship to the properties in Seaview Terrace than the proposed balcony.
- Not aware that the proposal had been used for multiple occupation.
- A decision on whether the fire escape should be retained was a building control matter.
- The separation distances between the proposed balcony and 1 and 4 Seaview Terrace did not comply with the minimum distance required for new build properties in the Havant Borough Design Guide.
- It was understood that the courtyard behind 2-4 Seaview Terrace was used as a through route and had multiple uses by occupiers of Seaview Terrace cottages.
- It was not known whether the screen proposed for the balcony would be non-reflective. The Chichester Harbour Conservancy had not raised an objection and the officers would seek to ensure that the materials used would not have an adverse impact on the harbour environment.
- Precedent was a consideration but rarely the determining factor as it was difficult to prove a direct precedent from one scheme to another as they were rarely identical and would have a different relationship

The Committee discussed the application in detail together with the views raised in the deputation received.

Although a minority of the members considered that the proposed development was acceptable and would not have an unacceptable impact on neighbouring properties, a majority of the members felt that the proposal by reason of its design and siting would result in a harmful impact on the amenity of surrounding properties.

It was therefore:

RESOLVED that application APP/20/00123 be refused for the following reason:

- 1 The proposed development would by reason of its design and siting result in a harmful impact on the residential amenity of surrounding properties and in particular to No's 3 and 4 Seaview Terrace (one dwelling). The provision of the first floor balcony would result in an overbearing and overlooking development resulting in a loss of privacy to rear windows and private amenity space. As such the development would be contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

At the request of the Chairman the **Page 39** voting on this item was recorded as follows:

For the Motion: Councillors Howard, Keast, Lowe and Satchwell

Against the Motion: Councillors Crellin, Patrick and Mrs Shimbart

Abstentions:

None

**The meeting commenced at 5.00 pm and concluded at 5.49 pm**

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**Chairman**

## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 5 March 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast and Lloyd

Other Councillors Present:

Councillor(s): Robinson and Turner

### **12 Apologies for Absence**

There were no apologies for absence.

### **13 Minutes**

RESOLVED that the minutes of the meeting of the Development Management Committee held on 23 January 2002 were signed and agreed as a correct record subject to the addition of the following paragraph to Minute 5:

*(a)(11) there was a lack of supplementary evidence to support the allocation of the site within the emerging Local Plan.*

### **14 Site Viewing Working Party Minutes**

The minutes of the Site Viewing Working Party held on 27 February 2020 were received.

### **15 Declarations of Interest**

Councillor Crellin advised that since the last meeting when this Committee considered application APP/19/00427, concerns had been raised that Councillor Robinson passed her a note during the meeting and that she spoke to Councillor Robinson during the recess. Councillor Crellin pointed out that the note was returned to Councillor Robinson unread and although she spoke to him during the recess it was about a personal matter and did not relate to application APP/19/00427.

She reassured members that she had not reached a conclusive view on this application and had an open mind.

### **16 Chairman's Report**

The Chairman advised members of the Committee that a decision made by the Deputy Leader of the Council relating to the Hayling Island Traffic Assessment Addendum would be scrutinised by the Operations and Place Shaping Board on Tuesday 10 March 2020.

## **17 Matters to be Considered for Site Viewing and Deferment**

There were no matters to be considered for site viewing and deferment.

## **18 APP/19/00427 - Land at Lower Road, Havant**

(The site was viewed by the Site Viewing Working Party on 5 December 2019 and 27 February 2020)

Proposal: Development of 50 new dwellings together with access, landscaping and open space.

Further to Minute 5/1/2020, the Committee considered the revised written report, an update report and recommendation from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which included:

- (1) the minutes of the Site Viewing Working Party held on 27 February 2020;
- (2) a copy of a statement submitted by Councillor Smith, a ward councillor;
- (3) a copy of a deputation submitted by Mr Tate relating to the meeting held on 23 January 2020;
- (4) additional information requested by the Site Viewing Working Party held on 27 February 2020;
- (5) an amendment to the officer's recommendation and condition 2; and
- (6) additional conditions relating to the tree belt and the permission path.

The Committee was addressed by the following deputees:

- (a) Mr Tate, on behalf of the Bedhampton Heritage Alliance and local residents, who with reference to his previous deputation, made the following additional comments to support his objections to the proposal:
  1. the application was an attempt to gain permission before the inclusion of the site within the emerging Local Plan (including its impact on heritage assets) could be tested at the forthcoming Inquiry and as a result the application process had been rushed through without sufficient evidence or documentation to show that the development was sustainable which was contrary to the National Planning Policy Framework and the policies of the draft Local Plan;



2. the report indicated that the Council had met its housing supply. Therefore, the reason for hastening this application on grounds of housing supply did not apply in this case;
4. The ITransport traffic forecasts underestimated the impact the traffic likely to be generated by the proposal would have on the mini roundabout at Bedhampton Hill and its junction with Brookside Road. The mini roundabout was, at the time of the meeting, at full capacity and the junction forecasted to be at full capacity within four years. The roundabout and junction would not be able to cope with the additional traffic likely to be generated by the proposed development and as result his proposal would:
  - (i) add to the existing traffic queues associated with Bedhampton Hill min- roundabout and
  - (ii) encourage vehicles to use alternative roads in the Old Bedhampton Conservation Area as “rat runs” to the detriment of the amenities of the area and adding to safety concerns.
5. the analysis concentrated on “capacity” and did not adequately address the existing or potential hazards of using Lower Road, Bedhampton and adjoining highways;
6. The treatment of this application compared to application APP/19/01083 was inconsistent. To be consistent, based on size and significance, this proposal could not be regarded as less than substantial;
7. the proposed development adopted a similar uninspiring layout across the entire site. There should be a noticeable change in layout (spacing and character) in that part of the development fronting the Old Manor Farm buildings to respect the fact that these buildings formed part of the Conservation Area;
8. the development did not propose to use high-quality materials, which would be expected for a development situated close to a Conservation Area;
9. the true width of Narrow Marsh Lane (3.6m at full width) had not been take into account by the applicants or correspond with route to be considered by the Hampshire County Rights of Way Team. As a result, the development would be built over part of this historic route to the harbour;
10. the proposal does not set out the balance between harm and public benefit; and

12. the development would have a cumulative substantial harm: to the nearby heritage assets; the open rural setting and amenities of the Conservation Area; the ecology of the area and existing wildlife habitats; Narrow Marsh Lane; the Old Manor Farm buildings and through highways safety concerns.

In response to questions raised by Members of the Committee, Mr Tate advised that:

- The route of Narrow Marsh Lane to Langstone harbour was currently blocked by the A27. However, this route could be reconnected.
- Members of the public could not currently use Narrow Marsh Lane as the landowner had prevented access to this route. A claim for a right of way across this lane had been made to Hampshire County Council's Rights of Way Section.
- A number of documents had not been submitted to support the proposal such as an archaeological report

(b) Mr Johnson who, on behalf of the applicant, advised that the applicant had recently been acquired by Vivid Housing Association. Mr Johnson supported the officer's report and made the following additional comments:

1. the proposal had been submitted after extensive public consultation and amended to address concerns raised during this consultation period and at the pre-application stage;
2. 30 representations supported the application;
3. the statutory consultees had not objected to the proposal;
4. the emerging Local Plan had identified the application site as suitable for development of 50 houses;
5. the proposal was in accordance with the Council's policies;
6. the proposal sought, where possible, to retain the existing hedgerows;
7. the proposal would provide open spaces and a community orchard;
8. the Old Bedhampton Conservation Area had been respected;
9. there was no definitive right of way across the application site. Should Narrow Marsh Lane be registered as public right of way, this would not affect the proposal; and

10. the route of Narrow Marsh Lane was based on archaeological and cartographical evidence.

In response to questions raised by Members of the Committee, Mr Johnson advised that:

- The affordable housing would be managed by Vivid Housing Association.
- Some of the bungalows would form part of the affordable housing allocation.
- The representations of support were received following the public exhibition.
- Details on the use of the site by wildfowl was supplied by an independent consultant and had been accepted by the County Ecologist and Natural England.
- The applicants relied upon the advice of Education Authority regarding the capacity of local schools to accommodate the proposal.

(c) County Councillor Fairhurst, who objected to the proposal for the following reasons:

1. the application site had been considered and removed from the Local Plan in 2014;
2. the proposal would exacerbate the existing dangers to children and pedestrians using Lower Road. It was doubtful that Children would use the proposed route to travel to and from school;
3. the proposal would have a harmful impact on an area of historical significance for the local area and the Borough as a whole;
4. the proposal, if granted, would create an undesirable precedent which would make it difficult for the Council to refuse further applications for development of other fields within the area; and
5. the site should not be developed to enable future generations to benefit from this tranquil part of the Borough.

(d) Councillor Robinson, who objected to the proposal for the following reasons:

1. there were more suitable sites within the Borough to enable the Council to meet its housing supply targets;

2. the reasons for removing this site from the Local Plan in 2014 had not been surmounted;
3. the application was not supported by sufficient evidence;
4. the proposal would damage Narrow Marsh Lane, which was the subject of an application to the County Council to establish this Lane as a public right of way. There was concern that the route of this Lane had not been correctly identified by the applicant;
5. the roads leading to and from the site could not adequately accommodate safely the additional pedestrian traffic likely to be generated by this proposal.
6. the traffic likely to be generated by this proposal would add to the dangers of existing pedestrians using the roads to and from the application site;
7. the proposed footway improvements would not adequately address the hazards faced by current and additional pedestrian traffic likely to be generated by the proposal;
8. the assessment of the highway made by the County Council was unrealistic;
9. the transport statement was flawed;
10. it was understood that representations in support of the development were not submitted by residents of Bedhampton;
11. some of the proposed dwellings did not comply with policy H1 in the emerging local plan; this policy should be fully applied and not given limited weight as suggested by the officers in their report;
12. there was a conflict of interest between the proposed Housing Association and the applicant;
13. the proposal would have a detrimental impact on the nearby heritage assets and the Conservation Area;
14. consideration of the development of this site was premature as the inclusion of this site within the emerging plan had still to be considered at a forthcoming Local Plan Inquiry; and
15. the harm created by this proposal would outweigh any benefits

Councillor Robinson recommended that the application be refused for the following model reasons

- (i) R31
- (ii) R173
- (iii) R51

In response to questions from the Committee, officers advised that:

- Seven of the proposed private dwellings fell short of the nationally described space standards set out in Policy H1 (“the space standards”) of the emerging local plan depending upon the occupancy of these units. In view of the objections to Policy H1 received during the pre-submission consultation of the emerging local plan, the Committee was advised that only limited weight should be given to this policy at this stage.
- None of the affordable housing units fell below the space standards depending upon occupancy.
- the affordable housing units were a mixture of 2,3 and 4 bed properties.
- the decision not to comply with the space standards for some of the dwellings may have been made to make the dwellings more affordable to first time buyers or persons with lower incomes.
- The Education Authority had confirmed that the demand for school places likely to be generated by the development could be met by local schools without affecting existing pupils.
- Application APP/19/01083 had only recently been refused and the case had been passed to the enforcement team for action.
- Although the proposed site of the access would result a loss of some hedging there was plenty of new hedging proposed to accommodate this development.
- Condition 23 would ensure that the conifer trees on the eastern boundary would not be removed until the replacement planting had matured.
- Environmental Health had raised no objections in relation to noise arising from the traffic on the A27.
- Although the Council could request that a speed limit be considered to address the highway safety concerns, the outcome of this request would depend upon public consultation.
- The application site was classified as high quality agricultural land.

- In view of the objections to Policy H1 received during the pre-submission consultation of the emerging local plan, the Committee was advised that only limited weight should be given to this policy at this stage.
- The amount of weight the Council might give weight to relevant policies in the emerging plans depending upon the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the National Policy Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- Many factors had changed since the Inspector's decision to exclude the site from the Local Plan in 2014 to justify inclusion of this site in the emerging Local Plan e.g. changes to the housing supply target.

The Committee discussed this application in detail together with the matters raised by the deputees. During the debate the Committee was reminded that there was presumption in favour of development. Therefore, if the Committee was minded to refuse planning permission, it had to have sound planning reasons which related to the Council's Local Plan policies.

The Committee paid attention to the following concerns:

(i) Highway Safety and Impact on The Highway Network

The Committee acknowledged that as the Highway Authority had not raised any objections it would be difficult to justify refusal on these grounds;

(ii) The Impact on The Biodiversity Of The Site

The Committee acknowledged that although this was one of the reasons given by the Inspector for exclusion of this site from the Local Plan in 2014, the County Ecologist had, in this case, raised no objections. Therefore, it would be difficult to justify a reason for refusal on these grounds;

(iii) School Capacity

The Committee acknowledged that the Education Authority had advised that the demand for school places likely to be generated by this proposed could be met by local schools. Therefore, it would be difficult to justify refusal on these grounds;

(iv) Non-compliance with Planning Standards

Although the Committee acknowledged that 7 of the dwellings failed to meet the space standards set out in the merging plan, it considered that as these would be private dwellings, it was a matter for potential buyers to consider; and

(v) Impact on the Old Bedhampton Conservation Area

The Committee acknowledged that the design of this scheme was of a high quality. However, it considered that the benefits of the scheme did not outweigh the adverse effect it would have on the character, appearance and setting of the Old Bedhampton Conservation Area due to its scale and the loss of the agricultural land.

(the meeting adjourned at 6.55 pm to enable the officers to prepare a reason for refusal based on the concerns of the Committee. The meeting resumed at 7.04pm. members of the Committee retired to a separate meeting room during this recess)

It was therefore, unanimously RESOLVED that Application APP/19/00427 be refused for the following reason

- 1 The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

**19 APP/19/01131 - Land Adjacent to Mandai, St Peters Road, Hayling Island**

(The site was viewed by the Site Viewing Working Party on 30 August 2018)

Proposal: Use of land for touring holiday/tourism caravan site and erection of utility block (resubmission)

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee was addressed by Councillor Turner who objected to the proposal for the following reasons:

- a) the proposal would be out of keeping with the character and appearance of the village;
- b) the proposal was contrary to Local Plan Policies CS16 and CS17 and the National Planning Policy Framework;

- c) there were sufficient caravan sites nearby;
- d) the proposal would be detrimental to the rural character and the visual amenities of the area; and
- e) the area frequently flooded and was defined as a flood risk area by the Environment Agency

Councillor Turner requested that, if the Committee was minded to grant permission, it impose an additional condition requiring the removal of all caravans from the site during the period October to April in any year to prevent the permanent siting of caravans in this locality.

In response to questions from the Committee, officers advised that:

- The utility block would include a shower and toilet.
- restricting the time a caravan could remain on the site (Condition 3) was considered more appropriate than imposing a seasonal restriction on the site.
- Arrivals and departures would be recorded in a register.
- The site was connected to the public drainage and electricity networks.

The Committee discussed the application in detail together with the views raised by deputees.

The Committee noted with regret that the Inspector had rejected their previous reasons for refusal for the proposed use and acknowledged that, in view of this decision, it could not justify refusing the application for these reasons.

The Committee discussed the possibility of only granting a temporary permission, however, it acknowledged that there were no reasonable grounds for granting such a permission.

With regard to imposing a seasonal restriction, the Committee considered that Condition 3 was more appropriate in this case.

A majority of the Committee considered that:

- (i) in view of the appeal decision;
- (ii) the presumption to grant permission for sustainable development; and
- (iii) as Condition 11 overcame the Inspector's decision to refuse the previous application for development of this site

there were no planning reasons for refusing this application. It was therefore,



RESOLVED that the Head of Planning be authorised to grant permission for application APP/19/01131 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PROPOSED BLOCK PLAN HAYLING 02  
SITE PLAN - HAYLING 03 Rev D  
LOCATION MAP - HAYLING 04 Rev D  
Proposed elevations of utility block HAYLING 05  
Flood Risk Assessment dated 21 December 2017  
Transport Statement  
Ecological Assessment of Impacts on Brent Geese Report - January 2018  
Planning statement

Reason: - To ensure provision of a satisfactory development.

- 3 The holiday accommodation hereby approved shall not be occupied by any person, group or their dependants, for a period of more than four calendar weeks in any twelve month period. A register of the occupancy of the unit shall be maintained and kept up-to-date by the operator of the units, that shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). The register shall record the arrival and departure dates of all occupiers..

Reason: To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 4 There shall be no more than 3 touring caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the site at any time,

Reason: To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 5 No development shall take place until a Site Development Scheme has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on any of the previously submitted plans, the Site Development Scheme shall include details of:
- (a) the positioning of the proposed touring caravans;
  - (b) all boundary treatments;
  - (c) all parking and hardstanding areas;
  - (d) all external lighting;
  - (e) any proposed new landscaping, planting, seeding or turfing;
  - (f) the proposed means of foul water disposal; and
  - (g) a timetable for the implementation of the above works.

The approved Scheme shall have been carried out in full, and completed in accordance with the approved timetable. unless otherwise agreed in writing by the Local Planning Authority. Following the implementation of the approved Site Development Scheme specified in this condition, the works thus carried out shall thereafter be retained and maintained and shall remain in use throughout the lifetime of the development.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 6 Prior to the use commencing any gates or other obstruction to the passage of vehicles on the access shall be a minimum of 12m measured from the nearside edge of carriageway of the adjacent highway.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to the use hereby permitted commencing the access shall be improved as indicated on the approved plan HAYLING 03 REV D by the provision of a 4m. radius on the north side and visibility splays of 2.4m. x 33m. to the north and 43m. to the south. Anything other than street furniture shall be removed from the splays and they shall be maintained at all times thereafter.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011, in order to provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policies DM23 and DM24, CS21 of the Havant Borough Local Plan (Allocations) 2014, and the NPPF.

- 9 Prior to the occupation of any relevant part of the permitted development, a Flood Warning and Evacuation Plan to ensure the safety of residents/occupiers in the event of a flood or tidal occurrence shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

Reason: To ensure the safe evacuation of residents in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 Prior to the commencement of development, details including methods of protection in order to protect the public sewer which runs across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 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;

- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

**The meeting commenced at 5.00 pm and concluded at 7.35 pm**

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**Chairman**

## HAVANT BOROUGH COUNCIL

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### Development Management Committee

### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

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#### **Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

### **Implications**

#### **Resources:**

None unless detailed in attached report.

#### **Legal:**

Details set in the individual reports

**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

**Background Papers:**

Individual Applications with Case Officers

Simon Jenkins  
Head of Planning

David Brown  
Monitoring Officer

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demonstrate a five year supply of deliverable land for housing. The Borough's housing land supply was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with a 20% buffer applied, as such this supply now falls below the Government's five year supply threshold. The development proposed by this planning application is not included within the housing land supply calculations and is equivalent to 0.05 years or 1% of that supply. The provision of care home which could make a contribution to improving the overall housing supply position is considered to be a material consideration of great weight, especially in the light of the acute need for older persons care homes, and falls to be part of the planning balance in the determination of this planning application.

The proposal has been subject to extensive review and consultation. Extended negotiations have taken place, along with research into previous proposals in similarly sensitive locations, resulting in the plans being significantly improved and amended to address concerns; revising the landscaping, which has improved the impact of the development on neighbouring residential properties. The application is supported by an Infrastructure Delivery Statement (IDS) together with specialist reports in respect to the key issues, including landscape impact, ecology, highways and drainage. The site is within flood zone 1 and is not covered by any nature conservation designations but does contain some Tree Preservation Orders (TPOs).

Following consultation with the Highways Authority and Local Lead Flood Authority it has been concluded that the development would not have a significant adverse cumulative impact on the highway network, and would provide mitigation and enhancements in terms of flooding and drainage.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several of the Solent's European Sites. The subsequent Appropriate Assessment included a package of measures based on the suggested scale of mitigation in the Position Statement on Nutrient Neutral Development.

To conclude, it is considered that the scheme would contribute to the need for housing in the Borough, providing care home facilities on a sustainable site which has been allocated for housing in the emerging plan. As such this should be given substantial weight. In assessing the proposal (including associated evidence) against the adopted local plan, the National Planning Policy Framework (NPPF), in combination with the direction of travel of the emerging local plan, and given the need to address the absence of a five-year supply of deliverable housing sites, the benefits are considered to outweigh any harm and the proposal is recommended for permission.

## **1 Site Description**

- 1.1 The application site is approximately 0.65 hectares in area and lies to the south of Bartons Road and to the north of a new housing development being constructed by Bellway known as Brookvale (planning permission refs: APP/15/01435 & APP/18/00453) as well as to the rear of the existing detached dwelling called The Laurels. To the north and west of the site are the residential properties of Leigh Hurst Cottage, and Helmsley House. Further to the west lies East Leigh House, which is a grade II listed building. To the east of the site lies the recently constructed Normandy Way, which is the access road to the residential development to the south.

- 1.2 The application site comprises grass and scrubland with belts of trees along its southern, western and eastern boundaries, some of which are subject to Tree Preservation Orders (TPO's). The land falls notably by approximately 3m from its northern to southern boundaries.
- 1.3 The application site is in the southeast corner of a wider area of land proposed for allocation for housing in the emerging Havant Borough Local Plan 2036 through Policy H25 – Helmsley House.

## **2 Planning History**

None for this site, however for the land to the south, the history is as follows:

APP/15/01435 - Outline application for residential development (175 dwellings) with associated infrastructure., Permission,01/12/2016

APP/18/00453 - Reserved matters application following outline permission APP/15/01435 to layout, scale, appearance and landscaping for 175No. dwellings (including 53 affordable homes) comprising 5 x 1 bed flats, 18 x 2 bed flats, 28 x 2 bed houses, 84 x 3 bed houses and 40 x 4 bed houses; play area and public spaces, roads, footways, cycleway, and drainage features., Permission,14/12/2018

APP/18/00565 - Formation of access road from Bartons Road to residential development site., Permission, 31/01/2019

## **3 Proposal**

- 3.1 The proposed development is for a 64 bed Care Quality Commission (CQC)-regulated Care Centre (C2 use) which will provide 24-hour nursing, personal and dementia care for a range of residents. In addition, the application proposes the construction of a new access road, car/cycle parking, drainage works, hard/soft landscaping and other associated infrastructure. The facility would follow the best practice 'household' model whereby guests reside in 8-bedroom wings of accommodation and would be both self-contained and secure – on-site facilities would include hair salon, café, library and cinema, together with various lounge and dining areas, balconies and terraces all set around landscaped grounds. The facility is focussed on end-of-life care – the average age of entrants being 85, and the average length of stay is around 18 months.
- 3.2 The proposed care home building would be laid out centrally within the application site and is proposed in an H-shaped footprint to enable the wings of specialist accommodation to be provided on each side in 'households' with two sets of 16 bedrooms on each floor. The staffing and communal facilities would then be provided mostly within the central link that connects the two wings. This meets current best practice for dementia care both in terms of optimising resident to staff ratios as well as providing a manageable space for dementia patients. The external walls would be stepped in and out at varying junctures to provide visual articulation to the building's mass.
- 3.3 The building is proposed to be two storeys in height with the two accommodation wings featuring dual pitched roofs and the linking block being flat roofed in form to enable the creation of a green roof and provision of solar PV. The external walls of the building itself would be constructed predominantly in red brick with small elements of grey composite cladding. The pitched roofs would be covered with plain grey tiles to

match those used on the newly constructed residential development to the south.

- 3.4 Car and cycle parking, servicing areas and hardstanding for external circulation are proposed to the east of the building with a gap retained to the existing trees and vegetation along the site's eastern boundary. The main communal amenity garden is proposed to the south of the building and a smaller courtyard type garden is also proposed between the two wings of accommodation at the site's western edge. Existing trees and vegetation along the site's western, southern and eastern boundaries are predominantly proposed to be retained with new planting of native trees also proposed to help both screen the development from the south.
- 3.5 Pedestrian and vehicular access to the development is proposed to be achieved by taking a new access off the newly constructed but currently un-adopted Normandy Road to the east that provides access to the new residential development being constructed to the south, known as Brookvale. This road is the subject of a Section 38 agreement between the developer/landowner and Hampshire County Council (HCC) that will see it adopted in the future. An agreement has been reached with the landowners to enable this to take place. The proposed new access and associated road has been designed to ensure that it is suitable in specification and capacity to serve both the proposed care home and future housing on the draft H25 allocation.

## **4 Policy Considerations**

### National Planning Policy Framework

Whilst the scheme is contrary to the development plan, national policy is a material consideration. This includes ensuring that the Borough has a five-year supply of deliverable land for housing. Therefore, national policy considerations may be placed in the planning balance against the conflict with the current development plan.

Core planning principles include;

- always seeking to secure high quality design and a good standard of amenity and open space
- contribute to conserving and enhancing the natural environment and reducing pollution
- protecting biodiversity, hydrology and areas of flood risk

### Havant Borough Local Plan (Core Strategy) March 2011

Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require a local planning authority determining a planning application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan. The proposed development is not supported in principle by the Development Plan.

The following policies are particularly pertinent to the determination of this application:

- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)  
CS14 (Efficient Use of Resources)  
CS15 (Flood and Coastal Erosion)

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM7	(Elderly and Specialist Housing Provision)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

#### Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)

#### Local Plan Housing Statement

The Local Plan Housing Statement (the Housing Statement) was adopted by the Council on 7 December 2016. It represented the first stage in the preparation of the Havant Borough Local Plan 2036. The Housing Statement also identified that it was necessary to maintain a supply of housing onto the market in order to meet the requirements for a five-year housing land supply.

As such, sites were identified for 'early release' and that the Council would support the principle of development on the sites prior to the adoption of the Havant Borough Local Plan 2036. The Housing Statement was revoked at the same time as the Pre-Submission Havant Borough Local Plan 2036 was approved by the Full Council. Nonetheless, the preparation of the site began during the lifetime of the Housing Statement and it represents a significant step to the site coming forward.

#### Havant Borough Local Plan

In 2019, the Council consulted on a Pre-Submission Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). However, there has been a near 18-month delay to submitting the Plan due to the need to respond to the Dutch Case and ensure that all new development can be nutrient neutral.

The Council subsequently consulted on the proposed changes to the Pre-Submission Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public consultation between 3 November 2020 to 17 December 2020. The proposed changes include a strategic mitigation solution for addressing nutrient neutrality.

The Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. An inspector will now be appointed on behalf of the Secretary of State to undertake an examination of the plan.

