

---

Site Address: Land adjacent to, Cooperative Society, 13 Middle Park Way, Havant  
Proposal: Demolition of 8 no. garages and erection of a 2 storey building to provide 4 no. 1 bed flats  
Application Type: Full Planning Permission  
Application No: APP/21/01207 Expiry Date: 26/01/2022  
Applicant: Mr Ali  
Agent: Mr Spivey Case Officer: Lesley Wells  
PWP Architects  
Ward: Barncroft

Reason for Committee Consideration: At the request of Councillor Crellin

Density: 100 per hectare

HPS Recommendation: **GRANT PERMISSION**

---

### **Executive Summary**

The site is located in a commercial Local Centre in Middle Park Way. It is situated on the corner of a service road to the rear of a parade of shops and other commercial units on the corner of Middle Park Way and Purbook Way. The service road is connected by the two roads. There are residential units above the majority of the ground floor units.

The proposal is for the demolition of 8 redundant garages and their replacement with a two storey building to provide 4No. 1 bed flats, to the rear of a commercial parade of shops and other commercial units, with access off an existing service road. A single storey element to the south would also provide part of the living/dining room for flat 2 and a separate cycle/refuse storage area.

Planning permission was granted under reference APP/18/00313 on 11 July 2018, for the 'Demolition of 8 No. garages and erection of a 2 storey dwelling to provide 4 No.1 bed flats', which is materially the same development currently being considered, with some minor internal alterations to the layout. This permission was not implemented and has since expired.

In terms of the principle of development, planning permission has previously been granted for substantially the same proposal, with the site falling within the urban area where there is a presumption in favour of sustainable development. The site is considered to be a sustainable location due to, amongst other matters, its close proximity to bus routes and local services

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development is considered to accord with the development plan when considered as a whole and would add to the Council's five year supply of deliverable housing. The Council published its latest 'Five Year Housing Land Supply Update in November 2021. This indicates that the Council cannot demonstrate a five year supply of deliverable sites. The assessment found that the Council could only demonstrate a 3.9 year housing land supply, with a 20% buffer. Therefore, the tilted balance applies,

as set out in the National Planning Policy Framework, that advises permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

The layout has been assessed in terms of its impact on residential amenity and on the character and appearance of the area. It is concluded that there would be an acceptable impact on residential amenity and on the surrounding locality and from public vantage points.

Highway impacts have been scrutinized and it is considered that the site would not adversely impact on highway safety.

On-site parking is not provided for the development, which in the previous permission was provided in the public car park to the front of the commercial units. However, in accordance with the adopted Havant Car Parking SPD, an on-street car parking survey has been carried out, and this has demonstrated that there is sufficient on-street car parking capacity within the locality to accommodate parking associated with the development.

Drainage, both foul and surface, would be discharged to the existing main sewers.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017; this includes an Appropriate Assessment (AA) under Regulations 63. The screening under Regulations 63(1) (a) found that there was likely to be a significant effect on recreational pressure and water quality on the Chichester and Langstone Harbours Special Protection Area (SPA).

The subsequent AA includes a package of measures. These comprise:

- (i) As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation in respect of recreational pressure; and
- (ii) As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation.

The AA has concluded that this is sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. This conclusion has been accepted by Natural England.

The applicant has entered into a legal agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients.

## **1 Site Description**

- 1.1 The site is located in a Local Centre in Middle Park Way. It is situated on the corner of a service road to the rear of a commercial parade of shops and other commercial units on the corner of Middle Park Way and Purbook Way. The service road is connected by the two roads. There are residential units above the majority of the ground floor units. To the immediate north is The Peace Centre Masjid, a cultural and leisure centre, with residential development to the west and within the locality.
- 1.2 The existing site comprises 8no. redundant garages, which are attached to the rear of the Co-op and another convenience store 'The Best One' at the east side and a single garage at the south side.
- 1.3 The service road is currently used for deliveries to the shops and also for access to the

existing first floor residential units. Parts of the service road, mainly the former landscape buffers, are currently in a poor condition which have, on occasions, been fly tipped.

- 1.4 The site falls within Flood Zone 1 and would remain so in 2115, with an area of 0.04 hectares.

