

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 related to an extension to the eastern side of the building.

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 related to an extension to the western side of the building.

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.

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.

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 Local Plan Submission Version

IN4	(Access onto Classified Roads)
E22	(Amenity and pollution)
DR1	(Delivering Sustainable Development in Havant Borough)
E1	(High quality design)
H1	(High quality new homes)
E12	(Efficient use of resources and Low carbon design)
C1	(Protection of existing employment sites)
E16	(Recreation impact on the Solent European Sites)
IN3	(Transport and parking)
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 Liabe: <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.

Natural England

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Summary of Natural England Advice

We consider that without appropriate mitigation this proposal would have a significant effect on:

Chichester and Langstone Harbour SPA & Ramsar, Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, Solent and Dorset Coast SPA,

No objection subject to securing appropriate mitigation

Recreational disturbance - Special Protection Areas within the Solent

This application is within 5.6km of several of the Solent SPAs and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.

Nitrogen Neutrality

The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 4.7 Kg/year (inclusive of 20% buffer).

Natural England is aware that Havant Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by offsetting against land taken out of high intensity agricultural land at Warblington Farm as well as specific on-site measures. Natural England recommend these are secured through an appropriate agreement.

As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that

the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

Other Advice

Protected Species and Biodiversity Net Gain

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by the Council's Biodiversity Team.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

Biodiversity Mitigation and Enhancement Plan

The submission of an approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process. Please note that provided the Council's Ecologist is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

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. u k/media/default/1PDFs/stand-off -distances. pdf](https://www.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 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://www.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://www.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

Further Comments

I write, following the update to the acoustic report provided, and comments from the agent on the application to inform the planning committee further on the issues. I'm happy with the amendment in the acoustic report to confirm the location of vibration monitoring. The issues raised by the applicant's agent are the following:

Q. Can I just confirm I understand correctly - there isn't an objection to the levels of noise with windows shut, but it's when residents open their windows they would be subject to noise etc?

My objection is because applicant is using the layout of the proposed building, rather than considering good acoustic design from the outset. As highlighted in "**ProPG: Planning & Noise Professional Practice**" the site is poor. Flats will be impacted from noise on both the railway side and the roadside of the development. This means occupiers of the flats, as proposed, will not have the ability to open the windows to allow for purge ventilation without excessive noise being experienced. I have taken an extract from Pro PG that states:

High noise levels indicate that there is an increased risk that development may be refused on noise grounds. This risk may be reduced by following a good acoustic design process that is demonstrated in a detailed ADS (Acoustic Design Statement). Applicants are strongly advised to seek expert advice.

As noise levels increase, the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.

Q. Notwithstanding the stance made in the Planning Statement and Noise Report, I would like to highlight a similar planning application APP/14/00975 which was approved. I appreciate every application is determined on its own merits, but there are similarities here, but the EH approach seems very different.

The sites are very different. After reviewing the post validation testing of App/14/00975 the key differences between the sites are the following:

- On App/14/00975 there was one noisy façade, on this application there are two noisy facades where windows face out from.
- On App/14/00975 there were several flats on each level, meaning that in some cases; some flats had some impact from the noisy facades, some flats were not facing noisy facades and some flats were orientated to improve the impact to future occupiers. In this application **all** of the flats are orientated so they have windows facing two noisy facades.
- New guidance ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise May 2017, used by the sector, has informed comments made.

Q. The application involved converting an existing building to flats in a very noisy location. EH decided that the noise mitigation design could be secured via condition, can you detail why a different approach is being taken here?

The key issue is that in App/14/00975 there was the ability to consider mitigation. In the application before me, in terms of orientation and layout (having two differing sources of noise impacting two separate facades) where there are openings, makes considering further mitigation unviable.

Officer Comment: *Planning application APP/14/00975 relates to 314-318 London Road:*

Proposal: Conversion of part of ground and all of the first and second floors and erection of third floor to provide 15No. flats, comprising 14No. 2 bed flats and 1No. 1 bed flat; and associated external alterations to the building, parking and landscaping. Erection of bin and cycle store. Permitted 22nd December 2014.

At the time of writing this report final comments are awaited from Environmental Health in relation to the further information submitted by Tetra Tech Planning following the publication of the original Committee Report. Members will be updated in relation to any further comments received.

Original Comments

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 rest bite.

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
Further Comments**

From a landscape perspective we have the following comments:

- The development does (*sic*) provide any private residential amenity space that is contrary the HBC Design Guide, which states;
The guide 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.

Original Comments

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

Final Comments

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 Havant Borough Local Plan (HBLP) was submitted for Examination on the 12th February 2021 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
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development

In the Submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- H1 | High quality new homes
- H3 | Housing density
- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

The application was due to be considered at Development Management Committee (DMC) at its meeting on the 25th February 2021 but was withdrawn before the meeting took place. The applicant's agent has subsequently submitted a response to some of the matters raised by the DMC report. These comments update and supersede that of the Planning Policy Team's response dated 29th October 2020.

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: The Council's Five Year Land Supply Update (February 2021) indicates the Council has 4.2 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). However, significantly it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is also noted that the scheme would make an undiscernible contribution to housing land supply in the context of the overall planning balance.

It is noted that the submitted Planning Statement also refers to the Borough's housing need of 963 dwellings per annum under the revised standard method¹ for calculating housing need. However, it should be noted that the Government has subsequently confirmed the revised standard method, this includes an uplift only for cities and urban centres (of which Havant is not one).