Until that time, the emerging Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a

number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the emerging Local Plan referenced below are currently afforded limited weight, dependent on the extent to which there are unresolved objections to relevant policies.

The relevant planning policies of the emerging Local Plan are:

DR1 – Delivery of Sustainable Development  
DR2 - Regeneration  
IN1 - Effective Provision of Infrastructure  
IN2 – Improving Transport Infrastructure  
IN3 – Transport and Parking in new development  
IN5 – Future management and management plans  
E1 – High Quality Design  
E2 - Health and wellbeing  
E3 – Landscape and settlement boundaries  
E6 – Best and most versatile agricultural land  
E9 - Provision of public open space in new development  
E12 – Low Carbon Design  
E13 – Historic Environment and heritage assets  
E14 – The Local Ecological Network  
E15 – Protected Species  
E16 – Solent Special Protection Areas  
EX1 – Water Quality impact on the Solent European sites  
E17 – Solent wader and Brent Goose feeding and roosting sites  
E18 – Trees, hedgerows and woodland  
E19 – Managing flood risk in new development  
E20 – Drainage infrastructure in new development  
E22 – Amenity and pollution

Housing

H1- High Quality Homes  
H2 – Affordable Housing  
H3 – Housing Density  
H4 – Housing mix  
H5 – Retirement and specialist housing  
H25 – Helmsley House

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: No Listed Buildings lie within the application site

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Arboriculturalist**

Whilst there are many trees shown to be removed they are all category C trees and not worthy of TPO or long-term retention due to their poor form or condition. There are still many trees to be left around the boundaries and these areas should be replanted with a number of new, specimen trees and understorey planting to replace those removed, this will then provide a future amenity.

There are four Oak trees protected by TPO on the site, Trees numbered T4, 9, 15, &

35. All can be adequately protected and retained with the scheme as proposed.

Particular care will need to be taken when it comes to landscaping and creation of the pathway and gazebo around T36 and T35. Reference is made to this in section 18.2 and 21.2 of the Arboricultural Method Statement by CBA August 2020. This should be strictly adhered to and under Arboricultural supervision.

### **Building Control**

A Public Sewer is shown within the area of the proposed site if not within the site Consult SWS if found to be within 3m

Fire Authority access to all parts of the building is required either by access road or route of travel Compliance with AD B or BS to be undertaken

Building Regulation application will be required for this work

### **Community Infrastructure, Planning Policy & Urban Design**

CIL would not be sought for class C2 care home, unless some of the accommodation is identified as self-contained for use by staff.

Solent Recreation Mitigation Strategy and Nutrient Neutrality are also relevant to this application.

### **Conservation Officer**

No objection – it is considered the development would not result in harm to the significance of the heritage assets within the local area or their associated settings, which contribute to that significance. It is considered that the proposed development complies with the relevant national and local heritage planning policies

### **Councillor D Guest - St Faith's**

No response

### **Councillor J Branson - St Faiths**

No response

### **Councillor T Pike - St Faith's**

No response

### **Countryside Access Team**

No response

### **County Archaeologist**

The Heritage Statement submitted with the planning application offers a review of the archaeological potential of the site, although there are aspects of the report which are in my opinion flawed. The Heritage Statement recognises that immediately to the south of the application site an archaeological excavation was carried out on an Iron Age/Romano British site (para 5.9) which it describes as being of low significance. Paragraph 7.3 acknowledges that some elements of this prehistoric/Roman landscape came right up to the borders of the current application site, but concludes "*There is a moderate potential for the presence of further features of this date within the application area although they are likely to be of agricultural nature rather than settlement activity*"

The potential for more complex archaeological remains exist with the archaeological potential of the development site and as such I would anticipate any archaeological

mitigation scheme to be more robust than an archaeological watching brief. In addressing how best to set out an archaeological mitigation scheme for an archaeological condition further archaeological advice that considers how that mitigation might need to accommodate a Roman occupation site, and potential a building. Such a site exists within the wider vicinity and whilst not certain to be within the development site, does form part of our understanding of the archaeological potential of the development site and so must be regarded as one possible outcome of archaeological monitoring.

**Officer comment:** *A suite of archaeology conditions are proposed to ensure that this matter is appropriately considered and that any development takes into account the historic environment of the site.*

### **County Ecologist, Strategic Environmental Delivery**

#### Original response

The application is accompanied by an Ecological Appraisal (FPCR, August 2020). The site comprises primarily agriculturally derived species-poor grassland with boundary hedging and areas of woodland with a high proportion of planted and self-sown non-native species. I am content that the site is of limited ecological value overall. Surveys are ongoing, and the comments below should be seen as interim until such time as a finalised ecological appraisal is submitted.

The key potential constraint within this area is bats, and especially the rare Bechstein's bat which is known to occur locally. Recent surveys in the immediate landscape have also revealed the presence of the rarely recorded Alcahoe's bat. Bat surveys are still ongoing (or were at the time of this report in August 2020). No details of bat activity or tree surveys are contained within the report and therefore I cannot comment on bats further at this time.

Overall, the site is relatively unconstrained and therefore opportunities exist for meaningful ecological enhancement. Key recommendations within the ecology report are acceptable, such as the active management of retained woodland areas to increase biodiversity by removing high-density non-native tree and shrub species and increasing ground flora. The inclusion of native-led planting schemes (such as dedicated wildflower grassland areas but also more generally throughout the public realm) should be a key objective, and the use of e.g. green walls and green roofs should be considered seriously. The inclusion of integral and tree-mounted bat and bird boxes are simple and inexpensive options for enhancing biodiversity. A sensitive lighting scheme, taking full account of the local bat population, must be provided.

Once finalised details of the ecological assessment have been submitted, and ecological mitigation and enhancement measures are reflected in relevant documents, I will be happy to provide updated comments.

#### Further response following the submission of further information relating to bats and lighting proposal of the development

The application is accompanied by an updated Ecological Appraisal (FPCR, November 2020). The site comprises primarily agriculturally derived species-poor grassland with boundary hedging and areas of woodland with a high proportion of planted and self-sown non-native species. I am content that the site is of limited ecological value overall.

In terms of protected species, the site is generally unconstrained I am content that the stated mitigation measures for common reptiles and badgers are sensible and acceptable.



Bat surveys have now been completed and the results discussed. The site has been shown to support a good assemblage of bat species typical of a semi-rural site in southern Hampshire. As well as common and widespread species, the surveys highlight the presence of mouse-eared bats of the genus *Myotis*, with c.14% of all bat calls belonging to this group. Whilst it may be sensible to make an assumption that many of these calls will be the more common mouse-eared species (e.g. Natterer's or Daubenton's bats) the fact remains that this part of Hampshire is known to support a substantial breeding population of the very rare Bechstein's bat. Bechstein's bat has been recorded within close proximity to this site and has been shown to use a wide range of habitats within the landscape, including open grassland, hedgerows and coniferous plantations. Nursery roosts are most likely to occur within older woodlands but also occur locally within individual trees in parkland settings and hedgerows.

Bat surveys of two trees were carried out by a different ecological consultancy. The results of these surveys are mentioned but not discussed in detail, and there are no details of all trees surveyed. From my review of the submitted Arboricultural Development Statement there would appear not to be any trees with obvious potential bat roost features but it would be prudent to request further detail of bat tree assessments, given the presence of Bechstein's bat locally and that species particular reliance on individual tree roosts within the landscape.

The further information has addressed queries regarding the impact on bats (including lighting proposals. Further details of specific ecological enhancement measures (such as the number, type and location of bat and bird boxes, the composition of new semi-natural habitat, management of retained and new habitats) can be secured through a pre-commencement site-wide ecological mitigation, compensation and enhancement strategy.

#### **County Minerals**

No response

#### **Crime Prevention -Major Apps**

No response

#### **Southern Water**

No Objection – subject to condition

Furthermore, 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.

Our investigations indicate that Southern Water can facilitate foul and surface water sewerage disposal to service the proposed development. The assessment indicates that there is currently sufficient theoretical capacity within the Southern Water surface water network.

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the

applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

### **Environment Agency**

No Objection

### **Environmental Health Manager, Community Group**

No Objection – subject to conditions to deal with noise and contamination issues.

### **Hampshire Highways**

#### Original response

#### Existing Conditions

Helmsley House is an emerging allocation in Havant Borough Council's local plan under policy reference H25. The site lies to the south of Bartons Road and west of the new access road from Bartons Road to the Brookvale development (application reference APP/15/01435 Land South of Bartons Road) which is currently under construction. This site is currently serviced via a bellmouth onto Bartons Road, although the access will eventually feature a right turn lane when fully constructed.

To the east, Bartons Road joins with Horndean Road via a staggered crossroads arrangement which provides access to East Hampshire to the north and Emsworth to the south. To the west, the Bartons Road/Petersfield Road signalised junction provides access to Havant and the A27 to the south.

#### Sustainable Travel

##### Walking and Cycling

As part of the Brookvale development, a new shared use path will be constructed on the south side of Bartons Road from the Havant garden centre to the junction with New Lane. As part of the Linden homes development (reference APP/14/00502) on the northern side of Bartons Road, footway improvements have also been provided.

These improvements will eventually connect to the new shared use facilities provided as part of the Campfield development which recently received resolution to grant planning permission under planning reference APP/19/00007. This will feature a new shared use path on the northern side of Bartons Road from the existing access to the crematorium to the junction with Eastleigh Road.

#### Bus and Rail

The nearest bus stops to the site approximately 850m to the west on Bartons Road. These stops service bus routes 20 and 21 which run to locations such as Havant and Portsmouth. There is also a bus stop on Southleigh Road which will be available once the new footpath via Japonica Way has been constructed as part of the Land South of Bartons Road development.

The aforementioned improvements will improve connectivity to these stops once constructed. Warblington station sits 1.5km to the south of Bartons Road and represents the nearest form of rail travel to the site. One train stops at the station every hour between Portsmouth and Chichester. The station sits within the 'preferred maximum' walking distance identified by the CIHT in the 'providing for journeys on foot' document.

#### Personal Injury Accident Data

Personal Injury Accident (PIA) data has been gathered from a mixture of Hampshire Constabulary and Crashmap between 2014 and 2019. The study location consisted of the area of Bartons Road between New Lane and Horndean Road, a circa 1km area.

The data has been analysed and it is noted that there are no recent clusters of accidents which could potentially be exacerbated by the proposed development.

#### Proposed Development

The proposed development consists of the construction of a 2-storey, 64 bed care home to the south of Bartons Road. Access is proposed to be taken from the newly constructed access road to the Brookvale development. Visibility splays of 2.4m x 43m will be provided commensurate with a 30mph speed limit which is considered acceptable.

The Planning Authority should be aware that the proposals include a access spur which will be 6m wide and is not proposed to be offered for adoption. Given that the spur is being constructed for future use by additional development to the west within the same Local Plan allocation parcel, the Highway Authority encourages the applicant to engage with the Section 38 team at HCC to formally adopt the new road in order to prevent further access requirements in the future on the newly constructed road to the Brookvale development or potential sterilisation of the remaining available land in the future.

#### Internal Layout

The proposed layout of the site is presented in drawing number APL003 REVK. The only internal tracking undertaken has been demonstrated in Figure 8 which shows an ambulance reversing into the car park. The Highway Authority queried the servicing arrangement for the site during pre-application discussions which has still not been addressed. It is unclear where delivery vehicles will park and turn within the confines of the site. Tracking is also required to be shown for a refuse vehicle to demonstrate how the refuse store will be accessed and how the refuse vehicle will egress the site in a forward gear. Until this tracking and details on servicing arrangement have been provided, the Highway Authority are unable to confirm whether the internal layout is acceptable.

A total of 29 parking spaces are provided, 3 of which are dedicated disabled parking bays. In their capacity as local parking authority, Havant Borough Council should determine whether the proposed level of parking meets adopted parking standards.

#### Traffic Generation

To understand the likely trip generation from the care home, the TRICS database has been interrogated for Care Homes in comparable locations. Vehicular trip rates have

therefore been proposed as 0.200 in the AM peak hour and 0.165 in the PM peak hour (both two-way). This equates to trip rates of 13 in the AM peak hour and 11 in the PM peak hour. It is assumed within the TA that the catchment for Helmsley House will have a lower car-ownership than the comparison sites analysed within the TRICS assessment and therefore the impact would be less than demonstrated; however, no assessment has been provided to understand why this would be the case (a point also raised within the Highway Authority's pre-app response). The reason for this assumption should be addressed before the trip rates can be agreed. An assessment has been also undertaken for the remainder of policy allocation H25 to understand the full traffic impact of the allocated site. The TA assumes a further 17 dwellings could be accommodated, which can only be confirmed in the future when a planning application is made for this parcel of land. Should the quantum of development increase further, the following assessment will need to be revised to reflect the full allocation. The trip rates for the 17 dwellings have been taken from the approved Campfield application to the north of Bartons Road, placing the two-way vehicular trips as 0.557 and 0.577 in the respective peak hours. This equates to 10 trips in the AM and PM peak hours. The trip rates for the residential element of this site is considered acceptable.

Until further clarity has been provided around the assumptions used to derive the care home trip rates, the total trip rate for the site cannot be accepted. Trip Distribution To distribute the residential traffic from the site, the applicant is proposing to utilise the agreed figures from the Land South of Bartons Road and Campfield development. This site distributed 55% to the east along Bartons Road, with the remaining 45% heading west. The distribution assumption for the care home is a 50/50 east/west split. Both of these distribution assessments are considered acceptable.

Once the clarity sought over the trip rates above have been provided, the total number of vehicles heading east/west along Bartons Road can be confirmed.

#### Junction Modelling

During pre-app discussions, it was agreed that the Bartons Road/Brookvale Site Access would be assessed to 2025 to understand the impact of the additional traffic on the access. It was agreed that this would incorporate the committed improvement at the Crematorium access which features a new right turn lane. To reflect this arrangement, the junction has been modelled as a staggered crossroads which is considered acceptable. To factor up traffic from the current baseline flows, TEMPRO has been utilised to calculate the growth period between 2020 and 2025. The AM growth rate of 1.0644 and PM growth rate of 1.0620 are considered acceptable.

Furthermore, the following committed developments have been factored into the modelling assessment:

- Linden Homes site ref APP/14/00502
- Land South of Bartons Road – ref APP/15/01435; and
- Campfield – ref APP/19/00007.

During pre-app discussions, the applicant was requested to also include the Colt International development (APP/18/00244), Eastleigh House (APP/16/01078) and Land East of Horndean Road (55562/005) as committed developments within the model. The junction model does not include these sites, nor is an explanation provided within the TA as to why they have been excluded. Confirmation is therefore sought from the applicant on this point.

To confirm the acceptability of the model, the Highway Authority requires the model outputs on top of the Ratio to Flow Capacity (RFC) and queue lengths.

The Highway Authority require the following information before a recommendation can be made on the application:

- Tracking for a refuse and delivery vehicle entering and egressing in a forward gear;
- Evidence to justify the lower car ownership assumed in the TRICS search; and
- Updated committed development and outputs for the modelling.
- Tracking for a refuse and delivery vehicle entering and egressing in a forward gear;
- Evidence to justify the lower car ownership assumed in the TRICS search; and
- Updated committed development and outputs for the modelling.

**Further response from the Highway Authority following the submission of a Supplementary Transport Assessment (STA)**

Following a review of the STA, the Highway Authority raised further comments regarding the tracking undertaken. The applicant subsequently produced a further note to address the comments raised. Following a review of these documents, the Highway Authority wish to make the following comments.

**Refuse Tracking**

Within the STA, refuse tracking was undertaken for a 9.86m long large refuse vehicle, as demonstrated in figure 14. Refuse collection in Havant Borough Council is undertaken by super large refuse vehicles which measure 11.2m in length. The applicant was therefore requested to re-track the correct sized refuse vehicle to ensure that the movement can be undertaken. Similarly, updated tracking was requested for a delivery vehicle parking in the layby to prevent it from overhanging the footway. A subsequent note was produced by the applicant to re-track the aforementioned vehicles and also to comment on the adoption status of the internal layout. With regards to the latter point, the applicant has confirmed that the new access road leading from the Brookvale development will not be offered for adoption at this stage, nor will the internal road layout and footways. As such HCC would not directly object to the proposals.

However, having reviewed the latest tracking drawings:

- The delivery vehicle can now avoid overhanging the footway by reversing to the back of the layby, although it will still overhang the main road; and
- The super large refuse vehicle has to undertake the tight manoeuvre within the car park, narrowly avoiding the disabled parking bays, but it can reverse out and back towards the bin store. It also overhangs the footway when turning into the site.

It is acknowledged that there is potential for further development to come forward on the wider site area, and the applicant should be made aware that if this was for a quantum of development sufficient for adoption (8 plus units), then the issues with overhang, etc. as described above would have an impact on the viability of S38 adoption should the access road become the access for the wider development. It is understood that any future adoption would only take place on the new access spur which does not currently feature any overhang from the tracking. The comments above have been made for the applicant's and local planning authority's awareness.

### Trip Rate Generation

The applicant has clarified the approach towards the trip rate derivation for the proposed development. The trip rates were derived from 5 existing care home sites which provided trip rates of 0.194 in the AM peak hour and 0.178 in the PM peak hour (both two-way).

The trip rate assessment presented within the original Transport Assessment (TA) incorrectly referred to adjustments in the trip rates relating to car ownership. The trip rates presented in support of the Helmsley House application are therefore 0.200 in the AM peak hour and 0.165 in the PM peak hour, as set out in the original TA, resulting in vehicular trips of 13 and 11 in the respective peak hours.

### Junction Modelling

Within the Highway Authority's previous response, the applicant was requested to include the Colt International development (APP/18/00244), Eastleigh House (APP/16/01078) and Land East of Horndean Road (55562/005) as committed developments within the model to correctly reflect the flows along Bartons Road.

These developments and their associated flows have now been reflected in the junction modelling under the 2025 model scenario which indicates that the highest Ratio to Flow Capacity (RFC) at the junction will be 0.377 on the Crematorium approach to the staggered crossroads in the AM peak hour. The junction is therefore forecast to be operating with sufficient spare capacity under the future year scenario.

In conclusion the applicant has overcome the comments raised within the original response. The Highway Authority therefore raise no objection, subject to conditions.

### **Housing Needs Manager, Havant Borough Council**

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that developments of 15 units or more would be required to provide 30-40% affordable housing on site.

The Pre-Submission Havant Borough Local Plan 2036 (HBLP 2036), which was approved by the Council on 30/01/2019, further reinforces this policy (see emerging Policy H2 / Affordable Housing) by setting out a requirement for 30% affordable housing on sites resulting in a net gain of 10 or more dwellings. This would equate to a minimum of 35 affordable units on this site.

However, as this proposal is for a care home (use class C2) which generally provides non-self-contained accommodation, this development would not be required to provide affordable housing.

### **Landscape Team, Havant Borough Council**

No objection subject to conditions – Further details are required to ensure that the proposed soft and hard landscaping are appropriate. A number of areas of concern have been highlighted, which have mostly been addressed,

### Comments on amended plans and additional information:

Following extensive discussions, the landscaping proposals are now considered acceptable regarding the amended plans. The remaining issues and matters that need to be addressed can be controlled through appropriate conditions

## **Local Lead Flood Authority**

No Objection – subject to conditions

The site is proposed to discharge to an existing connection specifically allocated for this purpose as part of the Bellway Development. This is acceptable in principle.

The previous development allocated a flow rate of 5l/s for this application and an additional site located further to the north. The proposals state that 2.5l/s will be assigned to the additional site but further information is required in relation to the allocation of flow rates to determine if they are suitable for the development areas.

Two different drainage drawings have been provided and clarity should be provided on which is the current proposal. The drainage drawing embedded within the flood risk assessment is not legible so should be provided separately. This is to ensure chamber invert and cover levels can be read – this is not shown on the separate drainage plan. Water quality information has been provided and is reliant on permeable paving to provide the required treatment level. It is not clear how this can be achieved as the areas of permeable paving do not appear to convey the full drainage system and are of minimal size.

### Comments on amended plans and additional information:

The submitted drawings submitted have confirmed to be the current drainage layout and shows sufficient detail to allow the assessment of the microdrainage calculations. Therefore, we have no further queries in relation to this.

It has been confirmed that all surface water will be collected via permeable paving to ensure a suitable level of treatment. The only exception to this is roof runoff. The SuDS Manual requires removal of solids and sediments only so these measures should be provided prior to roof water entering the attenuation feature. Although this is not specifically mentioned in the documentation provided, it is an element that can be conditioned.

## **Natural England Government Team**

### Solent recreation mitigation

The HRA concludes that due the facility focusing on end of life care, the Solent recreation mitigation contribution does not apply. Provided the competent authority is satisfied that the proposals are for a care home where residents cannot independently leave the site and there will be no live in staff on site, Natural England has no further concerns.

### Deterioration of the water environment

Please refer to our previous response dated 13th October for comments on bespoke occupancy used in the nitrogen budget. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. Natural England advises the bespoke approach should be confirmed in the appropriate assessment.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain. Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm

WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

### **Planning Policy**

No Objection:

#### Principle of the proposed development

In the adopted Local Plan, the site lies outside of the urban area as defined by policies CS17 and AL2. These policies seek to concentrate development within the defined urban area. This proposal is therefore contrary to that principle.

However, a policy change with regard to this site is proposed through the emerging Local Plan which was awarded limited weight when approved at pre-submission stage in 2019. Here, the site is part of a wider proposed residential allocation (H25 Helmsley House), and included within the settlement boundary as defined by policy E3. The principle of development is therefore accepted on this site, though it must be noted that that emerging allocation is for 15 dwellings, rather than a care home. However, when taken together with policy H5 of the emerging plan (which gives explicit support for retirement and specialist accommodation given the established and growing need for such facilities) the proposed development is supported in principle under emerging policy.

Given the limited weight that may be afforded to the emerging Local Plan at this stage, the timing of any application is crucial in terms of the policy position. While the emerging allocation may be given some weight the applicant has submitted this application ahead of examination and adoption of the emerging plan and therefore must be conscious of the in principle objection arising from the policy position in the adopted local plan.

#### Development Considerations

Policy H25 of the emerging Local Plan sets out a number of development considerations for this site which should be taken into account.

As well as the site-specific requirements, analysis of the scheme's compliance with some of the various adopted and emerging policies is set out below:



- Policy E12 sets out standards for Efficient Use of Resources and Low Carbon Design, with the level standards expected to be achieved according to the gross amount of floorspace to be built. The proposed changes to the Pre-Submission Plan include a requirement to achieve a maximum water consumption of no more than 110 litres per person per day. In particular the applicant should note that this forms part of the submitted nutrient budget and will need to be secured via condition. Further information can be found at: [www.havant.gov.uk/nitrogen](http://www.havant.gov.uk/nitrogen).

- Policy DM14 and the Havant Borough Parking SPD (September 2019) set out the parking standards for new residential and non-residential development in the borough. Emerging Policy IN3 in the HBLP 2036 expects Electric Vehicle charging infrastructure to be provided.

In order to more effectively assess the scheme's compliance with emerging policy, it is recommended that the applicant should submit a Compliance Check.

### Conclusion

The development is not supported by the adopted Local Plan, but an allocation for residential development of the site exists in the emerging Local Plan. In addition, that plan sets out general support for specialist accommodation to meet growing needs. It is considered that the principle of this development is supported, subject to addressing a variety of general standards and requirements as set by national and local policy, as well as those particularly highlighted for this site in emerging H25 policy for this site.

### **Portsmouth Water Company**

No response received

### **Public Spaces**

No response

### **SE Hants Clinical Commissioning Group**

As a Clinical Commissioning Group we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

The development of a care home will significantly generate demand in a more challenging group of patients. Before we can support this application we will need to have a discussion with our member practices as to how we could manage this influx. A section 106 contribution will be required, however more discussion is needed.

**Officer comment:** *Due to the current health emergency discussions with the Local Planning Authority have not progressed and the Authority has not heard further from the NHS CCG. As such discussions have taken place between the Local Planning Authority and the applicant. As a Class C2 use, the proposed 64 bed care home would contribute the equivalent of 36 dwelling units (rounded) based on an average of 1.8 adults per household in Havant. The applicant has agreed to pay a financial contribution of £5,600, which complies with the formula used by the NHS CCG for 36 dwellings.*

## **Traffic Management, East Hampshire District Council**

The Traffic Team have no adverse comment to make.

## **Waste Services Manager**

No response

## **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: 3.

Statutory advertisement: 25/09/2020

Number of representations received: 5

### **Summary of representations**

#### **Principle of development and general design and layout issues**

- Out of keeping with the character and appearance of the area, this is one of the last greenfields left, when we moved into the new development.

#### **Impact on Ecology and Natural Features**

- Object to more loss of valuable wildlife habitats and open spaces.

#### **Highway issues**

- Further development to be serviced by Bartons Road is that the infrastructure is inadequate. There is no public transport to encourage residents to leave cars at home. Each development is self-contained with no form of traffic integration so that the growing number of delivery drivers can easily pass from one Estate to the next . Bartons Road is often at a standstill as the road junctions onto Horndean Road and the B1429 at the other end cannot cope with the traffic. The road junction onto the Horndean Road is often a site for accidents.

#### **Residential Amenity**

- Effect on privacy. Due to the slope of the land there could be a view of our garden and bedroom from both the upper and lower storeys. This will completely remove our privacy.

#### **1 letter of support**

- The proposal will provide a much-needed facility, which would be in keeping with the character and appearance of the area, and the new surrounding development.

## **7 Planning Considerations**

7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including

Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).

- 7.2 The Council's assessment as competent Authority under the Habitats Regulations is included in the case file. The screening under Regulation 63(1)(a) considered whether there was likely to be a significant effect on several European Sites due to recreational pressure and/or water quality impacts. The planning application was then subject to Appropriate Assessment under Regulation 63.