## **2 Planning History**

01/66685/000 - Application by BT Cellnet to determine whether prior approval is required for the siting and appearance of a 15m high telecommunications column with integrated antenna, two equipment cabinets at ground level and three protection bollards on Western side of rear access behind shopping parade., PARR,26/10/2001

APP/18/00313 - Demolition of 8No. garages and erection of a 2 storey dwelling to provide 4No. of 1 bed flats - granted 11/7/2018.

In scale, design and external layout (with some minor internal changes), this planning permission, since expired, is the same scheme as before the Committee when comparing the plans attached as Appendices C with G below. The main difference between the two schemes is that when this permission was granted there was unrestricted car parking to the front of the parade of shops, with sufficient car parking capacity to service this development. Since December 2019 parking restrictions have been imposed on this parking area and therefore it is no longer available for the longer term parking needs associated with the development scheme before the Committee. Hence, the need for an on-street car parking survey as required by Havant's Car Parking SPD, which is covered in detail under Section 7 below.

## **3 Proposal**

- 3.1 The proposal is for the 'Demolition of 8 no. garages and erection of a 2 storey building to provide 4 no. 1 bed flats' within the service yard to the rear of the commercial development at the junction of Middle Park Way and Purbrook Way. A single storey element to the south would also provide part of the living/dining room for flat 2 and a separate cycle/refuse storage area. Access to the existing building, is via a rear service road, which consists of 8 redundant garages, constructed of red multi brick with flat asphalt roofing. The garages are attached to The Co-operative and The Best One at the east side and a single garage at the south side, and the existing attached buildings are constructed of red colour brick at different heights.
- 3.2 The function of the service road leading to the application site is parking, bin storages, access to existing flats at first floor and for lorry deliveries.

## **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

CS4	(Town, District & Local Centres)
CS6	(Regeneration of the Borough)
CS9	(Housing)
CS16	(High Quality Design)

CS17 (Concentration and Distribution of Development within the Urban Areas)  
CS21 (Developer Requirements)  
DM10 (Pollution)  
DM13 (Car and Cycle Parking on Residential Development)

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

AL3 (Town, District and Local Centres)  
DM24 (Recreational Disturbance to SPAs from Residential Development)

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

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

### **Building Control, Havant Borough Council**

Building Regulation consent required for these works

Comments:

Access to flat front doors to comply with Approved Document B5 (Fire Authority access road width and turning facilities)

Bedrooms are inner rooms, so MOE windows needed

Window shown on South elevation (new flat) above roof light which is not shown on floor plan ALSO Best One store window and its location to flat below rooflight should be considered with regards to compliance with Approved Document B requirements to due possible fire spread

Use of space under staircase to Flats 3 & 4 should be considered carefully Full fire protection need to be provided along with the possibility of storage being more than a bike as shown

**Officer Comment:** *amended plan has been submitted to show window on south elevation, with other matters falling under Building Regulations.*

### **Community Infrastructure**

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

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

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

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

### **Councillor Pamela Crellin - Barncroft - 'Red Card' the Application**

Lack of on-site parking and flooding on the rear service road

### **Councillor Yvonne Weeks - Barncroft**

No Comment.

### **Crime Prevention - Minor Apps - Comment**

The National Planning Policy Framework makes clear the Government's 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 advises: "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."

There is very little natural surveillance of the site from the nearby dwellings or the public highway. The proposed location is accessed from a service road, there is very little natural surveillance of this road from the nearby dwellings. These attributes have contributed to the garages on the site being vandalised and the general levels of litter etc. within the site.

There are a number of ground floor windows that can be easily accessed from the public realm, this increases the opportunities for crime. To mitigate this to some extent the glazing within these windows should incorporate a pane of laminated glass to BS EN 356:2000 class P1A.

A grassed area is shown on the corner enclosed by a low wall. A low wall provides an opportunity to sit, to reduce the opportunities for sitting low vertical railings approximately 1m high should be used to create the enclosure. If this is not desirable consideration should be given to fitting low vertical railings to the top of the wall.

Some consideration will have to be given as to how the two planted areas are to be maintained.

A combined cycle and bin store is shown on the ground floor, the bin store is to be opened on bin collection days. The cycle store gate, which is inside the bin store, is not visible from the public realm, which increases the opportunities for crime. To reduce the opportunities for crime the cycle store gate should be third party certificated to LPS 1175: Issue 8, B3, or an equivalent standard. The wall and gate separating the two stores must extend from the floor to the ceiling so as to prevent access between the two stores.