¹ Ministry of Housing, Communities & Local Government (August 2020) Changes to the current planning system – Consultation on changes to planning policy and regulations

The submitted Plan makes provision for at least 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:

Marketing evidence requirement	Comment
An official confirmation by the marketing agent that the premises were appropriately and extensively marketed with no reasonable offer for sale or rent.	<p>Appendices B and C of the Planning Statement relate to correspondence from AJ Lettings and Sales Ltd and Hellier Langstone respectively. These documents do not provide confirmation of the marketing period, nor do they detail on what basis the property/units were marketed.</p> <p>The agent's response confirms the building was marketed from 2018-2020 with no interest shown. But does not provide an indication of dates in the calendar year and does not indicate whether this was on a continuous basis.</p> <p>It is also noted from the Planning Statement that planning permission was granted for an extension in</p>

	March 2019 to improve the marketability of the facility, but this has not been evidenced. No further information has been provided following the withdrawal of the item from DMC on the 25 th February 2021.
An enquiry log, how it was followed up and why it was unsuccessful	Appendix B of the Planning Statement 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. The letter from AJ Knight attached to the agent’s response details the level of interest received by virtue of the number of enquiries received. However, it mainly indicates that occupiers took space elsewhere rather than documenting reasons why the building was unsuitable.
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”. The majority of these are not dated by year – though two of them include ‘2018’, 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 in the now submitted Plan 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. This must be afforded limited weight.

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 that 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 terms.

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 exiting 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: 3 representations of objection (4 names including Havant Civic Society), 2 representations of support.

Comment	Officer Comment
Objection	
Over intensive use of small site causing too many cars needing parking and insufficient spaces.	See part 7 of this report relating to parking.
This change of use to housing would result in homes situated very close to a busy railway line. I object to it on the basis of noise both from the railway and New Road. It would be difficult to ventilate these homes adequately when windows could not be opened. We are experiencing more periods of hot weather due to global warming and it's important that homes can be adequately ventilated. If approved this development would create poor living conditions for any future residents.	See part 7 of this report relating to residential amenity and noise.
Havant Civic Society: Our attention has been drawn to this application rather late in the decision making process. Nonetheless, we feel it is important that we support the case officer's decision that this application be refused. In an earlier application relating to this site, Environmental Health commented: <i>"I would also ask that the following condition be imposed on any consent that may be granted: That it be reiterated that this new office extension, together with the existing office</i>	Noted

<p><i>accommodation shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.</i></p> <p><i>Reason: This site is not suitable for residential use, due to the unacceptably poor living environment for the occupants."</i></p> <p>A view obviously shared by the case officer for this current application.</p> <p>In our opinion, the decision for the Development Management committee is very simple. They must support the case officer and refuse the application. Any other outcome would be unacceptable.</p>	
<p>Support</p>	
<p>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.</p> <p>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.</p>	<p>Noted - see part 7 of this report regarding housing.</p>
<p>When looking to move our growing business we came across Aura House. We were looking to relocate our business to allow for growth and provide the space that we require. We looked at Aura House as we thought that it would enable us to relocate locally from our offices as we continued to expand. However, when we considered alternatives and whether the space would suit us and our business it was decided that because of the lack of parking for our staff and the location away from the retail park/town centre that we would take a bigger space within Arena at Langstone Gate.</p> <p>Aura House is a nice building but seems separated from any other commercial offices and some key amenities that other business sites provide. For that reason I would support the idea of a conversion to flats as New Road is already a predominantly residential area.</p>	<p>Noted – see part 7 of this report in relation to loss of business floorspace.</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 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 December 2020. This shows that the Borough has a 4.8 year housing land supply with a 5% buffer applied or 4.2 years with a 20% 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 Council's housing need. Given the limited scale of the development this contribution would be relatively modest.

(ii) 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, 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 proposed 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 the following main aspects, noise/vibration impacts, private amenity space / 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 (night time) 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 classed as Noise Risk Category 2 - Medium. The Average Night time (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 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 LAmax 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 rest bite.

Further details have been provided in relation to ventilation and it is stated that:

The MVHR (Mechanical Ventilation with Heat Recovery) system will provide balanced ventilation for all occupants to receive healthy levels of airflow without having to open the windows (i.e. 30m³hr per typical occupant, constantly over 24 hours). This means CO₂, smells and humidity will be extracted and tempered, filtered fresh air is provided.

This means that windows would only need to be opened in purge conditions, such as excessive heat, heavy smoke from burnt food or to clear paint fumes after redecoration.

Any further comments received from Environmental Health in relation to these details will be reported to members.

- 7.25 The sites 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 Inspectors 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 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 whilst the monitoring point for vibration has now been clarified, 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, particular in historic and conservation areas.

- 7.33 Havant Borough Local Plan Submission version 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 manoeuvring and parking close to the front of the ground floor units. Given the constrained nature of the space, such vehicle manoeuvring 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 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, an infill extension was granted in 2015. Two storey extensions were granted in 2017 (APP/17/00972) and 2019 (APP/18/00449) 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, 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 his has 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 Councils 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, and further details have been provided in a 'Response to Officer's committee report' but is deemed to be inadequate to justify the loss of employment in the context of Policies CS2, DM3 and emerging policy C1. The Planning Policy consultation comments provide details of the concerns in relation to the information provided.
- 7.46 The history of the sites 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, are 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 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; recent views of the site by officers from the public highway indicate ongoing business use at the premises.

(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.
- 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 emerging requirement in Havant Borough Local Plan Submission version 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 fourth 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 Waters 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.

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 result in mitigation measures in the form of glazing and ventilation which result in internal living conditions that produce a poor environment for residents who are unable to open windows without resulting in unacceptable noise impacts. Furthermore the development does not provide any external amenity space and is 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 Policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, to policy DM18 of the Havant Borough Local plan (allocations) 2014, 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 Submission 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