### **Recreational Pressure**

- 7.3 The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), Policy E16 of the emerging Havant Borough Local Plan and the Solent Recreation Mitigation Strategy (SRMS), a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.
- 7.4 The SRMS in paragraph 6.9 outlines that:  
*"The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation, and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties."*
- 7.5 The proposed development is for a 64 bed Care Quality Commission (CQC) -regulated Care Centre (C2 use) which will provide 24-hour nursing, personal and dementia care for a range of acuities. The facility would follow the best practice 'household' model whereby guests reside in 8-bedroom wings of accommodation and would be both self-contained and secure – on-site facilities would include hair salon, café, library and cinema, together with various lounge and dining areas, balconies and terraces all set around landscaped grounds.
- 7.6 The facility is focussed on end-of-life care – the average age of entrants being 85, and the average length of stay around 18 months. Residents have reduced mental and/or physical abilities and would only leave the premises when accompanied by staff or their guests. Furthermore, the proposed development would also not feature any on-site staff living accommodation and this can be secured by condition. For the above reasons, the development does not require mitigation through the Solent Recreation Mitigation Strategy (SRMS) - this approach has been agreed by Natural England.

### **Water Quality**

- 7.7 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. NE have highlighted that there are high levels of nitrogen input into the water environment at these sites, with evidence that these nutrients are causing

eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting assessment for this application.

- 7.8 The Council's adopted Position Statement on Nutrient Neutral Development sets out that for development on agricultural sites, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

**Appropriate Assessment conclusion**

- 7.9 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). Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England advised that they concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 7.10 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) Coordination of Development
  - (iii) Nature of Development
  - (iv) Impact on the Character and Appearance of the area and historic assets
  - (v) Impact on Residential Amenity
  - (vi) Access and Highway Implications
  - (vii) Flooding and Drainage
  - (viii) The Effect of Development on Ecology
  - (ix) Impact on Trees
  - (x) Impact on archaeology
  - (xi) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

**(i) Principle of development**

- 7.11 As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### The Development Plan

- 7.12 The Development Plan consists of: Havant Borough Local Plan (Core Strategy) (2011), the Havant Borough Local Plan (Allocations Plan) (2014), both of which cover the period until 2026. The development plan also includes the Hampshire Minerals and Waste Plan (2013). These plans continue to form the basis for determining planning applications in the Borough. The application site is located adjacent to, but outside of, the urban area. Policies in the adopted plans support appropriate residential development within the urban areas. "Exception schemes" are only supported in the countryside. This is not an exception scheme and the site is located in a non-urban area. Therefore, this application does not accord with the development plan (it has been advertised as a departure from it). Planning permission should therefore be refused unless other material considerations indicate otherwise.

### Emerging Havant Borough Local Plan

- 7.13 The Council published the Pre-Submission Havant Borough Local Plan for public consultation between 1 February 2019 and 18 March 2019. The publication of this document followed a long period of public engagement between 2016-2018, including the now revoked Local Plan Housing Statement. This site was one of those identified for 'early release' as part of the Local Plan Housing Statement, which was part of the site's evolution. The emerging plan includes the Council's proposed new housing allocations. The application site is identified within Policy H25 for residential development, capable of accommodating 15 residential dwellings, rather than a care home. However, when taken together with policy H5 of the emerging plan, which gives explicit support for retirement and specialist accommodation given the established and growing need for such facilities, the application site is identified as one of those necessary to deliver the identified housing need for the Borough.
- 7.14 Therefore, while the site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Havant Borough Local Plan (Core Strategy) it nonetheless was a site identified for early release in the Local Plan Housing Statement, is one of the sites identified for allocation and forms the direction of travel for the emerging Local Plan.

### Consistency with the National Planning Policy Framework

- 7.15 The Secretary of State's National Planning Policy Framework is a material consideration which should be placed in the s.38(6) planning balance.
- 7.16 The NPPF's primary objective is to promote sustainable growth and development through a "plan-led" planning system. Paragraph 11 of the NPPF advises that a presumption in favour of sustainable development is seen as the golden thread running through both plan-making and decision making, which means; "approving development proposals that accord with the development plan without delay, and; where the development plan is, absent, silent, or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 7.17 A robust assessment took place of land in the Borough to inform the Pre-Submission Havant Borough Local Plan through the Strategic Housing Land Availability Assessment and the Sustainability Appraisal. This demonstrated that at that time there was sufficient deliverable and developable sites upon which to meet the Borough's housing need, and the assessment of the application site by officers found it to be free of any significant constraint and capable of delivering houses in the short term. Since then the five-year housing land supply has been updated (February 2021) and

indicates the Borough now has a housing supply position of 4.2 years with a 20% buffer applied. This is below the five-year supply threshold.

Five-year housing land supply and delivery of housing need

- 7.18 The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. If this is not in place, then Paragraph 11 of the NPPF sets out that, in applying the presumption in favour of sustainable development, proposals for development should be granted permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. These areas and assets are set out in footnote 6 of the NPPF. The application site in question is not within any of these areas, however it does lie directly adjacent to a designated heritage asset;
  - or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.19 The Borough's five-year housing land supply was updated in February 2021. This shows that the Borough has a 4.2-year housing land supply with a 20% buffer applied and so does not have a five-year housing land supply.
- 7.20 The development proposed by this planning application has not been included within the housing land supply calculations. As a Class C2 use, the proposed 64 bed care home would contribute the equivalent of 36 units (rounded) based on an average of 1.8 adults per household in Havant Borough, equivalent to 0.05 years or 1% of the required supply.
- 7.21 As such, notwithstanding that the site is located outside of the urban area in the development plan and is located in the countryside, it is proposed for development in the emerging Havant Borough Local Plan. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development and it would also deliver measurable economic and social benefits.
- 7.22 The site is required to feed into the on-going requirement of the Borough for deliverable housing land to address the Borough's housing need, which is now more pressing given that the housing supply position has fallen below the five-year requirement set out in the NPPF.
- 7.23 On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development. The justification for this conclusion is set out in more detail in the paragraphs that follow.

Deliverability

- 7.24 The NPPF, in annex 2, clarifies that:  
"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."
- 7.25 The application has been supported by an Infrastructure Delivery Statement (IDS), which considers the supply of water, electricity, gas and telecommunications to the site, in consultation with the utility providers. This concludes that the development could be supplied with normal network service supplies without prohibitive

reinforcements to networks. As such there would not appear to be significant off-site infrastructure works arising from the development which might delay the implementation of the development. Therefore, there are no evident barriers to the development coming forward within the current 5-year period, which weighs in support of the scheme.

#### Environmental Sustainability

- 7.26 Introducing a care home to an undeveloped field would alter its character but it is concluded that this would have a limited impact, as any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area, this is considered in more detail further in this report. This needs to be weighed against the public benefits, and is considered in more detail further in this report.
- 7.27 As this proposal relates to a dementia care unit, the following assessment is based on staff and visitors to the site. In terms of the location of the site relative to services and facilities the closest such services are offered by the Co-Op at Snowberry Crescent situated approximately 0.8km from the site entrance. The nearest bus stops to the site sit 850m from the site, serving bus routes 20 and 21. Route 20 runs every 30 minutes Monday to Saturday, operating between Portsmouth and Havant. Route 21 operates every 10 minutes Monday to Saturday between Portsmouth and Havant via Leigh Park. These timetables are currently subject to change and a reduced timetable due to the current pandemic.
- 7.28 In addition, Warblington railway station is 1.5 kms from the site, which offers stopping services towards Brighton to the east and Southampton and Portsmouth to the west. The site is approximately 2.4 kms from Havant Station offering routes to London, Brighton, Southampton and Portsmouth. In accessibility terms, the site is in a sustainable location, and has alternatives to the use of the car for staff and visitors to the site, which weighs in support of the scheme.

#### Economic Sustainability

- 7.29 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
- 7.30 The application would result in benefits from both construction and work opportunities within the care home itself and operations and Local Authority benefits.

#### Social Sustainability

- 7.31 The application proposes a specialist Care Centre (C2 use) which will provide 24-hour nursing, personal and dementia care for a range of residents in accordance with Policy CS9 of the Core Strategy. The scheme would address an identified local housing need for elderly specialised care and would contribute towards the supply and delivery of housing in the local area by freeing up existing housing stock vacated by the residents. The Council's adopted Housing SPD is also a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people". The Housing Officer supports this proposal.

#### Health

- 7.32 The NHS Clinical Commissioning Group (CCG) have been consulted and advise that the resulting growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; in primary,

community and secondary care settings. The CCG have outlined that the increased demand will be accommodated by the existing GP surgeries in the area, for which the development falls within the practice boundaries of three separate GP practices; Emsworth Surgery, Homewell Practice and Staunton Surgery. Additional capacity within the premises will be required. As such a financial contribution is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth, and this will be secured through a legal agreement.

#### Prematurity

- 7.33 With regards to the timing of consideration of this application, which is taking place in advance of the examination and adoption of the emerging Local Plan, regard has been paid to paragraphs 49-50 of the NPPF. They state: -

*'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:  
a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and  
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'*

- 7.34 In the light of this guidance, Officers are satisfied that the emerging plan, which has only just been submitted for examination, is not yet at such an advanced stage, nor is the development considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.

#### Undeveloped Gaps between Settlements

- 7.35 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2, in the emerging Local Plan this is no longer considered possible. The NPPF, in paragraph 11, is clear that Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless there are strong reasons for restricting development. Those reasons are defined in footnote 6 of the NPPF, and do not include gaps between settlements as a particular consideration. The Council's Housing Constraints and Supply Analysis mapped constraints to development, and found that it was not possible to meet housing need on land unconstrained by nationally recognised constraints, while also protecting gaps between settlements. For this reason, a number of sites, including this site, have been put forward as proposed housing allocations in the emerging Local Plan.
- 7.36 In conclusion on this issue,
- (1) The scheme is contrary to the development plan
  - (2) National policy is a material consideration
  - (3) Housing supply at 4.2 years is below the five-year supply threshold
  - (4) The presumption in favour of sustainable development applies
  - (5) The proposals would constitute sustainable development in policy terms.
  - (6) It is deliverable now.



- (7) The scheme is not premature.
- (8) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

### **(ii) Coordination of Development**

- 7.37 Policy DM6 of the Core Strategy, states that proposals will only be permitted where they do not undermine the future development potential of adjacent sites. Proposals should not prevent future access to potential development sites or prejudice future schemes. The site identified in the emerging Local Plan includes both the application site and the land to the north. The proposed layout including the access arrangement provides for future development and access opportunities. As such this proposal is not considered to prejudice development of the remaining elements of the allocation.

### **(iii) Nature of Development**

- 7.38 The application seeks a 64 room care home development, which would contribute 36 dwellings to the Councils housing supply figures, and based on this it equates to approximately 55 dwellings per hectare(dph). Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) '*Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form*'.
- 7.39 Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

*The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:*

<i>High Density</i>	<i>– Minimum of 60 dwellings per hectare</i>
<i>Medium Density</i>	<i>– Minimum of 45 dwellings per hectare</i>
<i>Low Density</i>	<i>– Up to 45 dwellings per hectare</i>

Under this assessment, the density of development can be considered to be within the Medium Density category.

- 7.40 Paragraph 6.23 makes it clear that '*It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents. This is therefore best assessed through individual planning proposals through the development management process*'.
- 7.41 The NPPF states that '*To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density*'. Although this scheme represents a medium-density development, which is above the allocation of 15 residential dwellings, the proposed density is considered to make an effective use of land, and would be an appropriate density given the context of the site on the edge of the residential development to the south and as part of a wider allocation in the emerging Local Plan. The proposal does not prejudice the remainder of the proposed site, and as such is considered an effective use of land, having regard to the forthcoming allocation for this site.

## **Emerging Havant Borough Local Plan**

- 7.42 The emerging Local Plan requires enhanced standards in certain policies, which are above and beyond current adopted policy requirements. An assessment of this scheme against these relevant emerging policies below, is considered below.

### Vision and delivery strategy

- 7.43 Policy DR1 – Delivery of Sustainable development outlines the Council’s strategy with regards to delivering sustainable development as outlined in the NPPF. This policy outlines the amount of development required, ensuring the delivery of sustainable development, ensuring appropriate co-ordination of development. In addition, the policy focuses on innovation and the acceleration of housing delivery by using all of the tools at our disposal to ensure that permitted developments are commenced and completed. This report considers whether this application does comply with these requirements. It is considered that this development does comply with part h of this policy, regarding co-ordination of development, as the proposal does not prejudice the rest of the site, which is subject to the emerging allocation.

### Infrastructure Policies

- 7.44 Policy IN3 – Transport and Parking in new development broadly follows the requirements of adopted policy CS20 of the Core Strategy. This proposal does fully comply with parking standards for this type of use with the Parking SPD. This policy additionally requires that electric vehicle charging infrastructure is provided, the application outlines that EV charging points are proposed, and this will be covered by a condition.

### Environment Policies

- 7.45 Policy E12 – Low Carbon Design seeks to ensure that new development addresses climate change through low carbon design. Proposals for multi-occupation residential developments above 1000sqm are expected to achieve BREEAM ‘Excellent’ standard and proposals for residential development must exceed Building Regulations by 19% with respect to CO2 emissions. The proposals are for a form of multi-occupation residential development however the Home Quality Mark requirement in the policy is specific to dwellings as opposed to care homes. Similarly, the BREEAM Communities scheme is a requirement of schemes proposing 100 dwellings or more and so is not applicable to these application proposals. However, the proposals incorporate solar PV, efficient heating and thermal performance above Building Regulations. A BREEAM pre-assessment has been undertaken and submitted alongside the planning application demonstrating that a minimum of BREEAM ‘Excellent’ is able to be achieved.
- 7.46 Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. The site has been assessed as being of generally low ecological value, comprising both common and widespread habitats. The habitats of relatively greater ecological importance are the established boundary hedgerows, areas of scrub and scattered mature trees. The site has been recorded as supporting a diversity of foraging and commuting bats. The site has also been assessed as having suitability to support protected species including tree roosting bats. Mitigation and enhancement measures have been proposed to offset the impact of the development on protected species and subject to the implementation of the measures set out, it is considered that there is the potential for the proposals to deliver a net ecological gain at the site.

### Housing policies

- 7.47 Policy H2 – Affordable Housing sets out a requirement that 30% of dwellings should

normally be affordable housing on sites resulting in a net gain of 10 or more dwellings. However, as this proposal is for a care home (use class C2) which generally provides non-self-contained accommodation, this development would not be required to provide affordable housing.

- 7.48 Policy H3 – Housing density now requires that development within the Borough provides minimum housing densities, depending on their location. This is to ensure that development maximises the finite amount of land in a full and sustainable manner. This application site is located within an area that requires that development to achieve a minimum of 40 dwellings per hectare. This application achieves a density of 55 dwellings per hectare and therefore complies with this emerging policy.
- 7.49 Policy H5 supports proposals for retirement and specialist housing designed to meet the needs of those with care needs (including older people and disabled people) where: it meets a proven local need; the location is appropriate in terms of accessibility to services, amenities and public transport; the use is compatible with its surroundings; sufficiently accessible and good quality accessible outdoor spaces are provided; and appropriate car/cycle parking is provided together with storage for mobility scooters and wheelchairs. The site has been identified as suitable for residential development through emerging Local Plan Policy H25 and is surrounded by new housing and committed housing sites with access to public transport and a sizeable local population base that could provide the staff to work at the care home. The site enables provision of good quality outdoor space for residents.
- 7.50 In conclusion on this matter, the emerging Havant Borough Local Plan has only recently been submitted for examination to the Secretary of State. As such in accordance with paragraph 48 of the NPPF, and having regard to the level of objection received during the pre-submission consultation, it is considered that only limited weight can be attributed to the policies within it. Notwithstanding this, many relevant emerging policies have been fully or partially met and this threshold has been weighted into the overall planning balance made on this application.

**(iv) Impact upon the character and appearance of the area and historic asset**

- 7.51 The site currently is enclosed by residential development to the south, which is currently under construction, and mature planting limits views from the immediate area, including from Bartons Road, and the new access road Normandy Way. The proposed building has been designed to have the appearance of a domestic scale so that its height is commensurate with that of other existing and committed development of the surroundings to the south, with a flat section of roof at the centre to ensure that overall roof mass is reduced. The profile of the building has steps in the projection of its external walls in order to break up the apparent mass of the building and add visual relief to the structure. The pitched elements of the roof are proposed to be covered with plain grey tiles and the external walls are predominantly red brick with elements of grey composite cladding in common with the new houses being constructed on land to the south to create a legibility in the design approach. The central flat roof sections of the building are proposed to feature a green roof.
- 7.52 The application proposes a two-storey building laid out in an H-shaped configuration with two wings of living accommodation connected by a central link that provides much of the staff, administrative and servicing accommodation. The applicant has advised that such a layout conforms to best practice for provision of specialist older persons accommodation as it provides residents, many of which will suffer from severe dementia, with an easy to understand and navigate household-sized living space.

7.53 This proposal is accompanied by a detailed landscape proposal for the whole site which provides trees within the public realm, in addition to the retained protected trees, to create a high-quality landscape design, breaking up areas of car parking and creating a positive and attractive development. The building will be framed by soft landscaping around the site and trees within the development. The development will provide two large areas of amenity space for residents, which includes integrating the protected trees into the landscaping framework, with terrace and patio areas providing easily accessible areas for the future residents. In addition, the amenity areas will provide areas for food growing through the proposed vegetable gardens, interspersed with areas of seating around the gardens. Overall the form of development is considered to have regard to the site's context and not adversely impact the character and appearance of the area.

**Impact on historic asset – East Leigh House**

7.54 East Leigh House, which is a grade II listed building is located to the west of the development. The application site is separated from East Leigh House by approximately 160 metres, with mature trees providing significant screening of the development from the setting of the listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the development would not result in any harm to the setting of East Leigh House due to the separation distances, positioning of other development and landscaping and the domestic height of the proposed building. As such the proposal is considered to conserve the character and setting of the listed building.

**(v) Impact upon residential amenity**

7.55 The application site abuts the new residential properties to the south in Normandy Way. The main residential properties directly affected by the development are the residential properties adjacent to the southern boundary of the application site, which are Nos 2, 4, 6, 8 and 10 Normandy Way.

7.56 Nos 2 and 4 Normandy Way are the closest residential properties to the development, these dwellings form a pair of semi-detached dwellings which are located parallel with the boundary with the application site. 2 Normandy Way is the northern element of the pair of semi-detached dwellings and is located 4 metres from the application site boundary. The proposed back-to-side distance from the rear elevation of the proposed development to No 2 Normandy Way is approximately 24 metres. In the case of Nos 8 and 10 Normandy Way, these are two detached dwellings which front the road and whose rear gardens extend north towards the application site boundary. The proposed back-to-back distance between the development and the rear elevations of these properties is approximately 33 metres. The Havant Borough Council Design Guide recommends a minimum back to back separation distance of 20 metres with an additional 4 metres per storey. In addition, the guide recommends a minimum flank to side separation distance of 10 metres. Given the change in levels and relationship with the neighbours, it is considered the neighbouring properties in Normandy Way would have the perception of the scale of a three-storey development facing these properties. A three-storey to two-storey relationship would therefore require a minimum of 24m back-to-back, and 14m back-to-side, which are exceeded in this application.

7.57 Notwithstanding this, and given the change in character of the application site,

following concerns raised by officers and subsequent extensive negotiations with the applicant, an enhanced landscape buffer is additionally proposed to be located inside the southern boundary of the development site, which would bolster the existing trees and bushes, which are proposed to be retained on this boundary. This will comprise trees and vegetation which will help soften and filter the impact of the ground levels on these properties. This will be controlled through appropriate conditions. As such given a combination of these factors, it is considered that there are adequate separation distances between the existing and proposed dwellings which exceeds the Design Guide's expectations to ensure that there would be no significant loss of amenity to existing residents.

- 7.58 Policy CS16 states that proposals for noise-sensitive development, including residential uses, which would result in the occupiers of such development being exposed to unacceptably high levels of noise will not be permitted. This policy is consistent with that of Paragraphs 170 and 180 of the NPPF, which respectively require that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings, and that the planning system should prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, amongst other things, unacceptable levels of noise pollution.
- 7.59 A noise survey has been provided taking into account noise generated from the proposed mechanical plant to be installed in the care home. Noise from mechanical plant has the potential to adversely impact future residents and nearby noise sensitive premises. It is recommended that any air handling plant, machinery and equipment to be installed or operated relating to the development is subject a condition to ensure that the future occupants and existing neighbouring properties will be sufficiently protected from environmental noise. The Environmental Health Officer has raised no objection based on the latest noise assessment and subject to details of mechanical plant being secured by condition.
- 7.60 Taking all these factors together subject to suitable conditions, it is considered that the proposed development would not have a significant adverse impact on the amenities of neighbouring properties regarding loss of sunlight/daylight, overlooking, noise or overbearing impact. As such it is considered that the development would comply with policy CS16 of the Core Strategy, the Design SPD and the NPPF.

#### **(vi) Access and Highway Implications**

- 7.61 The application is supported by a Transport Assessment (TA), which modelled a number of scenarios for the period up to 2025 including with development from the permitted schemes in close proximity to this site.
- 7.62 Detailed surveys have been undertaken at key roads, junctions and roundabouts identified through discussions with both the Local Highway Authority. The Transport Assessment (TA) assesses the impact of the scheme with the trip rates, trip distributions and junction capacity assessments being acceptable to HCC. The development is estimated to generate 13 trips during the morning peak period (08.00-09.00) and 11 trips during the evening peak period, this assessment is considered to be robust given the proposed use of the development, in that traffic generation would be created by staff and visitors only.
- 7.63 The Bartons Road/Normandy Way Site Access junction, to access the development, which also serves the Brookvale development to the south of the site, has been assessed to 2025 to understand the impact of the additional traffic on the access. This

assessment incorporates the committed improvement at the Campfield Crematorium access, located to the north of Bartons Road (approved under application APP/19/00007) which features a new right turn lane. To reflect this arrangement, the junction has been modelled as a staggered crossroads which is considered acceptable. Taking into account the committed development, together with the impact on this application the proposed access junction would work within the capacity of this junction.

- 7.64 As part of the Brookvale development, a new shared use path will be constructed on the south side of Bartons Road from the Havant garden centre to the junction with New Lane. As part of the Linden homes development (reference APP/14/00502) on the northern side of Bartons Road, footway improvements have also been provided. These improvements will connect to the new shared use facilities provided as part of the Campfield development permitted application APP/19/00007. This will feature a new shared use path on the northern side of Bartons Road from the existing access to the crematorium to the junction with Eastleigh Road.

#### Parking

- 7.65 For the proposed care home use, the standards state that 1 space per 4 residents and 1 space per staff is required. For the proposal this means that a minimum of 35 spaces are required to meet the adopted standards. The proposal as submitted however, only has 29 car parking spaces of which 3 would be blue badge disabled spaces. As such the proposal does not meet the minimum number of car parking spaces required by the SPD, with a deficit of 6 car parking spaces.
- 7.66 In line with the guidance set out in the SPD, the applicant has been asked to justify the proposed shortfall in car parking provision at the site for this element. The submitted justification outlines that, given the dependency level of the residents they will not have the capacity to drive and therefore the car parking management has been designed to ensure that there is adequate provision at all times for relatives, families, staff and emergency services. Staff wishing to park in the car park must also ask consent from the management in advance and will be encouraged to travel by bike, on foot or by public transport. Families who are moving residents and their furniture into the home will be allocated a dedicated space in advance.
- 7.67 Whilst it is acknowledged that the care home element has a deficit of 6 car parking spaces, it is appropriate to consider this within the context of the wider application site. The applicant, who has extensive experience of such high-dependency units outlines that this parking model is appropriate and is used in similar locations such as this, and that parking provision is well managed. As such it is considered that the proposed parking provision for this development is appropriate in this context, and any adverse effects arising would not result in a significant severe impact on highway safety to justify refusal of this application.

#### Cycle parking

- 7.68 For the care home covered cycle storage would be provided adjacent to the car park and main building entrance and provides storage for 12 cycles. As highlighted previously, residents of the care home would not be physically able to drive or cycle, and so it is only staff that are likely to need to store bicycles and as such these 12 spaces are adequate for the scale of this element of the development.
- 7.69 Taking all these highway factors together it is considered that the site is sustainable in transport terms, subject to the conditional requirements. Whilst the proposed car parking provision for the care home is below standard, this has been justified by the applicant with reference to their experience at other sites. Cycle parking provision on

the site will be improved by the development and is considered acceptable. Overall the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused. It is clear in paragraph 109 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### **(vii) Flooding and Drainage**

- 7.70 The Environment Agency Flood Risk Map shows the development site is located in Flood Zone 1 (lowest risk of flooding). Whilst development is considered appropriate for Flood Zone 1, in accordance with the Technical Guidance in the NPPF, a Flood Risk Assessment has been submitted together with a drainage strategy. The Technical Guidance states that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.

##### **Surface water**

- 7.71 The application incorporates a sustainable drainage system which will store the volume of a 100-year return period storm plus 40% allowance for climate change. This system will connect into the adjacent residential development surface water strategy. Within the site underground crates will be located near the southern site boundary that attenuate and control the flow of surface water so that discharge from the site is contained at pre-development levels. The hardsurfaced areas will be permeable with the surface water directed, utilising the natural slope of the land, towards the underground tanks. The proposed roof drainage incorporates a living roof, which assists with reducing runoff rate and volume.
- 7.72 The surface water runoff generated on the site because of the development will be managed using appropriate SUDS techniques up to the 1 in 100 +30% storm event. This will ensure that the peak rate of surface water leaving the developed site is no greater than the existing Greenfield runoff rate, including the temporary condition during the construction of new buildings. It is proposed to replicate as closely as possible the natural drainage from the site before development and improve water quality, reducing the impact on receiving watercourses. A condition is proposed in order to ensure that the surface water drainage system is maintained in an appropriate manner.

##### **Foul Water**

- 7.73 With respect to foul drainage, the development is proposed to connect to the existing public sewer that passes to the south of the site. The residential housing development on land to the south includes foul drainage capacity to serve both that housing development as well as development on draft allocation H25. Southern Water have confirmed that its network can facilitate foul sewerage disposal to service the proposed development. The Lead Local Flood Authority have been consulted, and subject to conditions raise no objection.

#### **(viii) The Effect of Development on Ecology**

- 7.74 The application is accompanied by an updated Ecological Appraisal (FPCR, November 2020). The site comprises primarily agriculturally derived species-poor grassland with boundary hedging and areas of woodland with a high proportion of planted and self-sown non-native species. As such it is considered that the site is of limited ecological value overall. A suite of ecological surveys has been carried out, these identify that in

terms of protected species the site is generally unconstrained, except for bats.