There is very little natural surveillance of the service road. As the service road is not lit this will be further reduced during the hours of darkness, which increases the opportunities for crime, disorder and the fear of crime. To provide for the safety and security of residents and visitors lighting along the service road must comply with the relevant sections of BS 5489-1:2020.

**Officer Comment:** *A condition in respect of lighting for the site is recommended. The low level hedging along the boundary to the west and north, would provide a barrier to anti-social behaviour from third parties, the provision of which would be conditioned. The main cycle and refuse storage would be separated by a wall and secure door.*

### **Environmental Health - Noise - Contamination - Final Comment**

I have reviewed the application supporting documents and note that the scheme is a resubmission of consented expired APP/18/00313 consent. It seems that Environmental Health was not on the initial consultation list for that consent, and that noise comments were sought by the case officer directly from an EHO. As a result, no contamination, air quality comments were offered previously, and so I would like to take the opportunity to briefly address these policy areas.

#### *Air Quality (General)*

I have no concerns over the existing air quality, and so no objections arise to the introduction of new (air quality sensitive) residential receptors.

The quantum of development does not amount to major development, and so draft policy E23 would suggest that it would be disproportionate to seek the offsetting of dwelling / transport emissions (under adopted NPPF provisions). However, related policy would not be disproportionate to apply, and so it is appropriate to comment on certain specific aspects of the scheme.

With respect to cycle parking, I note that the internal storage to Flat 1 in particular is cramped, height restricted, and difficult to access. Internal storage is not ideal, especially for 1 bedroom flats where space for domestic storage is likely to be limited (i.e. where there will be conflict between the need for general storage and cycle storage). I note the substantial width of the currently unpaved area, due to be block paved – within this being sufficient to accommodate an external cycle store to serve the 4 units. This would result in more generous storage in the refuse area, and within the proposed units, and might also discourage parking close to the corner of the access road, which might hamper HGV movements.

Making sustainable & active travel choices as easy and convenient as possible would be supported by NPPF para's 92 c), 93 b), 104 c), 110 a) & b), 130 f), and would support the air quality objective of encouraging emissions-free modes of travel.

The proposed use of block paving would also seem to be a missed opportunity to improve the landscaping of the locality – some air quality & thermal benefit may be derived from even a modest scheme of planting, with cumulative improvements within a locality contributing to demonstrable overall improvements. NPPF para. 131 relates.

#### *Contaminated Land*

Domestic garages have been found to be typically associated with localised contamination. The use of these units for commercial storage, together with their age (being in place for at least 65 years), raises the risk of localised contamination being present.

Photograph 10 of the design & access statement illustrates this assessment, showing the site to be in untidy condition, with open bulk liquid, oil, and powdered products containers shown on the unpaved area adjacent to the access road.

The proposals are recognised to be of low risk type, omitting any significant private soft-landscaped areas, and being of a size, type & setting that is unlikely to attract families with infants. The principal contaminants of concern for such a development would be volatile organics, solvents & fuels.

Whilst the quantum of development could be argued to be sufficient to justify a proactive investigation of the site (post demolition), I am satisfied that the contaminants capable of being significant to this development are of a type that are unlikely to be significant for long-term residential exposure unless concentrations exceed that which would allow their presence to be readily identified by visual & olfactory means. Given this, I would recommend that the developers responsibilities under NPPF para. 184 be formalised as a compliance condition;

### **Condition 1 [Contamination Watching Brief – Tailored]**

*“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination is encountered (e.g. obviously stained soils, oils, fuels, any unusual sweet or solvent-like odours, or similarly discoloured / odorous groundwater within excavations); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.*

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

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

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

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

- A) A written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.*

**Reason:** *The previous use of this site poses a risk that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site or to the local water environment. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of*

*the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183 & 184 of the National Planning Policy Framework 2022."*

**Officer Comment:** *With regard to the comments regarding the cycle storage arrangements and proposed use of block paving, the area that was originally shown to be levelled and block paved has been removed from the scheme, as the area is not within the applicant's control to carry out the works. That said, the proposed cycle storage within the building is considered to be the most secure option. If permission is granted the above condition regarding contamination is recommended.*

#### **Environmental Health - Noise - Final Comment - No Objection**

The standard referred to in the condition BS8223:2014 wasn't designed to offer protection from identifiable sources of noise (such as machinery or plant, sports pitches, pubs, neighbours, dogs etc) because of the complex emotional reactions triggered by these. It really only covers anonymous sources such as traffic/transport sources which people get use to over time.