- 7.75 The site has been shown to support a good assemblage of bat species typical of a semi-rural site in southern Hampshire. This part of Hampshire is known to support a substantial breeding population of the very rare Bechsteins bat. Bechsteins bats have been recorded within close proximity to this site and has been shown to use a wide range of habitats within the landscape, including open grassland, hedgerows and coniferous plantations. Nursery roosts are most likely to occur within older woodlands but also occur locally within individual trees in parkland settings and hedgerows. Whilst there is no indication that Bechsteins bats are a constraint at this site in particular, there is sufficient justification, based on the presence of known maternity roosts in two local woodlands (Bartons Copse to the north and Southleigh Forest to the north-east - and recent records from other sites close by) for assuming that the species is more likely than not to occur on occasion and that the site forms part of a much larger fabric of suitable sites across the wider area. It is therefore essential that potential impacts such as habitat loss, habitat fragmentation, disturbance and lighting are considered within this context.
- 7.76 Further details have been provided by the submission of a lighting strategy, these provide recommendations for the reduction of light spillage in specific locations, using cowls on column lights and replacing some columns with bollard lighting. This will reduce the spillage of light onto adjacent vegetation, however the full details of this will be controlled through an appropriate condition.
- 7.77 In terms of other ecological enhancements, the application proposes bat and bird boxes, the composition of new semi-natural habitat, management of retained and new habitats. As such this mitigation is considered acceptable and has been agreed by the Council's Ecologist consultant and Natural England, subject to the full details of these measures being secured through a pre-commencement condition to provide a detailed lighting strategy.

#### **(ix) Impact on Trees**

- 7.78 Whilst there are a number of trees shown to be removed they are all category C trees and not worthy of Tree Preservation Orders (TPO) or long-term retention due to their poor form or condition. There will still be a number of trees left around the boundaries and this development provides an opportunity to enhance the site with a number of new, specimen trees and understorey planting to replace those removed, which will then provide a future amenity. There are four Oak trees protected by TPO on the site, all of these can be adequately protected and retained with the scheme as proposed. In summary provided that the methodology set out in the arboricultural reports is strictly adhered to with a pre-commencement site meeting there is no arboricultural objection.

#### **(x) Impact on archaeology**

- 7.79 The archaeological excavation that took place to the south of the present application boundary found evidence of a landscape used for processing, such as crops and industry. The excavation found large quantities of Roman building material, including roof tiles, hypocaust and flue tiles, and tesserae, all suggestive that what was investigated was ancillary to a substantial Roman building which is presumably in the vicinity. In addition, the archaeological excavation recovered a large assemblage of Roman pottery also suggestive that the activity was ancillary to a substantial Roman settlement site presumably close by. As such the potential for more complex archaeological remains exist with the archaeological potential of the development site and as such conditions are necessary to ensure the assessment, recording and



reporting of any archaeological deposits affected by construction, which will be secured through the attachment of suitable conditions.

**(xi) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement**

7.80 The impacts of the proposed development on key infrastructure have been assessed and an Infrastructure Delivery Statement has been submitted. The infrastructure provision in respect to highways, flood risk/drainage, health, and utilities has been considered and mitigation for the potential impacts on infrastructure proposed which would be controlled through relevant conditions. In terms of the requirements regarding Health and Nutrients these will be the subject of a legal agreement as set out in paragraph 7.81 below.

7.81 The proposed C2 use is not included within the CIL charging schedule, as such no contribution towards CIL is required. Having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect to the following matters: -

1. Health Contribution of £5,600
2. Nutrient contribution of £33,244.50
3. Monitoring fees

**8 Conclusion - Overall planning balance**

8.1 The development site lies outside of the built-up area and is not provided for in current adopted Local Plan policy - as a result the proposal is contrary to development plan policy. The development plan is a pre-eminent consideration which must be outweighed by other material considerations in cases of conflict before permission can be recommended.

8.2 Notwithstanding that the site is located outside of the urban area in the development plan in the countryside, it is proposed for development in the emerging Havant Borough Local Plan. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development. It would also deliver significant economic and social benefits. Furthermore, the Borough's five-year housing land supply figure was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with the necessary 20% buffer applied based on the results of the housing delivery test. The development proposed by this planning application is not included within the housing land supply calculations and is equivalent to 0.05 years or 1% of that supply. The provision of care home which could make a contribution to improving the overall housing supply position is considered to be a material consideration of great weight, especially in the light of the acute need for older persons care homes, and falls to be part of the planning balance in the determination of this planning application. This is a material consideration of great weight, especially in the light of the acute need for older persons care homes, and falls to be part of the planning balance in the determination of this planning application. On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development, and this is a compelling material consideration, which indicates that that a decision could be taken that departs from the development plan.

8.3 Any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape

impact of the development and overall the development would not unduly affect the character and appearance of the wider area. It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site. Whilst car parking levels for the care home are not to the standard set out in the Parking SPD, this has been justified by the applicant, in addition by providing the required level of parking would have adverse impact on the amenity of the site, as further hardsurfacing would be required, impacting on the qualities of the development.

- 8.4 It is accepted that the proposal would not comply with an element of the emerging policies in the Havant Borough Local Plan, with specific regard to provision of a fully compliant provision of sustainable construction. The NPPF (paragraph 48) sets out that weight can be given to relevant policies in emerging plans depending on, amongst other things, the stage of preparation of the emerging plan and the level of unresolved objection to individual policies. At the current stage where the emerging Local Plan has only recently been submitted, and in combination with the level of objection to these policies, they can be afforded only limited weight at this time.
- 8.5 Furthermore, the improvements to the scheme, which have been made through discussions with the applicant to improve the qualities of the development are to be acknowledged. It is considered in respect of this proposal, when framed against the entirety of the adopted Development Plan, comprising the Core Strategy (2011) and the Allocations Plan (2014), that none of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements of the proposal.
- 8.6 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are public benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging balance of sustainable development principles, the application is recommended for permission.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00761 subject to:

(A) completion of a Section 106 Agreement as set out in paragraph 7.81 above; and

(B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 1 The development must be begun not later than three years beginning with the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans:

SITE LOCATION PLAN - APL001 REVE

Proposed site plan - APL003 REV N  
PROPOSED LANDSCAPE PLAN - APL005 REV H  
PROPOSED GROUND FLOOR PLAN - APL006 REVG  
PROPOSED FIRST FLOOR PLAN - APL007 REVG  
PROPOSED ROOF PLAN - APL008 REVC  
PROPOSED NORTH ELEVATION - APL009 REVD  
PROPOSED EAST ELEVATION - APL010 REVD  
PROPOSED SOUTH ELEVATION - APL011 REVD  
PROPOSED SECTIONAL ELEVATION WEST - APL015 REVD  
PROPOSED SECTIONAL ELEVATION NORTH - APL014 REVD  
PROPOSED WEST ELEVATION - APL015 REVD  
PROPOSED STREET ELEVATION - APL017 REVD  
PROPOSED BAY WINDOW ELEVATIONS - APL018 REVC  
PROPOSED SECTION - NEIGHBOURING BUILDING APL020 REV A

Drainage

Flood Risk Assessment and Drainage Statement - 2709-HELM-ICS-XX-RP-C-07.001

PROPOSED DRAINAGE AREAS - 2709-HELM-ICS-01-XX-DR-C-0201-P01-S2

LEVELS DESIGN - 2709-HELM-ICS-01-XX-DR-C-0100-P02-S2

PROPOSED DRAINAGE - 2709-HELM-ICS-01-XX-DR-C-0200-P03-S2

Proposed Drainage ref: HELM-ICS-01-XX-DR-S-0200 P04

Site Location Plan ref: ASK001 A

Email with supporting information dated 26 October 2020 & 12 November 2020 by Infrastructs CS

BREEAM

Helmsley House - BREEAM New Construction 2018: Pre-Assessment Report

Trees

ARBORICULTURAL DEVELOPMENT STATEMENT - CBA11305V1

Tree survey report - CBA11305 v1B

Tree protection plan - CBA11305.02 TPP

Transport

Transport Assessment - July 2020

TRANSPORT ASSESSMENT - Supplementary Transport Information - October 2020

TRANSPORT ASSESSMENT - Additional transport information -3rd December 2020

Access plan 1009/6/U/2A

Ecology

Ecological Appraisal (FPCR, update November 2020) including Phase 1 Habitat Plan - figure 2 9591-E-02

Bat emergence report (HES, July 2020)

Reason: - To ensure provision of a satisfactory development.

### Materials

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.  
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### Landscape and Trees

- 4 No development shall take place until a further detailed Scheme of Soft and Hard Landscape Works, based on the principles of plan APL005 REV H has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
  - ii) Planting methods, tree pits & guying methods,
  - iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, this shall include specific measures for the landscaping adjacent to the southern boundary, in order to protect the amenities of properties to the south,
  - iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
  - v) Manner and treatment of watercourses, ditches and banks,
  - vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
  - vii) Means of enclosure, in particular boundary walls and planting around the development and including its frontages, including any retaining structures,
  - viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution
  - ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the with the Arboricultural Development (Method) Statement CBA11305.v1 and Tree Protection Plan CBA11305.2 by CBA consultancy shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion

Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

#### Highways

- 6 No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. The details shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development shall commence until details of the site access bellmouth junction onto Normandy Way have been designed to an adoptable standard and approved by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) as shown on drawing 1009/6/U/2 Dated December 2020. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No development shall commence until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 43 metres have been provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

#### Drainage

- 9 No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the proposed Sustainable Urban Drainage System (SuDS), and should provide the following:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) 2011 policies CS19 and DM10 and the National Planning Policy Framework

- 10 In the event that public sewers are found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to and approved in writing by the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) 2011 policies CS19 and DM10 and the National Planning Policy Framework.

Environmental Health – Noise and contamination

- 11 All air handling plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be attenuated so that the rating level of noise emitted does not exceed the criteria specified in Table 5.1 of Noise Impact Assessment dated 26/06/20 produced by Parker Jones Acoustics at any adjoining or nearby noise sensitive premises when measured according to BS4142: 2014+A1:2019. Details shall be submitted to the Local Planning Authority in writing before any plant is used on the premises to demonstrate compliance with this limit.

**Reason:** To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 In the event that any suspected contamination\* is encountered during groundwork (\*obviously contaminated / stained or discoloured soil / groundwater, or any buried waste materials not assuredly comprising non-harmful construction materials); works in affected areas of the site shall STOP until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise its nature, likely extent & mobility,
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
- 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A) A written statement confirming that no suspected contamination was identified during development, OR;

B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

**Reason:** Made Ground of unknown origin is present across the site which has not been adequately characterised. There is a risk that the made soils may be variable in nature, and could include material which poses a risk to future occupiers of the site. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework

### Ecology

- 13 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal (FPCR, November 2020), and bat emergence report (HES, July 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement measures shall be retained in a location and condition suited to their intended function.

**Reason:** To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 14 No development shall commence until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall demonstrate how artificial lighting has been minimised to avoid impacts to bat species, particularly at the southern and eastern site boundaries, and should be produced in accordance with the ecologist's recommendations. Development shall then proceed in strict accordance with approved details.

**Reason:** To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

### Archaeology

- 15 No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

**Reason:** To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

**Reason:** To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 Following completion of archaeological fieldwork, a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

**Reason:** To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

#### Nutrients

- 18 The development hereby permitted shall not be occupied until:

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

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the emerging Havant Borough Local Plan.

- 19 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having



a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the emerging Havant Borough Local Plan.

Sustainability

- 20 Unless otherwise agreed in writing prior to the occupation of the care home hereby permitted, written documentary evidence proving that the development has achieved at minimum a level of 'Excellent' against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

**Reason:** To ensure the development minimises its overall demand for resources and to demonstrate compliance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and policy E12 of the emerging Havant Borough Local Plan.

**Appendices:**

- (A) Location Plan
- (B) Layout/site Plan
- (C) Proposed North elevation
- (D) Proposed West elevation
- (E) Proposed South elevation
- (F) Proposed East elevation
- (G) Proposed street elevation
- (H) Proposed Section – Neighbouring building
- (I) Landscaping plan

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LOCATION PLAN



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SITE PLAN



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PROPOSED NORTH ELEVATION



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PROPOSED WEST ELEVATION



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PROPOSED SOUTH ELEVATION



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PROPOSED EAST ELEVATION



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PROPOSED STREET ELEVATION



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PROPOSED SECTION – NEIGHBOURING BUILDING



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lies to the south east. To the east of the site are terraced residential dwellings.

- 1.2 The site itself comprises a roughly triangular area of land which contains two storey office accommodation. The main building when viewed from New Road has a symmetrical form with a central gable feature and projecting wings to either side. The building includes a full brick gable, brick to the ground floor and tile hanging to the first floor with a tiled roof. This is the most prominent building on the site. To the north east is an older converted building with a pitched gable roof fronting New Road which has been linked to the main building by a two storey addition. The linked buildings are all in office use.

## **2 Planning History**

- 2.1 The site has a complex planning history and the most relevant applications are set out below. The applications fall primarily into two types; residential and business proposals. The residential proposals have their references highlighted in bold for clarity.

**APP/18/00449** - 2-storey extension to existing property to create additional separate individual office space.

This application was considered at the Council's Development Management Committee on the 18th October 2018 and subsequently granted planning permission on the 25th March 2019. It has not to date been implemented.

**APP/17/00972** - Proposed 2 storey office extension, with hipped, gable and portion of flat roof.

This application was considered at the Council's Development Management Committee on the 19th October 2017 and subsequently granted planning permission on the 20th October 2017. This permission has now expired.

**APP/17/00347** - Proposed 2 storey undercroft office extension.

This application was determined 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 Framework.*

Appeal Subsequently Dismissed on 1st December 2017

**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.

APP/15/00865 - Proposed new infill extension in addition to approved planning permission APP/14/01004 for two storey office block., Permitted 19/10/2015

APP/15/00723 - Variation of Condition 10 of Planning Permission APP/14/01004 relating to approved plans. Permitted 21/08/2015

APP/14/01004 - Proposed new two storey office block and car parking. Permitted 14/12/2014

APP/13/01277 - Variation of Condition 4 of Planning Permission APP/12/00073 to enable detached two storey outbuilding to the west of 2 New Road to be used for independent commercial use (office and car parking). Permitted 28/02/2014

**APP/12/00736** - Construction of 1No. two storey building containing 2No. 2 bed flats with associated car parking, bin and cycle stores, landscaping and 2m acoustic fence, with access to New Road. Refused 19th September 2012 for two reasons in relation to Noise / Amenity concerns and lack of a Transport Contribution. .

Appeal Subsequently Dismissed.

This case and the Inspectors conclusions are considered in detail in paragraphs 7.27 - 7.28 below.

APP/12/00073 - First floor extension to garage to provide additional storage; rear extension and conversion of whole to home office space. Permitted 16th March 2012

**APP/10/00890** - Construction of 1No. 2 bed dwelling and 2No. 1 bed flats with new access to New Road, associated car parking, bin storage and cycle storage. Refused 12th January 2011 for four reasons relation to noise / amenity, design, cramped and contrived layout and lack of transport contribution.

Appeal subsequently Dismissed.

This case and the Inspectors conclusions are considered in detail in paragraphs 7.25 - 7.26 below.

**08/60233/009** - Erection of 4No. 1 bed flats with associated parking, cycle store and bin store and new access to New Road. Refused 16th June 2008 for the following reasons (summary):

- Incongruous out of keeping development;
- Lack of turning facilities
- Noise / Amenity

**04/60233/009** - Erection of 6 no. 1 and 2 bed flats, refuse and cycle store and landscaping provision. Refused 23rd June 2004 for the following reasons (summary):

- Over intensive and incongruous form of development
- Noise / Amenity

- Unneighbourly to 2 New Road
- Lack of on site parking

**Adjacent to the site:**

APP/20/00995 - Prior Approval application for installation of 17.5m monopole with 3No. shrouded antenna, 3No. cabinets and development ancillary hereto. Prior Approval Required and Permitted 18/12/20

**3 Proposal**

Change of use of Office (Use Class B1) to 6 residential flats (Use Class C3) with parking and associated external changes to facilitate the change of use, including the two storey extension previously approved under Planning Permission APP/18/00449.

**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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
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)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Pre Submission Local Plan 2036

IN4	(Access onto Classified Roads)
E22	(Amenity and pollution)
E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E12	(Low carbon design)
C1*	(Protection of existing employment sites)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1   Water Quality impact on the Solent European Sites)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## 5 **Statutory and Non Statutory Consultations**

### **Building Control**

No comments received

### **Community Infrastructure, Planning Policy & Urban Design**

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

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 net 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>

The permission referred to in the description, APP/18/00449, has a S106 attached to it dated 13 March 2019.

### **Hampshire Constabulary Crime Prevention**

Having considered the application I have the following comments to make with reference to crime prevention.

The National Planning Policy Framework makes clear the Governments continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats, it reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance continues "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides.", it continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

The proposed cycle store does not appear to be secure, which increases the opportunities for crime. Theft of pedal cycles is a prevalent offence within the police district. To reduce the opportunities for crime the cycle store should be a fully enclosed weather proof structure. Access should be via a single robust door, fitted with a lock to BS 8621. Lighting and cycle anchor points should be fitted within the store.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS 5489-1 :2020.

These dwellings are to be created by a material change of use, I would remind the applicant that the exigencies of Approved Document Q are relevant to the application.

### **Southern Water**

Southern Water records show the approximate position of our existing foul sewer crossing the site. The exact position of the public assets must be determined on site by the applicant.

Please note:

- The 1650mm diameter gravity foul sewer requires a clearance of 5 meters on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 5 meters of the external edge of the public gravity 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 sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/default/1PDFs/stand-off-distances.pdf](https://southernwater.co.uk/media/default/1PDFs/stand-off-distances.pdf)

Furthermore, 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.

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

To make an application visit [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.



We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

### **Economic Development**

No comments received

### **Environment Agency**

No comments received

### **Environmental Health**

#### Environmental Protection:

I write after reviewing the acoustic report undertaken by Sound Advice, Job Number SA-6367, along with the associated site plans and site layout. The application is for a change of use to 6 to flats. The majority of the building is already built, and the acoustic report noise readings were undertaken in Feb 2020, therefore there is no reduced traffic flow because of the impact of Covid-19. The acoustic report has two aspects that need to be considered when considering suitability of the site for residential dwellings:

#### 1) Noise

The acoustic report confirms there are high levels of noise on the facades of the building, facing the railway and the road (New Road B2149). The noise levels at the site are excessive and can only achieve a suitable internal noise environment, in compliance with BS 8233:2014, with the installation of specialist glazing on both facades and ventilation provided by fans.

Future occupiers of the flats will not be able to open their windows to provide suitable fresh air, flush out smells or odours, or have the ability for greater flow of air in summer unless they want an excessively loud noise environment. The current orientation of the development means each flat has windows on both the railway and road façades with no respite.

The household environment for future occupiers of the site is the least optimum, to control excessive noise levels. The Acoustic Consultant does make reference to Professional Practice Guidance on Planning & Noise (ProPG) as overseen by a Working Group consisting of representatives of the Association of Noise Consultants (ANC), Institute of Acoustics (IDA) and Chartered Institute of Environmental Health (CIEH), together with practitioners from a planning and local authority background.

This has highlighted that the location is high risk because of the noise levels in the vicinity, strongly recommends good acoustic design and states *"it is recommended that the developer adopt, where practically possible, a good acoustic design which should include careful consideration of the positioning of the proposed properties together with thoughts being taken as to internal layouts to minimise noise sensitive rooms facing onto dominant noise sources within the local areas."*

Good acoustic design has been substantially restricted, as the applicant is converting an existing building rather than starting with a blank canvas. For a residential development, the optimum solution in terms of layout is to consider it from the initial design phase rather than trying to convert from an existing building.

The applicant has disregarded pre-planning advice along with the previous decision of the planning inspectorate, which stated *"In my conclusion the development of the appeal site in the manner proposed falls well short of providing what should be regarded as an acceptable living standard for its residents. Whilst it may be technically possible to mitigate the noise nuisance to an appropriate level within the building, that would come at a considerable cost in terms of design and the very poor internal environment which would result. Additionally, the rear amenity space would be so poor in terms of its ability to be enjoyed that it would be of very little if any benefit to the living conditions of the occupants."*

It is clear that the site is impacted by significant noise and the attempts at addressing the issue have resulted in unacceptable living conditions within and around the proposed residential building and have no value as amenity space.

## 2) Vibration

The assessment has determined the impact of the vibration from Position 1. No plan has been provided. My concern is that the plan relates to the acoustic locations, Position 1 is on the roadside of the building which is not the worst-case position if this is the same as the vibration monitoring location. The applicant needs to clarify the exact location of the vibration monitoring point.

Until the location for the vibration monitoring is confirmed, I will delay my comments so that an informed point of view can be provided to the planning authority.

At this point I would recommend refusal of the planning permission because the applicant has not shown good acoustic design of the plot. There are also a number of recent planning appeals that support the position the Environmental Health team have taken.

## Environmental Control

I have been through the proposals and I note in particular that the development does not comprise major development, and that no private amenity land is to be allocated to any of the proposed residential units. For these reasons, I don't see any need to materially amend the advice given in respect of the pre-planning enquiry Ref: GEN/19/00927, other than to clarify that there is no requirement to confirm the chemical quality of soils within any proposed areas of communal soft-landscaping.

As previously; notwithstanding any concerns that my colleagues may (are likely to-) raise in respect to amenity & noise - I would not have any basis upon which to raise a significant material objection on grounds of either land contamination or air quality.

## **Hampshire Highways**

### ***Further Comments:***

Since the Highway Authority's original response dated 30th October, the internal layout of the site has been updated to relocate parking bay no. 2 and realign all of the proposed parking spaces. The alignment of bays 3 and 6 is now skewed to fit them around the landscaping features. While the tracking of a vehicle in and out of the bays is likely to be achievable, a less compacted design should be considered which makes the bays easier to access.

It is noted that the number of overall parking spaces provided has decreased since the original submission. In their capacity as local parking authority, Havant Borough Council should determine whether the updated parking proposal complies with adopted parking standards.

The Highway Authority's original response requested tracking for a refuse vehicle accessing the proposed bin store which remains in the south west corner of the site. It is noted that this information has still not been provided.

The applicant is therefore requested to provide the tracking drawing before the Highway Authority can make a formal recommendation on the application.

**Original Comments:**

The applicant is seeking permission for the change of use from offices to 6 residential flats. The site is served by an existing access onto New Road which will not be altered as part of the development. As part of the altered internal layout, parking and cycle spaces alongside a bin store will be provided.

Drawing number C3405 - 02 Rev A tracks an estate car entering and egressing the site via the existing access onto New Road. No tracking has been provided for a refuse vehicle accessing the proposed bin store in the south western corner of the site. This tracking should be provided to confirm that a refuse vehicle can turn within the confines of the site and egress in a forward gear.

Havant Borough Council should confirm in their capacity as local parking authority whether the proposed quantum of parking meets adopted parking standards.

The trip rates associated with the change of use from office to residential flats is not considered to have a severe impact on the local highway network.

The applicant is requested to provide tracking for a refuse vehicle entering and leaving the site before the Highway Authority make a formal recommendation on the planning application.

**Landscape Team, Havant Borough Council**

From a landscape perspective we have the following comments:

- The development does not provide any private residential amenity space within the proposals, which is contrary the HBC Design Guide, which states; 'All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.
- The location of the bike store does not offer a great amount of natural surveillance, which could increase the opportunity for theft.
- The existing boundary treatments to the south are deemed to not afford sufficient safety to stop access onto railway line.
- We have concerns with the bin store being located so close to the bedroom window of unit no. 2.

**Network Rail**

No comments received

**Planning Policy**

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. The Pre-submission Havant Borough Local Plan (HBLP) was approved by the Council

on 30 January 2019 and can be afforded limited weight.

The following policies are of particular relevance:

- . CS2 - Employment
- . DM3 - Protection of Existing Employment and Tourism Sites
- . CS6 - Regeneration of the Borough
- . CS9 - Housing
- . CS16 - High Quality Design
- . CS19 - Effective Provision of Infrastructure
- . CS21 - Developer Requirements
- . DM 10 - Pollution
- . DM13 - Car and Cycle Parking on Residential Development

In the Pre-submission Plan the following policies are of particular relevance:

- . C11 Protection of existing employment sites
- . H1 High quality new homes
- . H3 Housing density
- . E11 High quality design
- . IN1 Effective provision of infrastructure
- . IN3 Transport and parking in new development
- . E22 Amenity and pollution

In addition to the above, the Council published changes to the Pre-Submission Plan which were approved at Full Council on 9 September 2020.

These changes to the Pre-Submission Plan are considered to have limited weight in development management. This is because they are intended to address the main issues arising from the Regulation 19 consultation at the beginning of 2019 and indicate the direction of travel of the Local Plan.

Principle of Development: The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan, and emerging policy E3 in the emerging Local Plan. As such, there is a presumption in favour of sustainable development, subject to other material considerations.

Housing Land Supply: It is noted that the submitted Planning Statement refers to the Borough's housing need of 963 dwellings per annum under the revised standard method 1 for calculating housing need. However, it should be noted that these are consultation proposals and do not currently form part of the national policy or guidance framework, nor do they have any weight in decision making.

The proposed changes to the Pre-Submission HBLP make provision for 10,433 dwellings over the plan period (2016-2037), based on a minimum annual housing need requirement of 504 dwellings per annum (dpa) from the current year going forwards.

Loss of employment: Given the building's last use for office purpose (Class E), ALP Policies CS2 and DM3 and C1 in the HBLP Policy C1 apply. These policies seek to safeguard existing employment sites and that are fit for purpose from development proposals for non-employment uses.

Specifically, Policy DM3 indicates that development of employment sites will only be permitted where it is demonstrated the land or premises are not fit for purpose and are financially unviable. This should generally be covered by an exhaustive marketing process for a minimum of a 12-month period. This requirement is carried forward in the emerging Local Plan as one of three criteria under criterion c - which must be met in

order to justify the loss of employment provision.

Paragraph 6.10 of the Planning Statement provides some limited commentary on the marketing exercise undertaken, but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2 and DM3 and emerging Policy C1 :

<b>Marketing evidence requirement</b>	<b>Comment</b>
An official confirmation by the marketing agent that the premises were appropriately and extensively marketed with no reasonable offer for sale or rent.	Appendices Band C relate to correspondence from AJ Lettings and Sales Ltd and Hellier Langstone respectively. They do not provide confirmation of the marketing period, nor do they detail on what basis the property/units were marketed.  It is also noted that planning permission was granted for an extension in March 2019 to improve the marketability of the facility, but this has not been evidenced.
An enquiry log, how it was followed up and why it was unsuccessful	Appendix B includes a list of reasons why there has been "very little success" in letting the units/suites over the last year. This does not relate to the marketing exercise, nor constitute an enquiry log.
Evidence of extensive marketing through the internet e.g. screenshots from online advertisements and accompanying analysis of activity.	Appendix A contains screenshots of "Various Adverts over previous 12 months". These are not dated, and no source is given to verify whether the websites are appropriate. No analysis of activity associated with the online marketing is given.

In addition to the above, it is noted the submitted Planning Statement considers the supply of employment land in Havant Borough, and concludes there would not be adverse harm resulting from the loss of office space. Whilst it is noted that this may constitute a material consideration, it does not address the relevant criteria in the policy.

As such, a policy objection would arise in the absence of evidence which satisfactorily demonstrates that an active and realistic marketing exercise has been carried out in line with the requirements of ALP Policies CS2, DM3 (ALP) and emerging HBLP Policy C1.

Design: Both the adopted and emerging local plan require high quality design in all development under policies

- . CS16 High Quality Design (Core Strategy)
- . E1 High Quality Design (HBLP)

Noise and Amenity Considerations: It is noted the southern boundary of the site adjoins the railway line, and as such there would be the potential for prospective occupiers to be subject to noise and vibration. Indeed, it is the main issue which has arisen in previous appeals for the residential development of the site. ALP Policy DM10 and HBLP Policy E22 are therefore of relevance in terms of whether there would be likely to be a significant negative effect on the amenity of the future occupiers. The Council's Environmental Health Team should be consulted accordingly.

In addition, it is noted that paragraph 6.23 of the Planning Statement suggests that would not be appropriate. Indeed, it is noted Paragraph 14 of the appeal decision 2191295 states *"the rear grassed area would provide a very poor environment for*

*amenity purposes.* " However, it is also noted that emerging HBLP Policy H1 indicates that sufficient private and/or communal outdoor amenity space should be provided and should be of a sufficient size and quality for the use by occupants.

Paragraph 6.14 of the supporting text indicates that for flatted developments that this should be a minimum of 1.5 sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom. In this respect, it is noted that the Borough's Design Guide indicates that the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens.

Parking: The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD. Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3

### Summary

In the absence of satisfactory evidence to demonstrate an active and realistic marketing exercise, a policy objection would arise in the context of ALP Policies CS2 and DM3 and emerging HBLP Policy C1. Notwithstanding the oversupply of employment land in Havant Borough, I do not consider this to be a sufficient to justify the loss of employment in policy.

Furthermore, the site is clearly subject to some substantial noise constraints which affect the site's suitability for residential development. Furthermore, it is noted that this may have an impact on the practicability of outdoor amenity space, and therefore the quality of housing to support the health and wellbeing of its occupants. However, it is considered unlikely that a policy objection could be sustained on that basis.

### Nutrient Team:

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00875.

### **Portsmouth Water Company**

#### Site Setting

The site lies on Made Ground overlying Superficial Deposits, which in turn overlie Bedrock. The Superficial Deposits are Head (Clay, Silt, Sand and Gravel) deposits and the Bedrock consists of London Clay Formation. The geology underlying the site is classified as an Unproductive Aquifer overlying a Principal Aquifer.

The site is located in Source Protection Zone 1c (SPZ1c) for an essential public water supply source. The 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 and the local public water supply source.

#### Portsmouth Water's Position

Portsmouth Water would not object to the proposed development in principle, however due to the sensitivity of the groundwater environment we would wish to be further consulted on any piling or deep infiltration drainage for the site.

#### Drainage

No information has been provided on the surface water drainage strategy for the site.

Portsmouth Water would have a presumption against the use of deep bore soakaways at this site and the discharge of surface water into ground where adequate pollution prevention measures are not in place. If deep bore soakaways are proposed the application must be accompanied by detailed plans and a hydrogeological risk assessment stating how risk to groundwater have been assessed and mitigated through design.

Portsmouth Water will only agree to the use of deep pit based systems (including boreholes or other structures that bypass the soil layers) 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) or drainage fields/mounds (for effluents) 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.

Reason: The proposed development lies within an area of sensitive groundwater used for human consumption. Deep infiltration systems can provide a pathway for contaminants. Any contamination present may pose a risk to groundwater underlying the site and to the surrounding drinking water supplies.

The proposed foul water strategy is discharge into the existing foul main sewers; this is acceptable to Portsmouth Water in relation to groundwater protection. Portsmouth Water require the use of the highest specification pipework and designs for schemes involving new sewerage systems in SPZ1 to minimise leakage.

### Piling & Foundations

The proposed site is situated in a sensitive groundwater catchment and there are potential significant risks associated with groundworks in this area.

Portsmouth Water would have no objection to piling at this location if the piles terminate within the Clay cover, if the piles penetrate the full depth of the Clay cover we would expect a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) to be submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

*Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways.*

### **Public Spaces**

No comments received

**Waste Services Manager**

No comments received

**6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 1 representation of objection (2 names), 1 representation of support.

<b>Comment</b>	<b>Officer Comment</b>
<b>Objection</b>	
Over intensive use of small site causing too many cars needing parking and insufficient spaces.	See part 7 of this report relating to parking.
<b>Support</b>	
As a local Bedhampton resident for the last 3 years, I would like to write to support the planning application that I see whilst walking my dogs, that has been made on the Aura House site for additional housing.  I think this is just what this community needs, more smaller affordable housing for younger people of lower incomes to get a foot on the property ladder. I know most people write to oppose but I would like you to accept my email as a thumbs up as a local resident.	Noted - see part 7 of this report regarding housing.

**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) Housing land supply
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity including noise and vibration issues



- (v) Loss of business floorspace
- (vi) Highways and parking
- (vii) Ecological matters
- (viii) Other matters

(i) Principle of development

7.2 The application site is situated within an urban area as defined by policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and AL2 of the Havant Borough Local Plan (Allocations) 2014 where further development is considered acceptable subject to the usual development control criteria. In this case there are a number of detailed considerations pertinent to the residential use proposed which are detailed below.

(ii) Housing land supply

7.3 The Borough's five year housing land supply was updated in February 2021. This shows that the Borough has a 4.8 year housing land supply with a 5% buffer applied and so does not have a five year housing land supply.

7.4 The proposal would result in the provision of 6 residential units and it is recognised that the development would therefore make a contribution towards the Councils housing need. Given the limited scale of the development this contribution would be relatively modest.

(iii) Impact upon the character and appearance of the area

7.5 The site is located in a prominent position to the south of New Road in Bedhampton and to the east of the Bedhampton Level Crossing in West Street. There are clear views of the site therefore from the south-west, west, north and north-east with the bend to New Road making the site particularly prominent to pedestrians and from vehicles approaching from the south-west. The site is also viewed from the railway line which runs to the south of the site.

7.6 The site is triangular in shape and has a limited depth. In recent years, as can be seen from the planning history, it has been developed for commercial office use (residential uses being considered inappropriate, in particular because of concerns over impacts from the adjacent railway and road). The commercial use of the site has been supported by the Council and this has included the conversion of existing buildings and the erection of a purpose built office building. As a result of these developments the site is now fully occupied by the office buildings and their associated car parking. The buildings have been maximised in terms of floorspace as can be seen from their design which takes the form of a 'stepped' footprint alongside the railway line to maximise the site coverage.

7.7 The proposal includes the provision of an extension to the north-eastern part of the building. This extension was approved previously under planning permission reference APP/18/00449 for a *2-storey extension to existing property to create additional separate individual office space*. The extension has not been implemented. The proposed elevations indicate a change to the materials to the extension with render to the north east and south east elevations rather than the brick shown on the previously approved scheme. This would match other elements of the building. The principle of the extension has therefore previously been accepted.

- 7.8 The area fronting New Road is mainly residential in character in the vicinity of the site. The most prominent building on the application site is the two storey office building which is set approximately 5.8m back from the pavement fronting New Road. This building is of domestic scale and is in proportion to the residential frontage to New Road. It is symmetrical in design with a central gable and slightly set back wings, all with pitched roofs. Tile hanging and good quality bricks help to provide an attractive appearance to the building and break up its apparent mass and bulk. To the east of this building is a less prominent two storey building set approximately 10.6m back from the pavement to New Road. This building is relatively recessive in the street scene when compared to the larger and set forward main building.
- 7.9 The current proposal includes a two storey extension to the north-eastern end of the site located between the existing office building and No.2 New Road, an end of terrace two storey dwelling. This extension has previously been approved under planning permission APP/18/00449 for office use. The extension would be set slightly back from the existing two-storey gable fronted original office building and would be viewed from New Road as a slightly recessive element with the front wall set slightly back and with a roof hipped back from the road elevation. The proposed materials would be render and part tile hanging to first floor (front) and interlocking roof tiles. There would be a front dormer window, picking up on an existing frontage dormer on the building.
- 7.10 Overall the design of the proposed extension is considered acceptable in its own right and would draw inspiration from existing development and overall respect its local context - furthermore the extension would have the same siting, scale and design as the previously approved extension.

(iv) Impact upon residential amenity including noise and vibration issues

- 7.11 There are two main aspects to consider in relation to residential amenity, the impact on No2 New Road and the acceptability of the development for future residents.

Impact on No.2.New Road

- 7.12 The proposed extension is located to the eastern end of the site and adjacent to the end of terrace two storey residential property No.2 New Lane. It is therefore important to consider the impact on this property which is the most affected dwelling as a result of the proposed development. It should however be noted that this impact in terms of the built form has been previously assessed in relation to planning permission APP/18/00449 and found to be acceptable.
- 7.13 The proposed extension would be sited to the south east of No.2 and be set approximately 2.3m from the side wall of this property. The extension would have a height to ridge height of approximately 6.7m and this would match that of the building to which it would be attached and has lower eaves and ridge heights than No.2. The extension would be set well back from the frontage of No.2 and would incorporate a ground floor window on the facing elevation. Given the low boundary treatment and the fact that the window would serve a lounge which has another window it is considered appropriate to require that this window be obscure glazed and fixed shut or fitted with a restricted opening if permission were to be recommended.
- 7.14 No.2 has a part glazed door and window and a further window facing the application site. The part glazed door and window would mainly face the application site frontage rather than directly the extension. There was concern that the second window would face the flank wall of the extension and appears to be the only window serving a kitchen. No.2 is understood to be in the ownership of the applicant and therefore the

possibility of providing an additional rear (south-east facing) window to serve this room has been explored previously in relation to planning application APP/18/00449 and this window has been shown on the Block Plan. If planning permission had been recommended a condition would be recommended to secure this and subject to this condition and the obscure glazing condition the impact on residential amenity would be considered to be acceptable.

- 7.15 It is not considered that the proposed residential use would result in a level of activity beyond that previously approved in relation to the business development.

#### Future Residents

- 7.15 In relation to the acceptability of the development for future residents there are considered to be three main aspects, noise/vibration impacts, private amenity space and internal space and nationally described space standards, these are assessed below:

#### Noise/vibration impacts

- 7.16 The site is located adjacent to the Portsmouth- Waterloo and South Coast railway line to the south and New Road (B2149) to the north, a busy road. To the south west is the Bedhampton Level Crossing and Bedhampton Station. Stopping trains decelerate and accelerate from the station. The application has been submitted with an Environmental Noise Impact Assessment. The assessment included a survey of background noise carried out 21st - 25th February 2020 (before the first national lockdown) at two positions at the front of the site and rear of the site to establish the underlying background noise levels. This established maximum day time levels were found to be 65.4 dB and the maximum night time levels of 56.8 dB at the front of the site and 65.9 dB (daytime max) and 63.0 dB (nighttime) at the rear of the site.
- 7.17 The report then calculates Potential Facade Noise Levels with Average Daytime (07.00-23.00) highest potential facade noise level given as 67 dB and it is noted that 63-70 dB is classed as Noise Risk Category 2 - Medium. The Average Nighttime (23.00-07.00) highest potential facade noise level is 62 dB with Maximum (10 times) 84.8 dB and it is noted that more than 60 dB and more than 80 dB (10 times in 8 hours) are noted as Noise Risk Category 3 - High.
- 7.18 The report states that *this site is located within Noise Risk Category 2 which suggests a Medium level of risk for daytime levels and Noise Risk Category 3 which suggests a high level of risk for night time levels. Therefore, further mitigation levels will be required....*The report then sets out mitigation measures to seek to address noise concerns.
- 7.19 The mitigation proposed relates to a glazing and ventilation specification. This is set out in the Environmental Noise Impact Assessment where two different specifications are provided relating to the front facade facing New Road and the rear and side facades facing the railway/level crossing etc. The report states that:

*The development should be designed with a 6mm glass / 6 - 16mm air gap / 4mm glass double glazed windows and a Titan V75 / C75 as shown above in blue (Front Facade facing New Road) and a 10mm glass / 16mm air gap / 8.8mm glass & Greenwood MA-3051 wall vent as shown in red (Rear and side facades facing railway/level crossing etc.) above in order to comply with the L<sub>Amax</sub> levels as shown in section 9.22 or similarly approved to all rooms to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.*

- 7.20 Effectively the report concludes that to mitigate the impact of noise on the various elevations of the building a different specification of glazing and ventilation is proposed to the two different areas, reflecting their exposure to noise from road and railway. These measures are aimed at providing an acceptable living environment within the flats for residents by mitigating the impact of external noise sources.
- 7.21 The Environmental Health team have assessed the proposal in relation to noise and comment that the acoustic report confirms high noise levels to all facades of the building, facing the railway and New Road. The noise levels at the site are excessive and a suitable internal noise environment can only be achieved in compliance with BS 8233:2014 with specialist glazing on both facades and ventilation.
- 7.22 It is noted that the proposal in seeking the conversion of an existing building rather than designing a scheme to occupy an undeveloped or re-developed site results in no opportunity to design the residential development to seek to minimise exposure to noise. It is however recognised that this would be difficult in relation to the application site in any case due to its relatively constricted size and shape and the fact that noise sources impact the front and rear of the site (this is reflected in the previous refusals of new build residential schemes set out in the planning history).
- 7.23 The means of achieving lower noise within the building is to provide acoustic glazing that would need to remain shut to minimise noise with ventilation via wall or window vents. These relatively modestly sized flats are therefore provided with unusually restricted internal environments. ProPG: Planning & Noise Professional Practice Guidance on Planning Noise New Residential Development May 2017 provides advice in relation to such solutions in paragraphs 2.21 and 2.22:

*2.21 Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements.*

*2.22 Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.*

- 7.24 Whilst the windows in this development could be opened this would be at the expense of the internal noise environment. As pointed out by the Environmental Health response:

*Future occupiers of the flats will not be able to open their windows to provide suitable fresh air, flush out smells or odours, or have the ability for greater flow of air in summer unless they want an excessively loud noise environment. The current orientation of the development means each flat has windows on both the railway and road façades with no respite.*

- 7.25 The site's suitability for residential use in terms of noise has also previously been considered both by the Council and at appeal by the Planning Inspectorate.

Application Ref: APP/10/00890 - Construction of 1No. 2 bed dwelling and 2No. 1 bed flats with new access to New Road, associated car parking, bin storage and cycle storage; was refused planning permission on the 12th January 2011 with four reasons for refusal. The noise reason for refusal read as follows:

*The site is located in close proximity to the Portsmouth to London (Waterloo) railway line and to the B2149 (New Road) and the levels of noise recorded on the site indicate that it falls with Noise Exposure Category (NEC) C of Planning Policy Guidance Note 24, Planning and Noise and as such, planning permission for housing should not normally be granted. In addition the levels of noise, dust and vibration affecting the site in association with the design of the flats proposed, which are limited in terms of both internal and external amenity space, would result in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would be contrary to Planning Policy Guidance 24 (Planning and Noise), Policy CC1 and CC6 of the South East Plan and saved policy 01 of the of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.*

- 7.26 The application was subject to an appeal and the Inspector's Decision Notice dated 15th August 2011 stated in relation to noise:

*This is clearly a noisy site, the road was consistently busy during my site visit and I was able to watch a train running through the station as well. The appellant's noise consultants have produced a report which finds the average Laeq measurement for the daytime is 62.8 dB. This places the site just within the 55-63 dB limits of zone B as described in Annex 1 of Planning Policy Guidance Note 24 Planning and Noise. This zone is essentially where development can go ahead with appropriate conditions to mitigate against any noise nuisance.*

*The Council however, state that this average has been calculated as an arithmetical mean of the individual, hourly measurements. As the units are logarithmic in scale they cannot simply be added up and divided to reach an average. Using logarithmic calculations the Council arrive at a figure of 63.4dB, which places the site within zone 'C where development would not normally be allowed.*

*Although the appellant states the noise consultants supplementary document specifically addresses the Council's reason for refusal which deals with noise, nowhere does it comment on the fundamental argument that the calculations are incorrect, nor do the appellants final comments. Consequently, on the basis of the evidence before me I can only conclude the site lies within Zone C.*

*Although paragraph 8 of PPG24 states that categories B & C deal with "situations where noise mitigation measures may make development acceptable", category C in Annex 1 is described as where planning permission should not normally be granted. It is envisaged planning permission would only be considered where, for example, there are no alternative quieter sites. There is no suggestion that it is imperative in any way that this site should be used for housing. Consequently, I consider the site falls in Zone C where planning permission should not normally be granted. This is sufficient on its own to suggest the appeal should be dismissed.*

- 7.27 Application APP/12/00736 related to the Construction of 1No. two storey building containing 2No. 2 bed flats with associated car parking, bin and cycle stores, landscaping and 2m acoustic fence, with access to New Road; was refused planning permission on the 19th September 2012 for two reasons. In relation to noise and

vibration the reason was as follows:

*The site is located in close proximity to the Portsmouth to London (Waterloo) railway line and to the B2149 (New Road) and due to this the levels of noise recorded on the site are not acceptable for a housing development when there are alternative sites more suitable for housing within the Borough. In addition the levels of noise, dust and vibration affecting the site in association with the use of the external amenity space, would result in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would be contrary to Policy CS16 and DM10 of the Core Strategy, which forms part of the Havant Borough Local Development Framework and The National Planning Policy Framework, March 2012.*

7.28 The refusal was again subject to an appeal and the following comments from the Inspector are considered relevant:

*..... the outstanding main issue in this appeal is whether or not the development would provide for a satisfactory living environment for the residents of the flats having regard to the noise levels present on the site arising from the proximity of the railway line and the main road and whether appropriate mitigation measures could be employed to alleviate any such nuisance to an acceptable level.*

*In his decision my colleague described the site as 'clearly noisy' being sandwiched between the busy main road and the main railway line both of which lie in very close quarters to the proposed building. At that time Planning Policy Guidance Note No 24 (Planning and Noise) (PPG24) was in force and the Framework had been published in draft. After examining the evidence before him the Inspector concluded that the site lay within Zone C of PPG24 where planning permission for residential development should not normally be granted. In these circumstances, he continued, a grant of planning permission should only be considered where there are no alternative, quieter sites. In the absence of any suggestion that such was the case, he determined that on that issue alone the appeal should be dismissed.*

*Since then the noise levels present at the site will not have decreased. Notwithstanding, the appellant states that in the present scheme the development has been specifically designed to render it as being acceptable on this issue. Particularly, the flats would be predominantly single aspect with acoustic insulation, with special glazing and ventilation systems and the construction of a 2m high acoustic fence on the boundary with the railway line. The previous proposal provided only for standard, double-glazed units which would have been ineffective when opened. The previous Inspector commented that 'a complete redesign' of the development would be required to overcome the noise problems. It is contended that this has been achieved.*

*The appellant's acoustic consultants point out that many developments are now positioned close to railway lines and motorways and have non-opening windows. A satisfactory living environment is capable of being provided in this development with the special measures being implemented. It was assessed that with the acoustic fence in place compliance with the World Health Organisation document could be achieved. With the cancellation of PPG24, the previous categories of Zones Band C no longer apply and the evaluated planning category of the development within Zone C should be taken as being for guidance purposes only.*

*The appeal site is highly constrained in its development potential because of its location. I acknowledge that the design of the building, the installation of appropriately manufactured and installed, non-opening fenestration, the use of an artificial*

*ventilation system and the erection of an acoustic fence on the southern boundary of the site are, in combination, measures which would be capable of mitigating the noise nuisances generated by the railway line and the road to an acceptable level within the flats. However, these measures would come at some cost to the living standards of the residents of the units.*

*Particularly, and notwithstanding the acoustic fence, the rear grassed area would provide a very poor environment for amenity purposes with trains passing at frequent intervals and sometimes at speed within very close proximity. This aspect of the development would be in conflict with the Council's Design Guidelines SPD which requires flats to have an outside amenity space in the form of a garden or balcony. I agree with the Council that the use of the rear amenity area would be so adversely affected by the noise and intrusion from passing trains that it could not be used in any beneficial way as an amenity area for recreational or relaxation purposes. The use of a forced air system to provide adequate ventilation to the kitchen and dining area for the ground floor flat would be less than satisfactory and would create an oppressive and claustrophobic environment for the residents.*

*In my conclusion the development of the appeal site in the manner proposed falls well short of providing what should be regarded as an acceptable living standard for its residents. Whilst it may be technically possible to mitigate the noise nuisance to an appropriate level within the building, that would come at a considerable cost in terms of design and the very poor internal environment which would result. Additionally, the rear amenity space would be so poor in terms of its ability to be enjoyed that it would be of very little if any benefit to the living conditions of the occupants.*

- 7.29 It is clear from the two appeal decisions that appeal inspectors have considered the site noisy and that it has not been considered that mitigation measures employed would result in a satisfactory living environment for future residents at this site. In particular, it has been concluded that whilst it may be technically possible to mitigate the noise nuisance within the building this comes at a considerable cost and poor internal environments. This is still considered to be the case with the current proposals where a noise environment that is suitable internally is only achieved by closed windows to relatively modest flats.

#### *Vibration Issues*

- 7.30 At the time of writing further comments in relation to vibration issues are awaited from the Council's Environmental Health Team. It is noted that previous residential schemes have been refused in relation to noise and vibration. Members will be updated in relation to any further comments received.

#### *External Environments / Amenity Space*

- 7.31 The proposal includes no shared or private external amenity space for future residents. This is a product of the constrained nature of the site and the amount of built form contained within it. It is noted that in application APP/12/00736 a limited amount of external amenity space was proposed adjacent to the railway line and acoustic fencing was proposed to the boundary line. As set out above the appeal Inspector considered that this area would provide a very poor environment for amenity purposes.
- 7.32 The Havant Borough Council Borough Design Guide SPD 2011 considers external amenity space. Paragraph 5.12 states:

*All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.*

Paragraph 5.14 relates specifically to apartments;

*Where ground floor apartments are being proposed the applicant should endeavour to provide private gardens for individuals where possible. When not possible communal gardens should be provided, with safe and convenient access for residents.*

Paragraph 5.15 states:

*In addition, the design of apartments should incorporate balconies where possible, particularly in the absence of communal gardens. However, balconies are not acceptable everywhere, particularly in historic and conservation areas.*

- 7.33 The emerging Havant Borough Local Plan currently carries little weight, however, policy H1 (High quality new homes) also considers external amenity space and states (amongst other matters):

*Residential Development will be expected to improve the provision of:*

- b. Sufficient private and/or communal outdoor amenity space;*

Paragraph 6.14 continues:

*For flatted developments, the Council's Healthy Borough Assessment sets out that this should be a minimum of 1.5sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom.*

- 7.34 The proposed development makes no provision for outside amenity space within the site and furthermore there is no opportunity to provide suitable outside amenity space that would produce an acceptable environment for use. Whilst it is recognised that some building conversions to residential use provide more limited options for external amenity space, it is considered particularly important as a means of release to fresh air where residents are effectively living in units unable to open windows without significant noise / pollution impacts.
- 7.35 With regard to the other space around the residential building, it is noted that the areas to the front and west of the building are dominated by parking and turning areas with vehicles maneuvering and parking close to the front of the ground floor units. Given the constrained nature of the space, such vehicle maneuvering is likely to be increased to allow vehicles to leave to the busy New Road in a forward gear. Again it is considered that this arrangement allows for very limited opportunity for release for residents from their constrained and noisy environment.
- 7.36 In relation to the size of internal space the application has been assessed against the Technical housing standards - Nationally described space standards. The 1 bed 1 person units range from 37.3 - 44.2sqm this would meet the 37sqm minimum requirement for a 1 bed one person unit with shower room. The 2 bed 3 person flats range from 61.49 - 62.45sqm meeting the minimum requirement for 61sqm floorspace. It is noted however that the flats are relatively small, lying at the lower end of the ranges allowed for in the standards and further increasing the concerns over the lack of external amenity space.
- 7.37 Overall, it is considered that the development would fail to provide an appropriate



living environment for future residents.

(v) Loss of business floorspace

7.38 The site has been developed over a number of years for office use starting with application APP/13/01277 for independent commercial use (office and car parking). A two storey office block was permitted under application APP/14/01004 in 2014, and an infill extension was granted in 2015. Further two storey extensions were granted in 2017 (APP/17/00972) and 2019 (APP/18/00449) although these latter permissions are understood not to have been implemented.