I haven't been able to find a record of the consultation on EH's Acolaid so I don't know whether we received any additional information to answer the queries raised in the first paragraph in the 2018 comments. I note that the applicant has taken the presence of the units into the design of the scheme with no windows overlooking which will offer some protection from noise, and the reason for the condition does mention the commercial premises so in this instance it is probably acceptably to use the same condition due to the mixed use character of the area.

**Officer Comment:** *the former condition recommended by EH, which was imposed on Planning Permission APP/18/00313, is as follows:*

*"Prior to the occupation of any units, confirmation shall be provided that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, will meet BS8233:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.  
Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially traffic noise and potential noise from any commercial / business premises alongside the housing and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework."*

*It is recommended that if permission is granted, the above condition be imposed on the decision notice.*

#### **Environmental Health - Noise - 1st Comment - Further Information Required.**

The application proposes to introduce noise sensitive premises into an establish mixed use area in very close proximity to a Coop convenience store. Noise from plant, machinery and ancillary activities from the Coop and surrounding commercial uses may adversely impact the amenity of future occupiers of the proposed flats. Whilst the applicant has taken the presence of air conditioning units into account in the design of the proposed flats by ensuring there are no windows overlooking them, no information on noise exposure is provided within the application and therefore insufficient detail is available for me to be able to comment fully on the proposal. In order to ensure any adverse noise impacts are appropriately mitigated, a noise impact assessment is



required which demonstrates that the site is suitable for residential development. Such an assessment should characterise the prevailing noise environment, identify any potentially significant sources of noise, detail the impact on the proposed flats and propose a noise mitigation scheme where necessary.

### **Environment Agency - No Comment**

### **Hampshire Highways - Comments**

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

***Officer Comments:** The Highway Authority's previous comments are set out below. The application as to highway matters has not changed since the earlier comments. Therefore, they are still relevant to the current application and the recommendation as to a condition for lighting within the application site only, as the remainder of the service road is owned by third parties, is recommended`.*

### **Hampshire Highways - Comments in Respect of the Previous Application**

Although the car park is Public Highway the access road is not maintainable at the public expense and I understand is in the ownership of a third party. The existing use of the development site is eight garages and the proposal is for flats and therefore, the number of trips for these two different uses could result in a decrease in private vehicular access, although there will be an increase in other means of travel pedestrian and cycling especially as there are no allocated spaces within the proposals.

The proposals must include bin storage provision and collection point. The existing problem with this area is its untidy nature with indiscriminate storage of waste.

It is considered that it would be impossible to refuse on highway safety grounds based on the increased movements on the adopted highway i.e. the car park but it should be refused on planning safety grounds, unless a condition could be imposed that the access road is to be regularly maintained and lit.

### **Natural England Government Team - Final Comment – No Objection**

#### **DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION**

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

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

Your appropriate assessment dated 02 November 2022, concludes that your

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

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

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

**Norse South East, Operations Director**

No Comment.

**Nutrient Team**

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

**Portsmouth Water Company**

The site is located on Head, Gravel and Clay Deposits overlying the London Clay Formation and located within the 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 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.

The proposed surface and foul drainage strategy is discharge to the existing main sewers; this is acceptable to Portsmouth Water (PW) in relation to groundwater protection.

If piling is proposal the application must be accompanied by detailed plans and a risk assessment stating how risks to the underlying principal aquifer have been assessed and mitigated through design.

This should include as a minimum:

- a) the methods to be used;
- b) the design depths of the various structures involved and rationale;
- c) the density of piling/deep bore soakaways, if any; and
- d) details of materials to be removed or imported to site.

PW wish to be consulted on any further applications related to this application and have no further comments at this stage.

**Officer Comment:** *The agent has advised that piling is not proposed for the*

*development.*

### **Traffic Management Team - 2nd Comment - No Objection**

I agree with you that it appears by the surveys that there **is** a sufficient amount of parking available, and therefore no additional monies would need to be set aside for this proposal.