7.39 At the time of the consideration of the most recent consent APP/18/00449 (considered at the Development Management Committee on the 18th October 2018) the submitted Design and Access Statement dated October 2018 stated:

*There appears to be a requirement for small dedicated office units within the area and the existing development is full and in constant demand for additional space. 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 these job opportunities. The business case for this development is sound and is supported by the council's own corporate strategy.*

7.40 The current application is supported by a Planning Statement which details an over supply of business floorspace in the Borough, and argues that the proposals would only result in the loss of 241sqm of office floorspace; that there is an evidenced lack of demand borough wide and at this site specifically; and that where there is still demand is in higher profile areas and not at the application site. Furthermore the site has not been allocated for employment. The statement considers that the loss of a small amount of employment floor space within a predominantly residential area would not be harmful and that this is further illustrated by the attempts to market the site where there has been no shown interest. It is also stated:

*It should also be noted that the previous planning application to expand the office floor space was sought in the hope that it would improve the marketability of the building. As evidenced throughout this statement and appendices, this unfortunately has not been the case. Little interest has been shown despite efforts to expand the viability of the office use which further demonstrates that the office is no longer fit for purpose.*

7.41 In relation to the impact of Covid-19 the planning agent states that this has had a considerable impact on the need for office space and concludes that: *It is appreciated that these are new circumstances, however, it is important to recognise that the less than optimistic stance of achieving B1 occupants before the pandemic will have regressed further where the demand has dramatically decreased. This downward trend is likely to continue.*

7.42 As set out in part 5 of this report, the loss of business use has been considered by the Council's Planning Policy Team. Policy CS2 of the Havant Borough Local (Core Strategy) 2011 states that:

*Planning Permission will be granted for development proposals that (amongst other matters):*

*5. Safeguard existing employment sites and allocations that are fit for purpose from development proposals for non employment uses*

It is clear from this that existing employment sites, whether allocations or otherwise, are protected by this policy. It is also noted that the buildings on site provide modern small business floorspace.

7.43 Policy DM3 specifically relates to *Protection of Existing Employment and Tourism Sites*. This states:

*The change of use or development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. Where it is clearly demonstrated that the site is no longer suitable for B use class employment, other types of economic development should be considered in the first instance. These uses will be expected to provide employment opportunities of similar quality and quantity as those which previously existed. Only if another type of economic development cannot be found which provides similar quality and quantity of employment opportunity, will other uses then be considered.*

It should be noted that following changes to the Use Classes Order Class B has now become Class E, however the policy continues to protect the formerly B class uses on the site.

7.44 Policy DM8 provides requirements in relation to the marketing exercise required:

*For both employment and tourism sites this shall be demonstrated through an active and exhaustive marketing process covering at least 18 months for a major site and 12 months for all other sites.*

*In all cases the marketing process requires as a minimum:*

- 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.*

This site is not considered to constitute a major site and therefore a 12 month marketing period is considered appropriate.

7.45 Paragraph 6.10 of the Planning Statement provides some limited commentary on the marketing exercise undertaken, but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2 and DM3. The Planning Policy consultation comments provide details of the concerns in relation to the information provided.

7.46 The history of the site's continued expansion for business purposes, the previously asserted demand for such uses and the fact that the premises are modern and designed for business use, is considered to weigh against any conclusion that a residential use would be appropriate. This would lead to the loss of employment opportunities and as set out above is considered to provide inappropriate living conditions for residents. The implications of Covid 19 in the longer term on the demand for offices, particularly for small scale offices likely to be suitable for start up business,

is not clear at this stage. It is not considered that the Covid 19 impacts have been demonstrated to justify the loss of business floorspace which provide employment opportunity. Finally, the applicant has been requested to provide information as to the current occupancy and last use of the units and members will be updated in relation to these matters.

(vi) Highways and parking

- 7.47 The site is served by an existing access onto New Road and this is not shown to be altered as a result of the development. The frontage of the site is currently hard surfaced and used for car parking in association with the business uses.
- 7.48 The proposed plans indicate amended parking and include cycle and bin stores. The layout would not allow for the access of refuse lorries onto the site and turning, however, the proposed bin stores would be relatively accessible from New Road and bins could if required be moved to a collection point on bin collection day if required.
- 7.49 HCC Highways confirm that: *The trip rates associated with the change of use from office to residential flats is not considered to have a severe impact on the local highway network.*
- 7.50 In relation to car parking, the proposal has been assessed in relation to Havant Borough Council Parking SPD 2016 (partially updated September 2019). For dwellings with allocated parking as is the case here, table 4A sets out the following requirements:

- 1 Bed unit - Minimum Car Parking Requirement - 1 Space
- 2 Bed unit - Minimum Car Parking Requirement - 2 Spaces

This would equate to 8 spaces being needed (4 x 1 bed and 2 x 2 bed units)

The current layout provides 1 space per unit (total 6 spaces) and therefore is deficient by two spaces. Provision is made for one electric vehicle charging point and although this does not meet the requirement in the emerging Havant Borough Local Plan policy ING3 for allocated parking, given the limited weight of the plan the proposed provision is considered acceptable.

- 7.51 The Parking SPD does recognise that in some highly accessible areas lower parking requirements may be appropriate (this is particularly the case in Town Centres) and table 3.1 provides a list of More Accessible to Less Accessible areas. Bedhampton Train Station (adjacent to the site) comes out fifth in the list of accessibility (behind Havant Town Centre, Waterlooville Town Centre, and Emsworth Town Centre) and is therefore considered relatively accessible. On balance the deficit of two parking spaces in this relatively sustainable location with train and bus services nearby is not in itself considered to warrant a reason for refusal.

(vii) Ecological matters

- 7.52 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications

HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

- 7.53 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.54 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.55 As the recommendation is to refuse planning permission these matters have not been pursued further at this stage and a reason for refusal based on the need to provide appropriate mitigation is recommended. If the recommendation to refuse permission is not agreed then it would be necessary to secure the appropriate S106 agreement and contributions prior to the issuing of any planning permission to ensure compliance with the Habitat Regulations.

(viii) Other matters

- 7.56 The application results in an additional floorspace increase and conversion of an existing office building which has been occupied for 6 continuous months in the previous 36 months. The development would be CIL liable for the additional floorspace. The liability should permission be granted would be £5,470.71.
- 7.57 Southern Water raise issues of sewer protection (the sewer runs to the south east part of the site). It is not anticipated that the sewer would be impacted. Had planning permission been recommended an informative to alert the applicant to this feature and in relation to requirements for connections to Southern Water's network would have been recommended. Portsmouth Water raise issues in relation to the potential of the development to impact the Aquifer and these matters could have been covered by the imposition of appropriate conditions should planning permission have been recommended.
- 7.58 The Hampshire Constabulary Crime Prevention officer has raised concerns in relation to the security of the cycle store, this is now in a more overlooked position and had permission been recommended a condition in relation to ensuring a secure design could have been imposed. Issues of lighting could also have been addressed with suitable conditions.
- 7.59 The Landscape officer also raises the overlooking of the bike store. In addition improved fencing to the railway line could have been addressed by condition had permission been recommended. The bin store has been slightly repositioned to improve the relationship to flat 3.

## 8 Conclusion

- 8.1 In conclusion, whilst the development would make a relatively modest contribution to housing land supply and would have an acceptable impact on the character and appearance of the area, the resulting residential accommodation would result in an unsatisfactory living environment for future residents. The proposal would also result in the loss of business floorspace which has not been adequately justified. Finally impacts on the SPA have not been adequately addressed at this stage in terms of recreational pressure and the water environment. The application is therefore recommended for refusal.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00875 for the following reasons:

- 1 The site is located in close proximity to the Portsmouth to London (Waterloo) and South Coast railway line and to the B2149 (New Road) and as a result is subject to significant levels of noise which are considered unsuitable for a residential use of the building. In addition the levels of noise affecting the site would result in mitigation measures in the form of glazing and ventilation which would result in internal living conditions that would produce a poor environment for residents who would be unable to open windows without resulting in unacceptable noise impacts. Furthermore the development does not provide any external amenity space and would be dominated by parking and manoeuvring of vehicles to the front and the railway to the rear, again resulting in an unacceptably poor living environment for the occupiers of the proposed residential units. As such, the proposal would be contrary to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014, the Havant Borough Design Guide SPD 2011, the National Planning Policy Framework and Planning Practice Guidance - Noise.
- 2 The proposed change of use from Business use to Residential use would result in the loss of employment opportunities. On the basis of the information available, it has not been demonstrated that the loss of employment floorspace is justified. The proposal therefore conflicts with Policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.
- 3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan), Policy E16, EX1 and E12 of the emerging Havant Borough Local Plan, paragraph 175(a) of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).

**Appendices:**

Appendix A: Location Plan

Appendix B: Site Plan

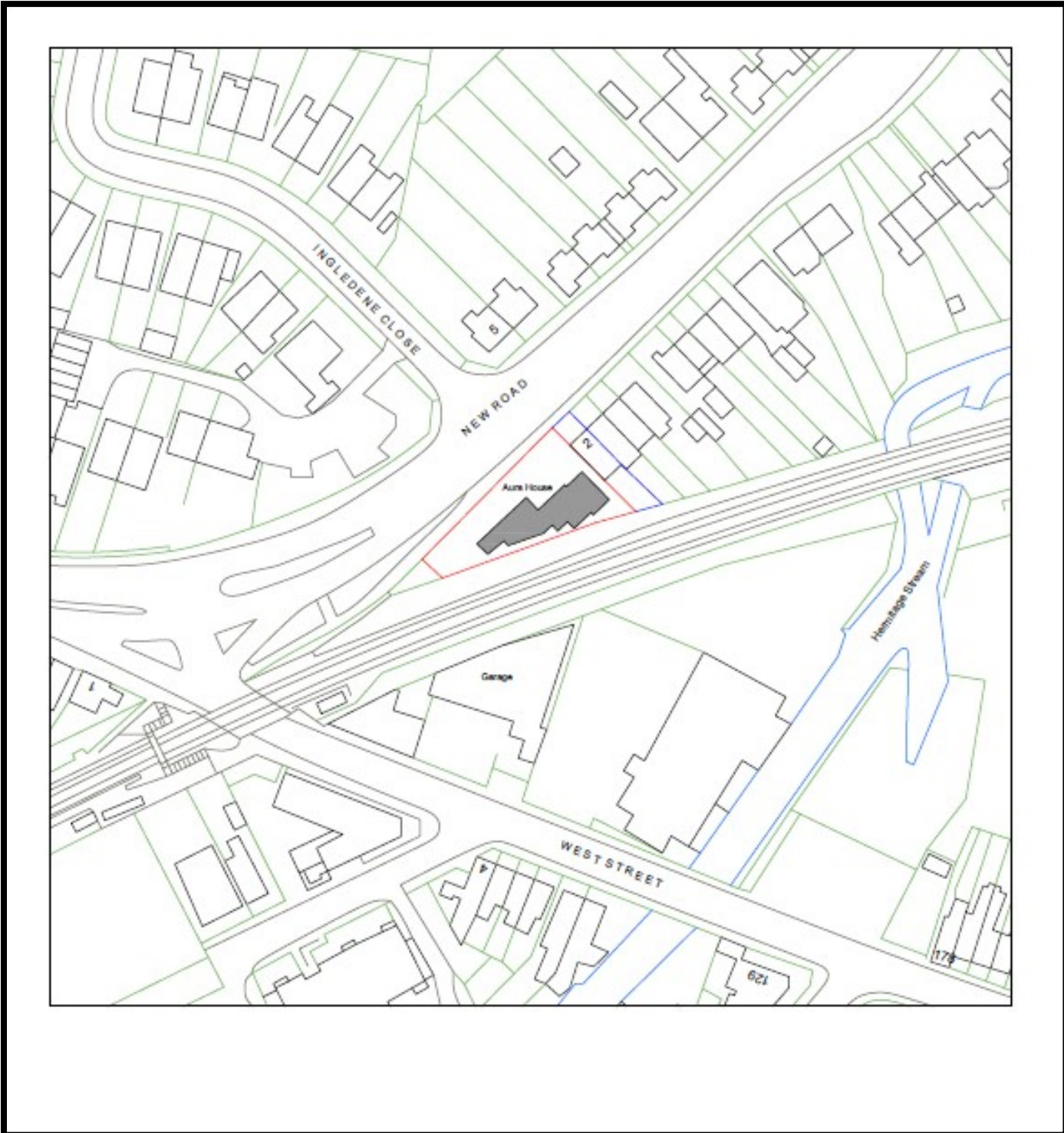
Appendix C: Existing Floor Plans (Including Extension Approved under APP/18/00449)

Appendix D: Proposed Floor Plans

Appendix E: Existing Elevations (Including Extension Approved under APP/18/00449)

Appendix F: Proposed Elevations

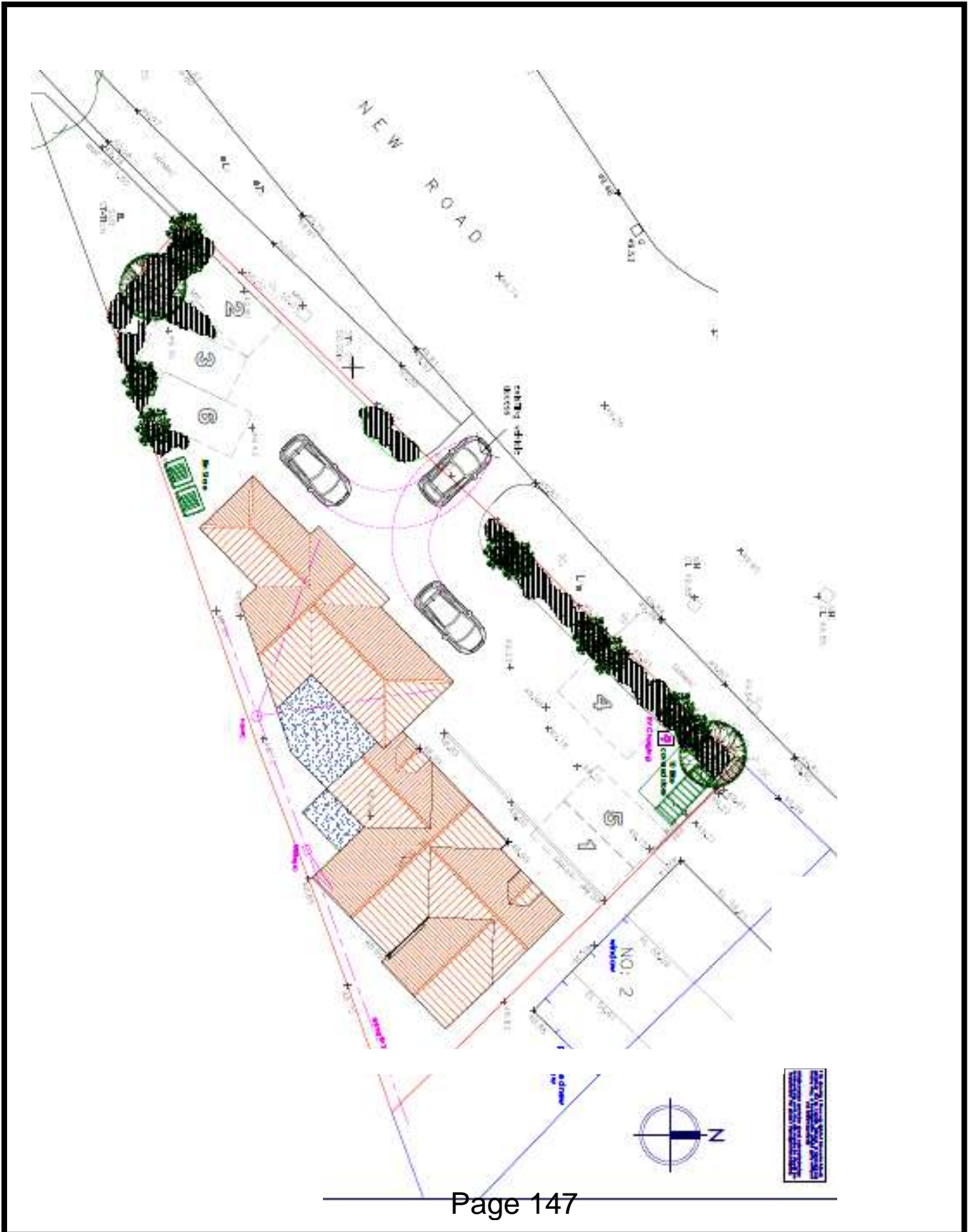
LOCATION PLAN



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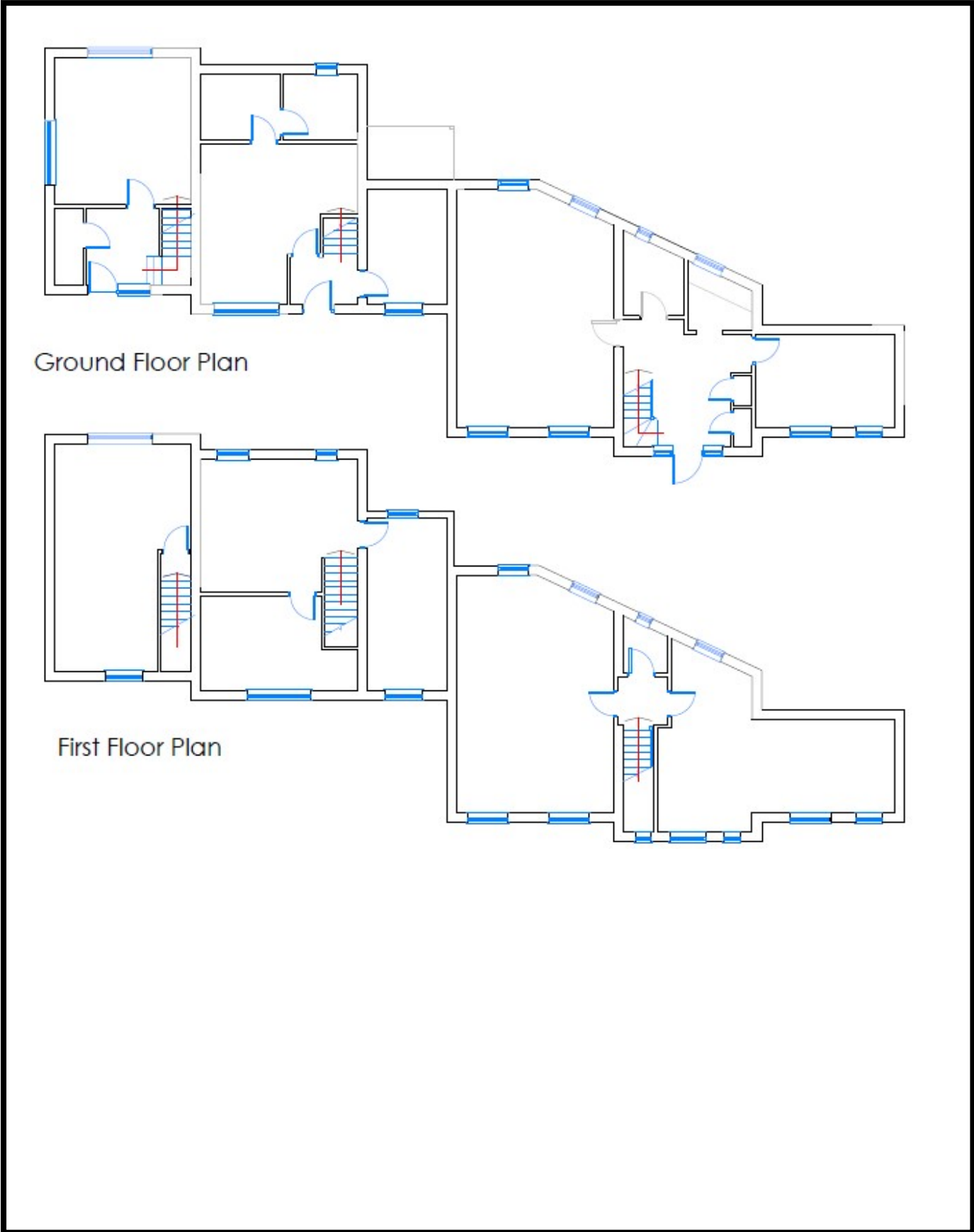


SITE PLAN



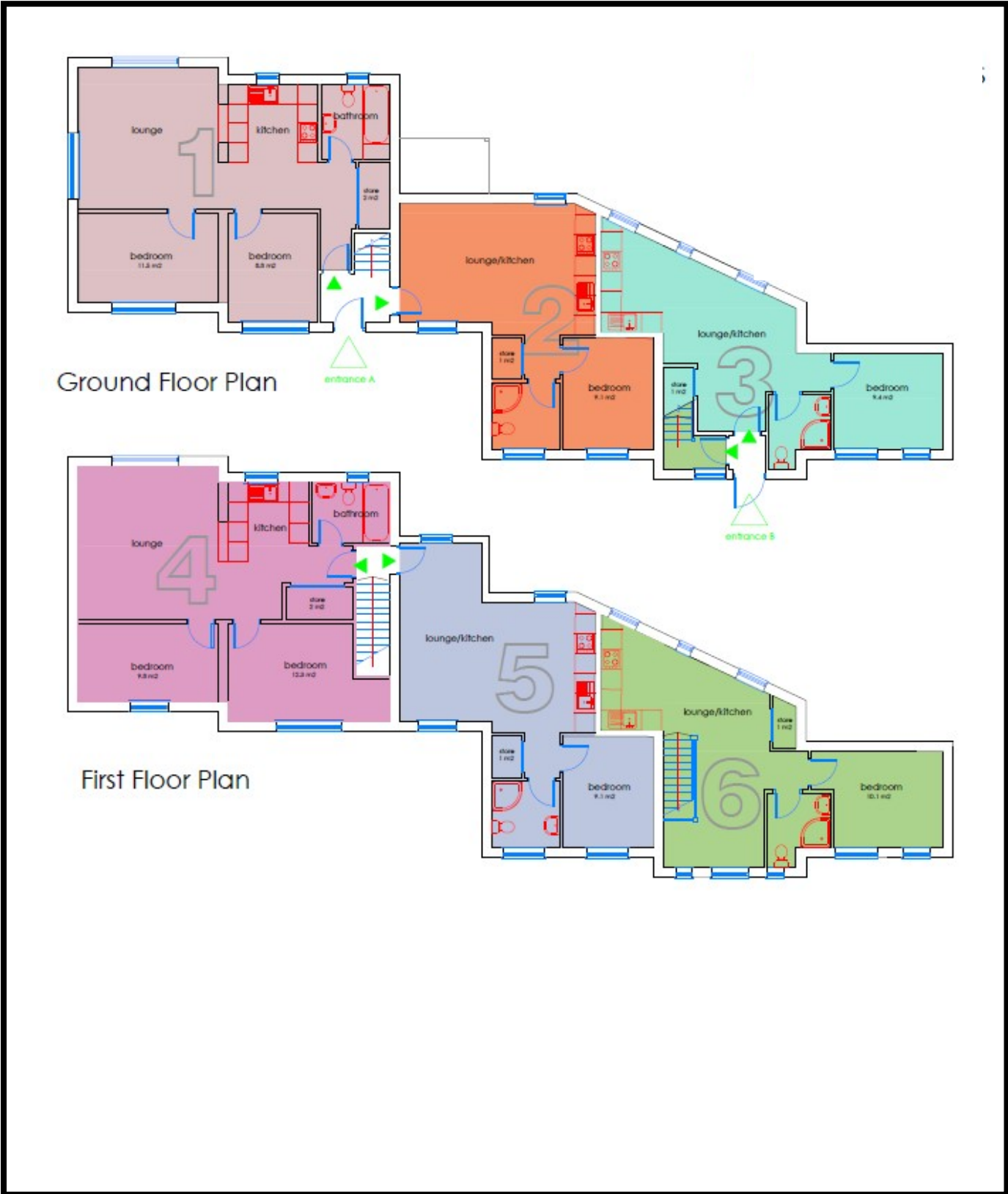
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Existing Floor Plans  
(Including Extension Approved under APP/18/00449)



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PROPOSED FLOOR PLANS



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**EXISTING ELEVATIONS**  
(Including Extension Approved under APP/18/00449)



North West Elevation



South East Elevation



North East Elevation



South West Elevation

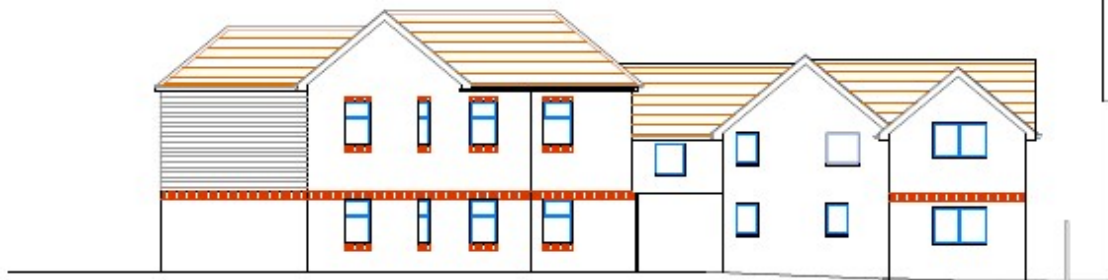
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PROPOSED ELEVATIONS



North West Elevation



South East Elevation



North East Elevation



South West Elevation

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This is the original consent which allowed for demolition of the original property. There were no pre-demolition planning conditions attached to this permission.

**02/61610/001** - Outline application for demolition of existing dwelling and construction of a 4 bed detached dwelling with attached garage (re-submission of 97/61610/000)., PERMITTED,02/04/2002

Planning permission was granted subject to the following conditions:

- Outline application time limit
- Reserved Matters time limit
- Materials
- Provision of 3 parking spaces
- Removal of Permitted Development for additional windows/doors or other openings (first floor, east and west elevations).

07/61610/002 - Outline application for construction of 1No. 4 bedroom detached house with attached garage and new access to St. Peters Avenue. , REFUSED ,25/07/2007

Planning Permission was refused for the following reason:

*1 The proposal is contrary to policies and proposals C1, C2 and H10 of the Hampshire County Structure Plan 1996-2011 (Review) and C1 of the Havant Borough District Wide Local Plan 1996-2011 in that it represents the development of a dwelling in an area of countryside which does not replace an existing dwelling on the site, and for which there is no overriding justification.*

**07/61610/003** - New dwelling to replace bungalow demolished under Planning Permission 97/61610/000., PERMITTED,19/12/2007

This full planning application was approved subject to the following conditions:

- Full Permission time limit (expired 19th December 2010)
- Materials
- Levels
- Soft Landscaping
- Permitted Development Rights removed (Alterations to Roof)
- Permitted Development Rights removed (no additional doors, windows or other openings within east or west elevations).
- Hours of work
- Provision of 2 parking spaces
- Access provision

It is noted that this application was considered at the Councils Development Management Committee on 13th December 2007 where the Officer recommendation to refuse planning permission for the following reason was overturned:

*1. The proposal is contrary to policy C1 of the Havant Borough District Wide Local Plan 1996-2011 in that it represents the development of a dwelling in an area of countryside for which there is no overriding justification.*

### **3 Proposal**

#### **3.1 Construction of new dwelling to replace house demolished under Planning Permission**

97/61610/000.