### **Traffic Management Team - 1st Comment – Concerns**

The Traffic team would raise a concern with regard to the Design and Access statement and the section "Accessibility & Parking" The statement reads. "There is a main car park in front of the commercial shop fronts, which doesn't have any car parking restriction and it is mostly underused especially at night time"

This is not entirely correct as in December 2019 restrictions were added to this car park AS/TRO/421 there are now: double yellow line restrictions that cover a large area of the car park, an enforceable disabled bay, 9 restricted limited time bays that limit the length of stay to 1 hour with a no return time within 2 hours, operational 24 hours a day 7 days of the week. There are only 7 unrestricted bays adjacent to Middle Park Way. The traffic team would therefore not expect any surveys completed in 2018 to reflect the current restrictions relevant to this application.

With no parking bays included within this application the traffic team would request that should this development be permitted then the Traffic Team would want a provision to be made for a sum of £5000 (plus the costs associated with advertising the proposals and any works) estimated to be a maximum of £7000 in total, to be provided by the developer to be set aside from commencement to allow a TRO to be processed ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network.

### **Waste Services Manager**

No Comment.

## **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: 21

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

### **Representations**

The following is a precis of the representations received.

### **Impact on Amenity**

- Overlooking
- Loss of privacy
- Loss of light
- Adverse impact of two storey building at bottom of garden
- Lack of natural surveillance

#### Parking & Access

- Service road (SR) is not owned by applicant - not contacted about the works
- Cannot undertake work to Service Road without third party approval
- Loss of 8 car parking spaces
- No parking provision for future tenants - park in the business parking to front instead
- Parking spaces are limited at front - solely for business customers
- Changes to service road would reduce width and adversely impact on current use for loading/unloading of vehicles

#### Other Matters

- Loss of property value
- The garages are not empty - used informally for storage - continuously used 2 of the garages for storage for over 10 years
- Loss of Class B8 storage use

**Officer Comment:** *The matters raised in the representations are covered under Section 7 below, or in the following bullet points.*

- *As to access to the site, according to the application form Certificate B has been served on the owner, with the agent advising the applicant has existing rights to the garages. Therefore, the applicant has complied with the Town & Country Planning Management Procedure) (England) Order 2015 and any issues around implementing the development if permission was granted, would be a private matter between the parties involved.*
- *As to the erection of the building the agent has advised that this would be on land in the applicant's ownership.*
- *No lawful use has been established for Class B8 storage use on the site.*
- *As to the claimed use of garages by a third party this is purely a private matter between the parties involved.*
- *Loss of property value is not a material planning consideration.*
- *The proposal would extend the pavement to the front entrance of the proposal, which would be the same width as the existing pavement, which should not impact on the use of the access by vehicles.*

## **7 Planning Considerations**

### **Habitat Regulations Assessment & Appropriate Assessment**

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

#### *Recreational Pressure*

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of

the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

- 7.3 The applicant has provided a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

#### *Water quality*

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out. Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site.
- 7.5 The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

#### *Appropriate Assessment conclusion*

- 7.6 The Appropriate Assessment has concluded that the avoidance and mitigation packages proposed would be sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development proposed. The HRA has been 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 requisite mitigation packages have been secured.
- 7.7 In other respects, and having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- (i) Principle of development
  - (ii) Impact upon the character and appearance of the area
  - (iii) Impact upon residential amenity
  - (iv) Parking and highway considerations
  - (v) Drainage
  - (vi) CIL

- (i) Principle of development

- 7.8 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria, which are considered below. Further, the principle of the scale and nature of the development

was accepted when planning permission was granted under reference APP/18/00313 on 11 July 2018, for the 'Demolition of 8 No. garages and erection of a 2 storey dwelling to provide 4 No. of 3 bed flats', which is substantially the same development as is currently being considered, with some minor internal alterations. This permission was not implemented and has since expired. Therefore, subject to any material changes to the planning considerations since the earlier grant of planning permission, the development has been found to be acceptable by the Local Planning Authority.

7.9 In that regard, the material changes to the planning considerations since the previous grant of planning permission are:

(1) The car parking for the previous proposal was provided in the previously unrestricted public car park to the front of the Co-operative store. However, this is no longer available, following parking restrictions imposed in December 2019;

(2) Mitigation for nitrates; and

(3) Lack of a 5 year land housing supply.

7.10 As to (1) this is covered below under the heading 'Parking and Highway Considerations' at (iv) below.

7.11 Regarding (2) nitrate mitigation for the proposal has been secured via a legal agreement, as set out at Paragraphs 7.4 – 7.6 above.

7.12 With reference to (3), in November 2021 the Council published its 'Five Year Housing Land Supply Update', which identified that a 5 year land supply of housing cannot be demonstrated within the Borough, which is currently only 3.9 years, with a 20% buffer. Therefore, as set out in the National Planning Policy Framework, the tilted balance applies to the proposal, where planning permission should be granted, unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*” The addition of 4 units of accommodation would be an efficient use of land, in a sustainable location, which would make a contribution, albeit a modest one, to the Council's overall housing requirement, and this must be given significant weight in the planning balance.

7.13 The proposal would also accord with Policy CS9 of the Core Strategy (and the advice in the National Planning Policy Framework) which supports housing proposals which achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a high density development at 4 units of accommodation on a site of approximately 0.04 hectares (a density of approximately 100 dwellings per hectare).

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

7.14 The proposal would entail the demolition of a row of 8 existing garages. As to these existing garages, although they are located at the rear of the service road and therefore not highly prominent, they are in a poor state of repair and the area is in need of improvement. The agent has advised they have not been used for the parking of vehicles for a number of years and are in fact too small for larger, more modern vehicles, having an average width of 2.5m, as opposed to the current requirement of

3m. Furthermore, the service road and the landscape buffers have been used for litter, rubbish storage and fly tipping. The service road does not have a high level of surveillance and for this reason, it is understood it attracts anti-social behaviour. The area is in need of improvement and upgrading. Other units along the shopping frontage have residential units at first floor level which are accessed from the rear service road.

- 7.15 The proposal would increase the scale of built form on this rear corner from flat roof single storey up to two-storey level with a pitched roof. The design is a fairly modern approach with dark framed windows with a mixture of brick, render and timber cladding materials. It is considered that these materials would complement those already used in the local vernacular. The development would include an integrated communal bin and bike store. Overall, it is considered that the design and proposed works would improve the character and visual impact of this part of the service road and regenerate the area, in accordance with Policies CS4 and CS6 of the Havant Borough Local Plan (Core Strategy) 2011. It would also include windows on the western and northern elevation which would provide natural surveillance over this section of the service road. The proposal is also considered to accord with the aims of Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact upon nearby residential amenity and commercial properties

Impact on existing residents

- 7.16 The impact on existing residents was assessed and found to be acceptable when the previous permission was granted, and the layout, scale and bulk of the development as now proposed is not materially different to that previously approved. The occupiers most likely to be impacted would be the residential properties to the west of the application site in Bransgore Avenue; 15 and 17 Middle Park Way to the north; and an existing flat to the south above the shops.
- 7.17 The new first floor windows (west elevation) within the proposed building would look in the direction of the rear of Nos 32 and 34 Bransgore Avenue. However, these properties are separated by a back-to-back distance well in excess of 20m, which is considered to be sufficient on planning grounds, and in accordance with the Borough Design Guide SPD, so as not to result in an unreasonable level of overlooking.
- 7.18 To the north, 15 Middle Park Way comprises The Peace Centre, Masjid, with car parking to the rear; with 17 Middle Park Way a Vets' Practice, again with parking to the rear. Overlooking from the first floor windows proposed, which would serve a bedroom and kitchen/living room of Flat 3 to the north would only overlook these car parking areas. The garden areas of residential development further to the north, would be in excess of 30m in distance, which would be acceptable in planning terms.
- 7.19 As to occupiers in the existing flats above the shops, due to the orientation of the proposal to the north of existing windows, the relationship with the development would not give rise to a significant loss of privacy, light, or be overbearing.

Impact on future occupiers

- 7.20 With regard to future occupiers of the proposed building, concerns have been raised that residential accommodation in this location would be unsafe, due to the lack of natural surveillance and use of the access road for deliveries. As to natural surveillance of the service road, this would be improved by the introduction of new development overlooking the road, with lighting conditioned to enhance safety within

the service road in front of the development. As to the existing pavement which extends along the rear of Nos. 1-9 on the east side of the service road and which is used by the residents of those flats, this would be extended up to the entrance of the proposed flats so that future residents would not have to step into the service road, using the proposed pavement instead. Furthermore, the front entrance is recessed back from the pavement so that future residents would step into a porch area and then onto the pavement, allowing more time to visually assess the service road. The flats would contain only 1no. bedroom each and therefore are more likely to be occupied by single persons or couples as opposed to family groups.