- 3.2 The proposal is for a two storey 4 bedroom dwelling of a chalet design with rooms within the pitched roof space and a basement. The access to the site would be moved from the eastern side of the frontage to St Peters Avenue to the western side. The proposals would result in the removal of the frontage hedge and its re-planting and the removal of a section of the hedge on the eastern boundary.

#### **4 Policy Considerations**

National Planning Policy Framework  
Havant Borough Council Borough Design Guide SPD December 2011  
Havant Borough Council Parking SPD July 2016  
Northney and Tye Village Design Statement

##### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM9	(Development in the Coastal Zone)

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

##### Emerging Havant Borough Local Plan

E22	(Amenity and pollution)
E5	(Chichester Harbour Area of Outstanding Natural Beauty)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E19	(Managing flood risk in new development)
E16	(Solent Special Protection Areas)
EX1	(EX1   Water Quality impact on the Solent European Sites)

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

#### **5 Statutory and Non Statutory Consultations**

##### **Building Control**

No comments received

**Community Infrastructure, Planning Policy & Urban Design**

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

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 net 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>

**Councillor Leah Turner - Hayling East**

No comments received

**Councillor M Wilson - Hayling West Ward**

No comments received

**Councillor R Raines - Hayling East**

No comments received

**Crime Prevention -Minor Apps**

No comments received.

**Environment Agency**

No comments received.

**Environmental Health**

Observations | Comments:

I have read the enclosed documentation provided, and have noted that the agent has indicated that no noise will be audible at neighbouring properties from the pumping plant in the basement & / or the MVHR system. As both system designs have not been completed as yet, and the potential for associated external noise remains, which may require specific mitigation measures to be employed, we would still need clarification & confirmation, that there will be no noise impact on neighbouring residents, from either system.

I have no objection in principle to this application, but would ask that the following conditions and informatives be added to any positive decision notice, if consent were to be granted:

Condition 1: Prior to the installation of any MVHR ventilation system and / or ground water pumping system, details of the proposed systems including any necessary acoustic mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The systems installed shall thereafter be retained and maintained fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**BS4142:2014 Requirement**

Any external noise resulting from the use of any such plant, machinery or equipment shall be at least 5 dB below the existing typical background level (or lower) when measured according to British Standard BS4142-2014, at the boundary with

neighbouring dwellings.

Reason: In order to safeguard the amenities of adjoining residential occupiers and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Hampshire Highways**

The applicant is proposing to construct a new dwelling and vehicular access on St Peters Avenue. While it is noted that the new access will be located less than 10m away from the minor junction, traffic flows are low along St Peters Avenue and the new access will mirror those already provided along the road.

The Highway Authority therefore raise no objection to the application, subject to the applicant securing a Section 184 licence, further details of which are available on the following link: <https://www.hants.gov.uk/transport/developers/section-184>.

### **Public Spaces**

No comments received.

### **Waste Services Manager**

No comments received.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 4

Number of site notices: 1

Statutory advertisement: 20/11/2020

Number of representations received: 1 Representation from North East Hayling Residents Association.

<b>Comment</b>	<b>Officer Comment</b>
North East Hayling Residents Association  The committee of NEHRA has considered the above application, and consulted with neighbours to the proposed development and would like these points to be taken into consideration when the case is considered by the Planning Department;  1) The size and proximity to boundaries is out of keeping with road. The original application for the site was for a bungalow of similar size to no 17.  2) The small gaps to the limit of the plot will reduce access to the back garden	         See part 7 of this report. The original 1997 permission was for a similar style of property but without the basement.  The proposal retains a gap to both sides of the proposed dwelling -

<p>3) We note that there is no garage or other storage, and that the existing garage is to be removed.</p>	<p>approx 1.2m to the east and 1m to the west.</p>
<p>4) We would observe that Hayling and basements have an issue with the surrounding water table, but sufficient tanking and other steps could tackle it. The plan shows the basement being 2.8m high. Although not in the flood area, the water table level is very high. Using the OD level in the road, on the site plan, of 4.6m the floor level would be about 1.5OD. The sea level at some high tides is 3.3 OD so inevitably there could be about a metre of water,</p>	<p>Flood risk issues are considered in Part 7 of this report.</p>
<p>5) Could there be a noise issue at times with constant pumps, such as to affect the neighbours? Also, may not be very green with the need for pumping, ventilation and lighting, as all artificial light, as far as we can see, with no natural ventilation</p>	<p>Issues in relation to noise are considered in Part 7 of this report. The design of the basement allows for some natural light to the Recreation Room and Bedroom 4 and with skylights to the Media/Cinema.</p>
<p>6) We do not believe that the large tree is subject to any protection, but it is a pity to lose a large tree.</p>	<p>The proposal would not result in the removal of significant trees.</p>
<p>7) Similarly, the removal of the old hedges is out of keeping with the neighbourhood, and will also reduce neighbour's privacy.</p>	<p>The landscaping of the site is considered in Part 7 of this report.</p>

## 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) Housing need
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Flood risk
- (vi) Pollution considerations
- (vii) Ecological matters
- (viii) Other Matters

- (i) Principle of development

7.2 The application site is situated within the non-urban area where further development is



restricted. The proposal will be assessed below against adopted and emerging policy and the planning history of the site will also be considered.

#### *Adopted Policies and National Guidance*

- 7.3 Havant Borough Local Plan (Core Strategy) 2011 policy CS17 states: *Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.* This is elaborated in policy AL2 of the Havant Borough Local Plan (Allocations) 2014 which states:

*The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.*

*The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.*

*Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:*

- 1. Relates to small scale householder development.*
- 2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.*
- 3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.*

*Land outside the defined urban area on Hayling Island is 'non-urban' rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.*

- 7.4 The proposal is for a new dwelling and therefore does not meet point 1; does not meet an overriding public need point 2; the proposal is considered against point 3 (NPPF), below.
- 7.5 Rural housing is considered in paragraphs 77- 79 of the NPPF, paragraph 77 states that:

*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*

This proposal is not for affordable housing and is not considered an exception site.

- 7.6 Paragraph 78 states that:
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

It is not considered that the provision of a single dwelling in this location would meet this aspiration.

- 7.7 Paragraph 79 states that isolated homes in the countryside should be avoided except where listed circumstances apply - these in summary are, essential rural worker dwellings, where the development would support a heritage asset, re-using redundant

or disused buildings, sub-division of existing dwellings or if the design is of exceptional quality. The current proposal would not meet any of these criteria.

- 7.8 In conclusion in relation to adopted policies it is not considered that the proposal can be supported in principle and the application has therefore been advertised as a Departure to the Local Plan.

#### *Emerging Policies*

- 7.9 The emerging Havant Borough Local Plan represents the Council's most up to date policy position, however, in accordance with Government Guidance it can be afforded only limited weight at this stage.
- 7.10 Policy E3 relates to landscape and settlement boundaries and Figure 16 together with the emerging proposals map confirm that if adopted the site would be within the built up area. New residential development within such areas would be acceptable in principle. At present the emerging Local Plan has not been subject to examination and therefore carries limited weight but does demonstrate the Councils 'direction of travel' with regard to the area.

#### *Planning History*

- 7.11 Given that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, it is necessary to consider whether the planning history provides a background that would justify the provision of a dwelling on the plot. There are two main aspects to consider and these are set out below:

#### *Whether the Residential Use of the Site has been abandoned*

- 7.12 The original dwelling was reportedly demolished soon after outline permission was granted in 1997 for the demolition of the dwelling and the construction of a new dwelling. In 2002 a further outline consent was granted. In 2007 permission was granted for a new dwelling to replace the bungalow demolished under Planning Permission 97/61610/000. This most recent permission was a full planning permission, however that permission expired on the 19th December 2010. As such whilst the previous use of the site as a dwelling house is a material consideration, given the length of time since the demolition of the building (in excess of 20 years) and the need to review the application against the current adopted policies and guidance it is considered that any weight to be afforded to the original dwelling would be limited. In terms of previous consents, the most relevant to consider is planning permission 97/61610/000 which was the original consent for the demolition of the building and its replacement with a further dwelling, and whether this permission may have been commenced by the demolition of the dwelling (the more recent consents have all expired).

#### *The Commencement of Development*

- 7.13 Planning Permission was granted in 1997 for the demolition of the existing dwelling and construction of a new dwelling. This was described as an outline approval, although it is noted that there were no 'reserved matters' conditions imposed on the planning decision notice. Four conditions were imposed as follows:

1. Time Limit - 5 years (expired 5th March 2002);

2. Construction of the building not to commence until materials approved;
3. Development not brought into use until 3 parking spaces provided;
4. Removal of permitted development rights (windows, doors and other openings) in the east and west elevations at first floor level.

It is noted that none of these conditions would prevent the demolition of the original building as the first phase in the implementation of the permission. Therefore it is necessary to consider whether the demolition of the building took place within the 5 year time limit (i.e. before 5th March 2002) and if so would the demolition of the building constitute a commencement of development for the purposes of the Planning Acts.

- 7.14 In relation to the demolition timing, the demolition contractor has confirmed that the demolition took place on the 15th July 1998. In addition, the case officers site notes in considering application 02/61610/001 from March 2002 confirm that at that time the dwelling had been demolished. It is therefore considered that the demolition took place before 5th March 2002. Members will be advised of any further evidence established.
- 7.15 The Town and Country Planning Act includes demolition as a material operation which is capable of commencing development. In this case, the demolition having taken place prior to 5th March 2002 effectively 'saves' the permission and the 1997 permission has commenced. This represents a significant 'fall back position' in the consideration of the current application.
- 7.16 There is no evidence to suggest that the most recent consent 07/61610/003 *New dwelling to replace bungalow demolished under Planning Permission 97/61610/000* which included pre-commencement planning conditions that have not been discharged has been implemented.
- 7.17 Officers recognise that there a number of unique circumstances relating to this application that need to be considered and weighed in determining the principle of development. As set out above these can be summarised as:

The site previously contained a dwelling,  
There are historic consents for a replacement dwelling,  
It is considered that the original consent has been implemented by the demolition and now represents a significant 'fall back' position,  
The site is currently outside the built up area, however emerging policies would result in the site being within it.

These factors also need to be considered against the other material considerations set out below including housing need and flood risk.

(ii) Housing need

- 7.18 The Borough's housing land supply was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with a 20% buffer applied, as such this supply now falls below the Governments five year supply threshold.
- 7.19 The proposal would result in the provision of 1 residential unit and it is recognised that the development would therefore make a contribution towards the Councils housing need. Given the limited scale of the development this contribution would be very modest.

(iii) Impact upon the character and appearance of the area

- 7.20 The application site lies to the north of St Peters Avenue and with the exception of the existing single garage is a vacant site mainly laid to grass. To the north side of the avenue are mainly detached and occasionally semi-detached dwellings. These incorporate various designs but with many 'chalet style' dwellings incorporating rooms in the roof and bungalows.
- 7.21 The site is in fairly close proximity to the Chichester Harbour Area of Outstanding Natural Beauty which lies approximately 190m to the south-east of the site. The proposed dwelling would be viewed in the context of a continuous line of residential development on the northern side of St Peters Avenue, the site forming the only gap. From distant views in the landscape the development would not therefore appear out of context or alien to the established pattern of development.
- 7.22 To the immediate west of the site is a chalet style dwelling with a gable end and overhanging roof to the avenue. To the east is a bungalow with rooms in the roof and a large dormer window facing the avenue. To the south are the grounds of a large, detached house (The Curlews) and to the north is open land that appears to be associated with The Willows, a house fronting St Peters Road.
- 7.23 The proposal is for the erection of a four bed dwelling with a basement and rooms at first floor level formed partly within the roof slope. The south elevation would front St Peters Avenue and would include a split eaves line with a lower eaves line above a bay window and a one and a half storey eaves line to the remainder of the frontage. The building would incorporate a traditional hipped, pitched roof with two dormer windows. The rear elevation would have the eaves line at ground floor window head height and three hipped dormers. The west elevation would incorporate a single storey element and the eastern elevation a chimney.
- 7.24 The dwelling would have a height to ridge of approximately 8.1m and an elevation to the street has been provided, this indicates that the ridge line proposed would be slightly higher than the property to the west (approximately 7.8m high) and more significantly higher than the property to the east (approximately 6.8m high). The provision of first floor rooms partly within the roof slope of the proposed dwelling does help to keep the overall height, mass and bulk of the building relatively constrained and it is considered that the design is traditional and fits well with the aesthetics of St Peters Avenue.
- 7.25 The building would be set back from St Peters Avenue site frontage by approximately 7.4m, this compares to approximately 7.8m (No.17) and approximately 5.1m (No.21). The setback is therefore considered commensurate with the established set back from the frontage.
- 7.26 Some concern has been raised by the North East Hayling Residents Association with regards to the proximity of the development to the site boundaries. Gaps to the side boundaries are however maintained to either side of the proposed dwelling which would allow access to the back garden without entering the house. The gaps to boundaries are not considered out of keeping with others found within the avenue.
- 7.27 The proposals would result in the repositioning of the access to the site frontage which would be moved towards the west. The plans indicate that a section of the existing hedgerow would be removed to achieve this although the frontage hedge is shown to be replanted. A small section of hedge to the eastern boundary with No.21 would also

be removed. Hedges are a feature of St Peters Avenue and it is considered that should planning permission is granted a condition to secure the re-provision of a frontage hedge would be appropriate.

7.28 The proposal would include the provision of hardstanding to the site frontage and this would allow for the parking of three cars which would meet the Councils Parking SPD requirements. If planning permission is to be granted a condition is recommended to secure the provision of the parking with a porous surface in the interests of drainage.

7.29 Overall it is considered that the proposed development would have an acceptable impact on the character and appearance of the area.

(iv) Impact upon residential amenity

7.30 The main impacts from the proposed development are considered to be to No.17 to the west and No.21 to the east.

*Impact on 17 St Peters Avenue*

7.31 No.17 is a chalet style property. To the eastern side facing the application site is a conservatory which projects towards the common boundary. The conservatory would be set approximately 3.7m off the side of the proposed dwelling with a hedge between the properties which is shown to remain. There is also a bathroom window in the east facing elevation of No.17 set 7m from the proposed dwelling.

7.32 The proposed dwelling is designed with the roof sloping down to single storey level at its closest point to No.17 which reduces the buildings mass and bulk when viewed from this side. There are no windows and only a side door shown on the proposed elevation facing No.17. It is considered that the proposal would result in an acceptable relationship to No.17.

*Impact on 21 St Peters Avenue*

7.33 No.21 is a bungalow with room in the roof including front and rear dormers. There is a flat roofed car port and small extension set closest to the common boundary with the application site. There is one side window on the side wall of No.21 at ground floor level which looks into the car port area.

7.34 The proposed dwelling would be set closest to the car port and set back side extension approximately 1.3m off the common boundary and approximately 4.5m from the main flank wall of No.21. A section of hedging would be removed close to the proposed house. The siting of the building is such as to avoid a significant overlap to the rear of No.21. It is considered that the relationship to No.21 would be acceptable.

(v) Flood risk

7.35 The site is located in flood zone 1 (low flood risk), however, the extent of future flood zones with climate change for Havant Borough have been mapped in the Partnership for South Hampshire Strategic Flood Risk Assessment. The PUSH SFRA was published as part of the supporting evidence for the emerging Local Plan. Under this assessment the site has been identified as being within a future flood zone. Within such areas it is necessary to provide a Flood Risk Assessment and for the Local Planning Authority to carry out a sequential test. The application is supported by a flood risk assessment together with information with regard to the Sequential Test.

- 7.36 The submitted Flood Risk Assessment details the fact that the proposal is for a replacement dwelling; there is access to the first floor for site users; that there is access to unrestricted Flood Zone 1; flood risk overall can be reduced by maximising porous and permeable areas and appropriate drainage; flood resilience measures can be incorporated; and that the dwelling results in a better protected and future proofed dwelling.
- 7.37 In relation to flood resilience measures these are listed in the FRA, the main points are listed below:
- Non-return valves as standard for basement and ground;
  - Basement to be fully waterproofed (tanked) and waterproofing to be tied to ground floor slab as appropriate;
  - Waterproofing installed above ground level as appropriate;
  - Horizontal plasterboard to reduce any flood damage;
  - Raised wall sockets;
  - Non-return valves to sewers.
- 7.38 These measures are considered appropriate and would help to reduce flood risk to future residents and appropriate drainage secured by condition would ensure that flood risk is not increased off the site. The Environment Agency has been consulted in relation to the proposals, however no response has been received within the consultation period. Members will be updated in relation to any response received.

#### *Sequential Test*

- 7.39 Guidance is clear that where a Strategic Flood Risk Assessment (SFRA) has been prepared, it should form the basis of the Sequential Test:

*“...The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test.”*

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>

Paragraph: 019 Reference ID: 7-019-20140306

*...“Nor should it normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).”*

[www.gov.uk/guidance/flood-risk-and-coastal-change#aim-of-Sequential-Test](http://www.gov.uk/guidance/flood-risk-and-coastal-change#aim-of-Sequential-Test)

Paragraph: 033

Reference ID: 7-033-20140306

- 7.40 The sequential test essentially seeks to establish whether it is appropriate to provide development which is vulnerable to flood risk within an area at risk of flooding. In this case the proposed development is for a dwelling which is in the 'More Vulnerable' category of development.
- 7.41 Whilst it is clear that there are other sites for development on Hayling Island (considered an appropriate search area for 1 dwelling) that are not in either Flood Zones 2 or 3 or in a future flood zone, in the case of this application there are considered to be site specific circumstances that need to be taken into account in the application of the sequential test.
- 7.42 Given the conclusions above in relation to the planning history of the site and the fact

that there remains an implementable planning consent for a dwelling on the site which did not incorporate flood resilience measures, it is considered that the proposal represents a betterment of the extant position. Indeed, as a replacement for the dwelling approved under Planning Permission 97/61610/000, there is no other location in which it could logically be provided. That being the case the sequential test can be considered to have been passed by the scheme.

(vi) Pollution considerations

7.43 The proposal would include pumping plant in relation to the basement and a Mechanical Ventilation with Heat Recovery System (MVHR). This has been considered by the Councils Environmental Health team. Whilst it has been indicated by the planning agent that the equipment would not result in audible noise at the site boundary, the final system designs are not yet completed. It is therefore recommended that a condition be imposed to ensure that any noise at the boundary is below background noise levels. Subject to this condition, the development is considered acceptable in terms of potential noise issues.

(vii) Ecological matters

7.44 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

7.51 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

7.52 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

7.53 The Solent Recreation Mitigation Strategy unilateral agreement and payment of £851.45 has now been secured. The Mitigation Plan for Nutrient Neutral Development is being addressed with the applicant and the recommendation below is subject to a Legal Agreement to secure this. The contribution required is £1,011. If the agreement is completed and contributions paid prior to the Development Management Committee meeting members will be updated. A condition is also required in relation to water use.

(viii) Other Matters

7.54 The development would be CIL liable although it is noted that self build exemption has been claimed.

**8 Conclusion**

8.1 In conclusion, whilst the site is located outside the built up area and within a future flood risk zone, the planning history essentially establishes a fall back position where the principle of residential development can be supported. The building's impact on the character and appearance of the area is, subject to conditions, considered to be acceptable as is the impact on neighbouring residents. Ecological issues in relation to impacts on the SPA environments have been or can be satisfactorily addressed. Planning permission can therefore be recommended.

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**9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00888 subject to:

(A) The satisfactory completion of a S106 Agreement to ensure Nutrient Neutrality;  
and

(B) subject to the following conditions:

1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location and Block Plan Drawing No. 1018/01  
Basement Plan Drawing No. 1018/07 Rev A  
Ground Floor Plan with Parking Drawing No. 1018/08 Rev A  
First Floor Plan Drawing No. 1018/09  
Roof Plan Drawing No. 1018/10  
Elevations Drawing No. 1018/11  
Elevation to Street and Sections Drawing No. 1018/12  
Site Plan as Proposed Drawing No. 1018/14  
Flood Risk Assessment & SUDS Strategy for Planning ARK Environmental Consultancy Ltd January 2021  
Water Efficiency Calculator

**Reason:** - To ensure provision of a satisfactory development.

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



shall be used, in accordance with any terms of such approval.

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

- 4 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 5 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additions or alterations to the roof shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

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

- 7 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be constructed with a porous surface, be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the installation of any MVHR ventilation system and / or ground water pumping system, details of the proposed systems including any necessary acoustic mitigation measures, shall be submitted to and agreed in writing by the

Local Planning Authority. The systems installed shall thereafter be retained and maintained fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**BS4142:2014 Requirement**

Any external noise resulting from the use of any such plant, machinery or equipment shall be at least 5 dB below the existing typical background level (or lower) when measured according to British Standard BS4142-2014, at the boundary with neighbouring dwellings.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby permitted a construction management plan detailing the construction phase management and operation shall be submitted to and approved in writing by the Local Planning Authority.

The plan as a minimum shall include:

- Details of construction parking;
- Storage of Construction Materials;
- Details of storage of excavated materials and their removal from site including details of method of removal, vehicle types and routing;
- Measures to limit impacts on neighbouring residents.

The construction phase shall be carried out fully in accordance with the construction management plan as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of the character and amenities of the area neighbouring residents bearing in mind the need for significant excavation on site and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

- 11 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH

Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

**Appendices:**

- Appendix A: Location Plan
- Appendix B: Existing Site Plan
- Appendix C: Proposed Site Plan
- Appendix D: Proposed Ground Floor Plan
- Appendix E: Proposed Basement Plan
- Appendix F: Proposed First Floor Plan
- Appendix G: Proposed Roof Plan
- Appendix H: Proposed Elevations
- Appendix I: Street Elevations
- Appendix J: Section Plan

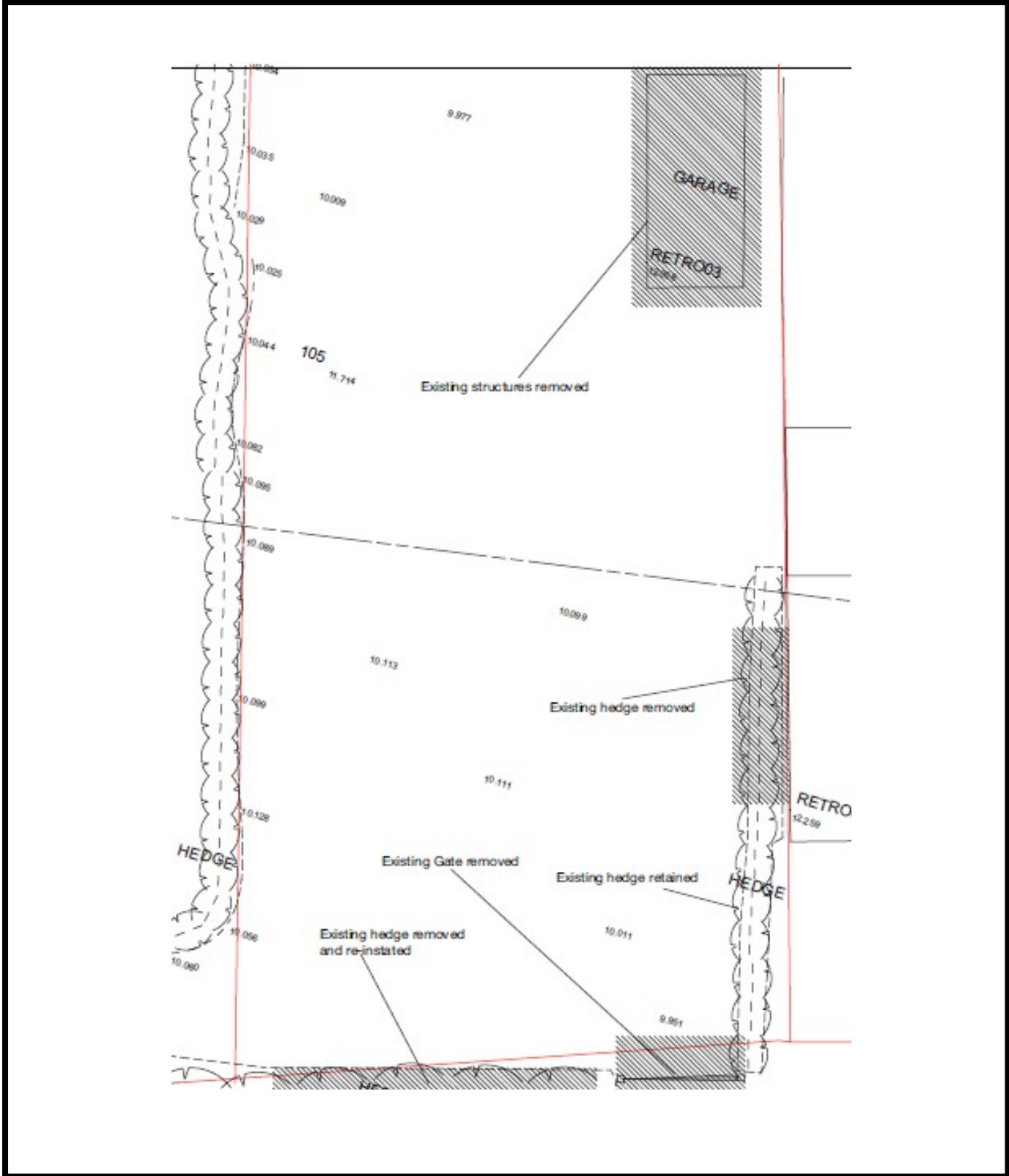
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LOCATION PLAN