- 7.21 The first floor, east facing elevation of the development would be adjacent to 4no. air conditioning units which sit on top of the flat roof section of the Co-op store. However, the units are set back 4m from the elevation and there are no windows in the proposal on this elevation. The Council's Environmental Health Officer has been consulted and following a review of their initial comments have advised that the new building should be sufficiently mitigated in terms of acoustic measures, particularly as these units are operated 24/7. They have suggested an appropriate condition to this effect which seeks to ensure that the residential amenity of the properties is not impacted upon by any external noise levels. If permission is granted, the condition is recommended.
- 7.22 It has been confirmed that the internal communal parts within the development would be managed by the owner.

*Impact on existing commercial properties*

- 7.23 There is an existing window in the rear of the 'Best One' shop at first floor level, which serves a storeroom. This is shown in the application as being removed as it would be blocked up by the new east elevation of the proposed flat block. As the window serves a storeroom and not a residential flat or habitable room, no significant loss of amenity would occur to the commercial property as a result of its loss. However, its removal would have to be secured with the owner/occupier of this unit, which is a private matter between the parties involved.
- 7.24 Overall, any harm to adjacent residential amenity and existing commercial properties would not be significant, and as such the proposal is considered to comply with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Parking and highway considerations

*Parking*

- 7.25 Under the Council's adopted parking standards 4 spaces would normally be required for 4No. 1 bed units within the development itself. This was not provided in the previous permission APP/18/00313 because, as with the current application, no parking was available on the site itself. However, in that case, and following the submission of a survey, it was demonstrated that there was sufficient capacity to accommodate the 4 car parking spaces required in the public car park to the front of the commercial development to the east. As stated above under Paragraph 7.9, due to the parking restrictions imposed in December 2019 on this car park, this parking is no longer available for the development.
- 7.26 When assessing planning proposals that do not incorporate on-site parking provision the Council's adopted Parking SPD advises that should a developer wish to use on-street capacity then they should firstly be aware of potential concerns relating to the character and amenity of the road. If on-street parking is already an established part of



that character, surveys should be undertaken and submitted with the planning application to identify the current level and capacity of on-street parking in the vicinity of the site. Surveys should be undertaken and should include weekdays and weekends including late into the evening as this allows a true reflection of the parking arrangements.

7.27 Following the advice contained within the adopted Parking SPD the applicant has submitted 2 car parking surveys. The first one was insufficient covering only one day. The second survey commissioned resulted in a more detailed, 7-day car parking survey, which was undertaken between Sunday 4th and Saturday 10th September 2022 at a variety of times throughout the day, including late in the evening and early in the morning. The survey area included all feasible on-street parking areas within a 200m walking distance of the application site (i.e. a 2.5 minute walk), which is considered a reasonable walking distance from the proposal. Within the 200m radius this covered parts of Middle Park Way, Finchdean Road, Purbook Way (east and west), Linkenholt Way and Park Lane. The maximum parking capacity was established assuming car parking space dimensions of 5m length and 2m wide, avoiding infeasible parking areas, such as in front of dropped kerbs that serve private driveways and disabled parking bays.

7.28 The survey furthermore states that the parking requirements for the proposed flats is expected to be low for the following reasons:

1. The small size and intended tenure of the proposed units.
2. The site's accessible location.
3. The intention that the proposal would operate car-free and would be operated as such.
4. A review of car ownership data from the 2011 census reveals that 1-bedroom flats within the local ward typically own 0.44 vehicles per dwelling (equating to an equivalent demand for 2 spaces for the scheme proposed).

7.29 That said, the parking survey was based on the parking standards in Havant's adopted Parking SPD, with a requirement of 4 spaces to be addressed.

7.30 The following table is taken from the survey, identifying the existing parking 'stress' and remaining capacity for on-street parking in the study area. The survey measured parking 'stress' as a percentage of the overall spaces theoretically available which were, when surveyed, occupied by parked vehicles.