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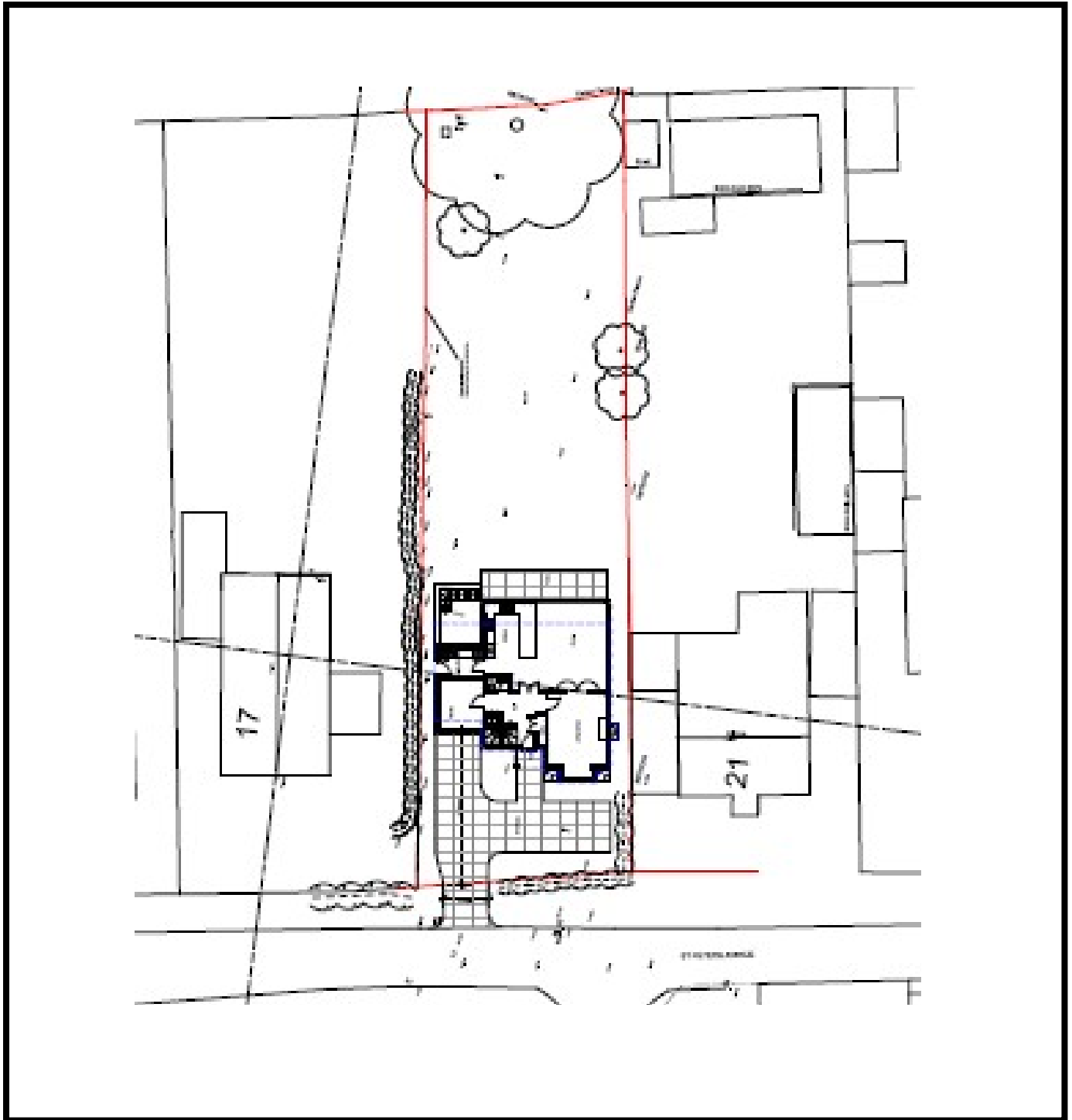
EXISTING SITE PLAN



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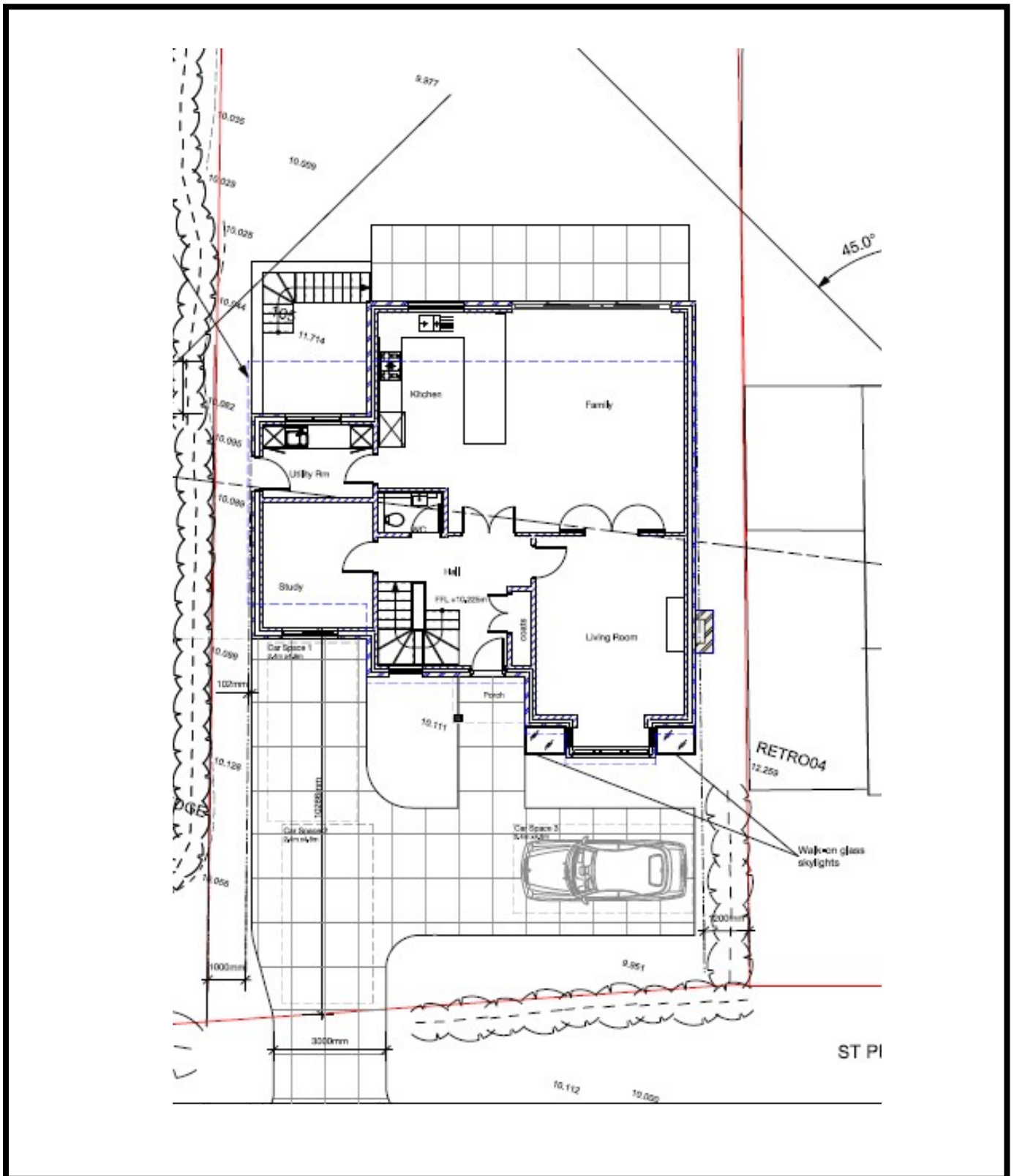


PROPOSED SITE PLAN



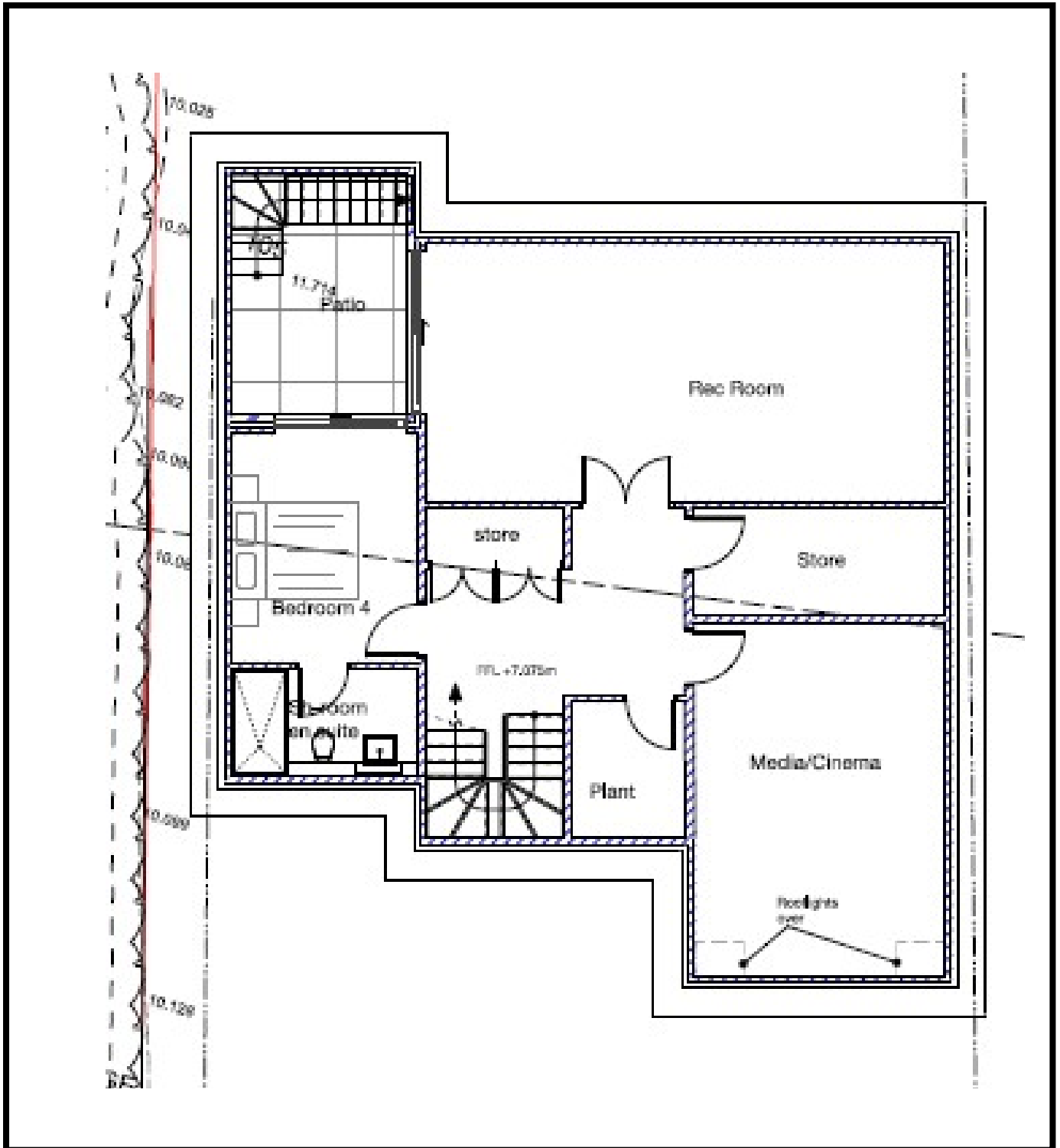
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PROPOSED GROUND FLOOR PLAN



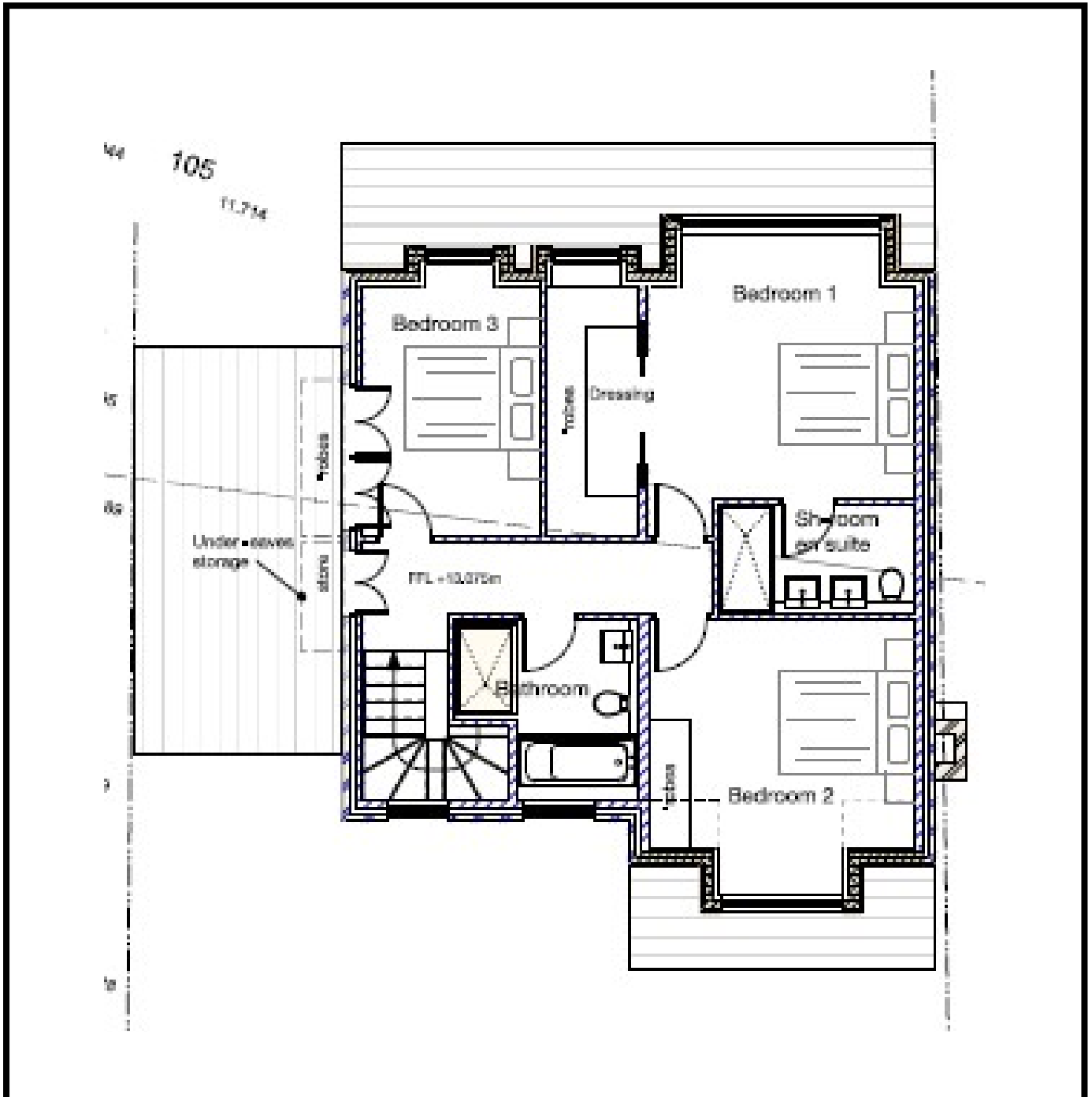
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PROPOSED BASEMENT PLAN



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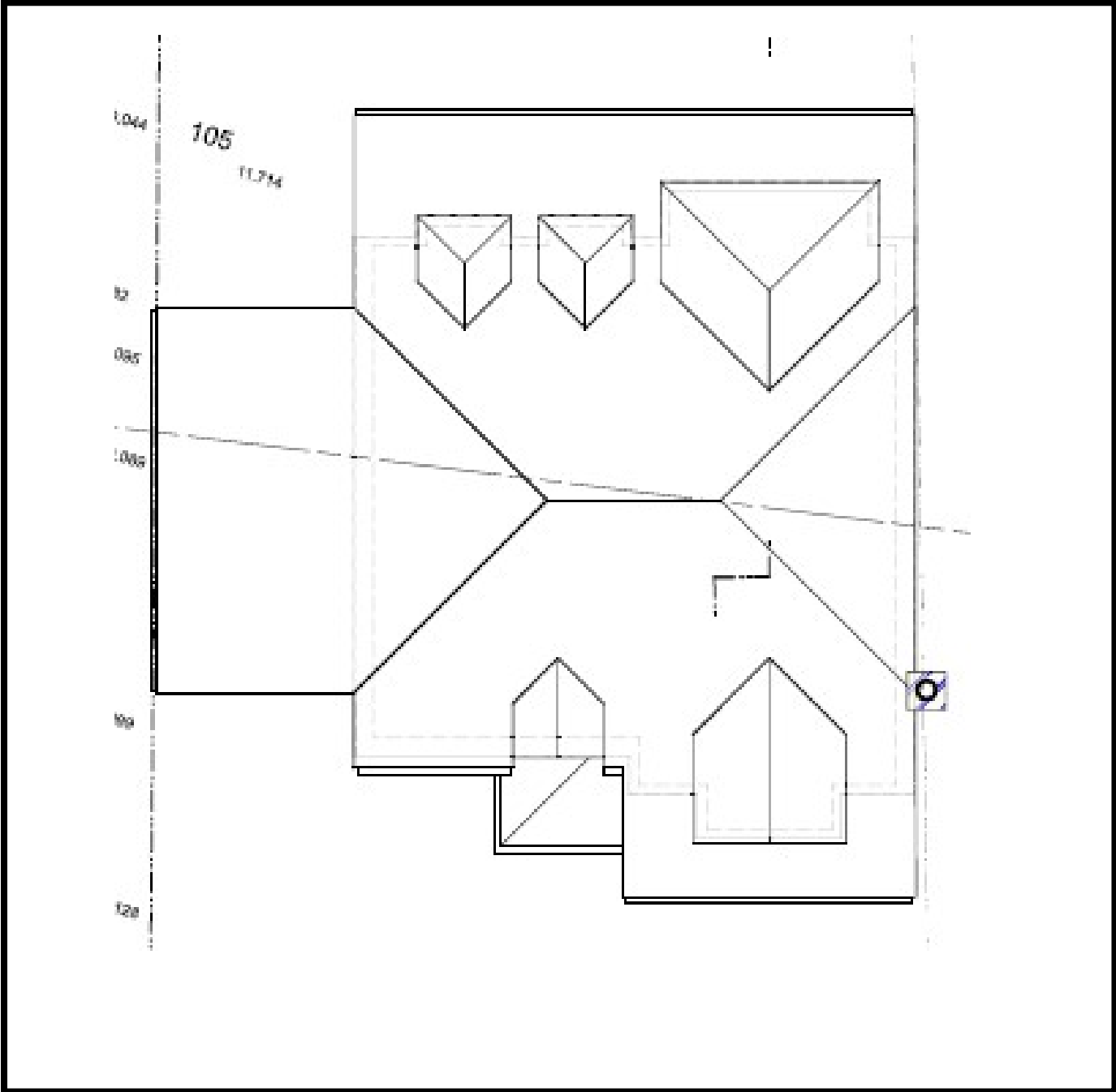
PROPOSED FIRST FLOOR PLAN



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PROPOSED ROOF PLAN



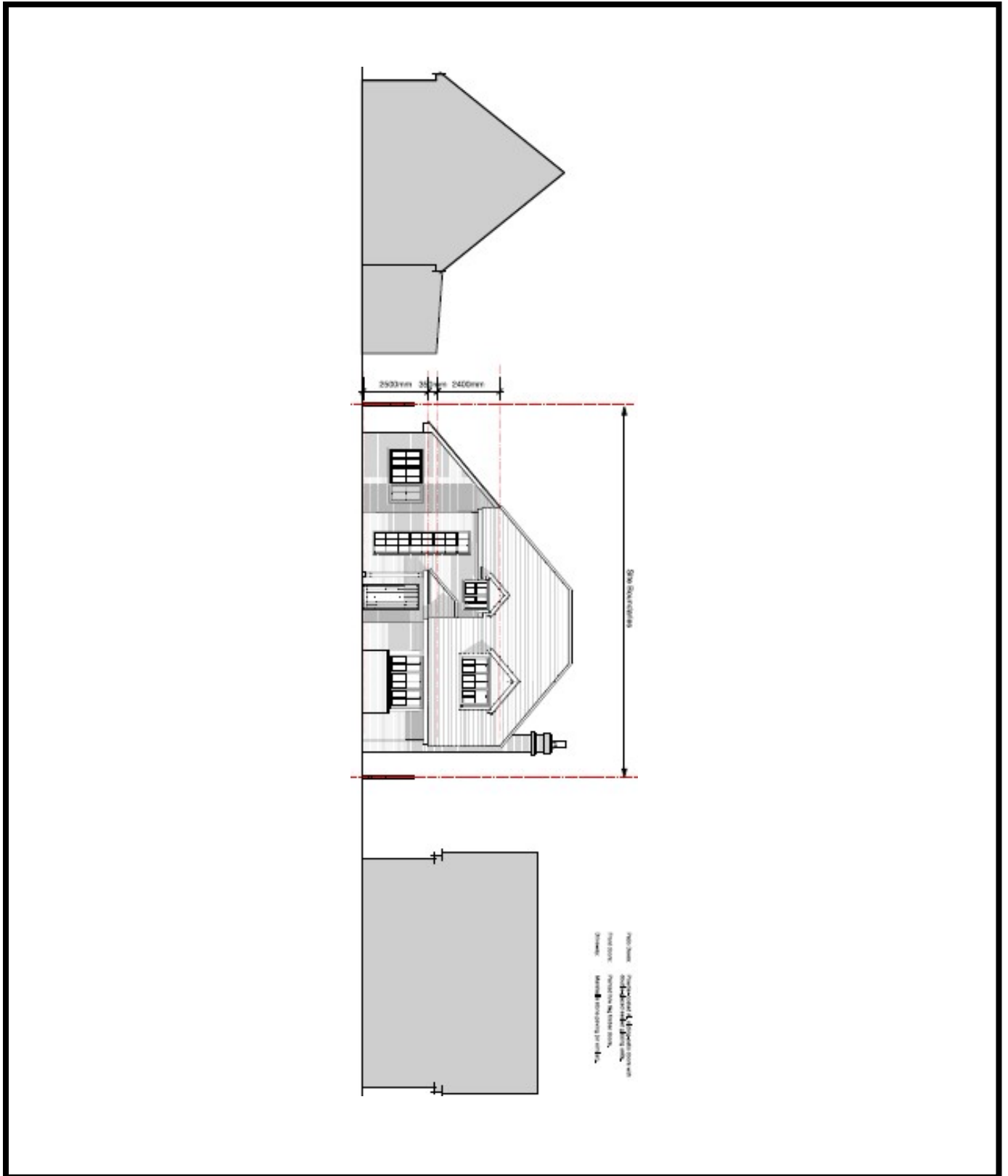
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PROPOSED ELEVATIONS



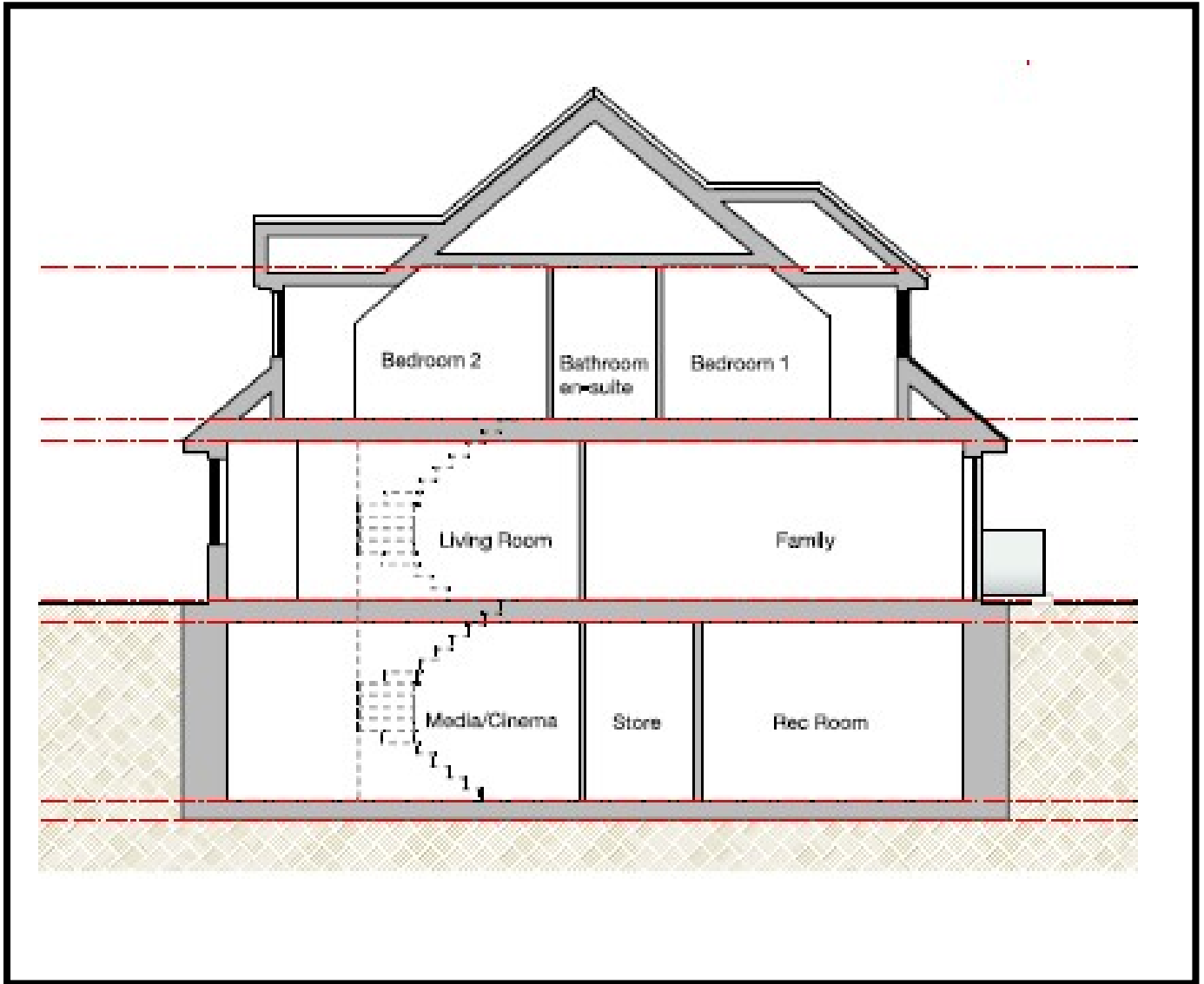
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STREET ELEVATION



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SECTION PLAN



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