Time of Survey - Weekday	06.00	12.00	18.00	00.00
Overall parking stress across the study area	55.1%	46.8%	57.1%	58.5%
Available spaces	19	22	18	19
Time of Survey - Weekend	06.00	12.00	18.00	00.00
Overall parking stress across the study area	54.9%	53.7%	59.8%	65.4%

Available spaces	19	18	18	18
------------------	----	----	----	----

- 7.31 The survey, which is considered to be detailed for the week in question, shows that within the catchment area the parking demand for the 4 vehicles which are required for the development can be accommodated on the local road network, without adversely impacting on existing residents' parking or the character of the area.
- 7.32 Overall, whilst the application does not propose on-site parking and therefore does not meet the requirements of Policy DM13 in that regard, this is justified through the findings of the parking survey which is in accordance with the methodology required by the Council's adopted Parking SPD. Furthermore, it is considered that the site is in a sustainable location, close to bus routes and local services which is likely to reduce the reliance on car ownership, as would the type of development proposed (i.e. 1 bed flats). The intention is also to market the rented units without car parking provision – albeit that this is not a matter which could be controlled by the Local Planning Authority. The scheme also provides 4 no. cycle spaces which meets the standards for cycle parking. Two of these are provided in a secure cycle area to the rear of the bin store.
- 7.33 Taken together these factors, coupled with the benefits that the scheme provides such as new housing, regeneration and improvements to the built environment, outweigh the lack of on-site parking provision and it is not considered that a refusal of permission based on such reasons would be likely to succeed at appeal.

#### *Highway Safety*

- 7.34 With regard highway safety, the service road is used for lorry deliveries. These vehicles go past the main entrances to the existing flats above Middle Park Way and commercial units. Large articulated lorries, delivering to the Co-op store reverse down the service road from Purbrook Way, leaving in a forward gear. On the east side of the service road is a narrow pavement up to 11a, which would be extended up to the entrance to the proposal. The Highway Authority (HA) was consulted over the proposal, but as there is no change to the access, their response was "HCC's standing advice should be referred to in the first instance.", with no detailed comments provided. However, the HA was consulted and commented over the previous application, details of which are set out in the Consultation responses above. The highway position has not changed since the previous comments, which are considered to apply to this application. The HA advised that it would be unreasonable to refuse the scheme on highway safety grounds. However, unless the scheme includes a condition that the access road is regularly maintained and well-lit, then it would not be safe on planning grounds.
- 7.35 If permission is granted, it would be reasonable to impose a condition relating to lighting for the application site for the safety of residents, with natural surveillance of the adjacent service road provided by the occupiers of the development. Furthermore, the front entrance is recessed into the building to allow further visual assessment of the road by persons exiting the flats, with the pavement extended up to this point. A bollard is also proposed to be erected on the corner of the service road to prevent any delivery vehicles hitting the corner of the building. As to regular maintenance of the area, a condition to this effect would not satisfy the test for conditions, as such a condition is not considered reasonably necessary for the proposed development (instead seeking to address existing issues); nor within the applicant's overall control. Overall, it is considered that with the appropriate mitigation in terms of on-site lighting, the development would be acceptable on highway safety grounds

(v) Drainage

7.36 With regards to drainage arrangements, both foul and surface water disposal would be discharged into the existing main sewage systems, which is acceptable to Portsmouth Water. The provision and approval of drainage for the development would fall within the remit of Building Control.

(vi) CIL

7.37 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.

7.38 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The CIL liability would be £8,347.43, with no exception sought.

## 8 Conclusion

8.1 The principle of development of a substantially similar nature, scale and layout was found acceptable under Planning Permission APP/18/00313, since expired. The development would add to the Council's housing stock, for which there is a recognised shortfall, and in respect of which a 'tilted balance' applies whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal would not adversely impact on residential amenity or the character and appearance of the area and in highway safety terms is acceptable.

8.2 On-site parking is not provided for the development. This was also the case with the previous permission, whereby convenient local parking was provided in the public car park to the front of the commercial units. However, in light of the changed circumstances relating to that car park, and in accordance with the adopted Havant Parking SPD, a detailed on-street car parking survey has been carried out which has demonstrated that there is sufficient on-street car parking capacity within the locality to accommodate parking associated with the development.

8.3 The Appropriate Assessment undertaken in respect of the application has concluded that the avoidance and mitigation packages secured would be sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development proposed.

8.4 Having regard to these conclusions, the proposal is considered to accord with the development plan as a whole, Havant's Parking SPD and the National Planning Policy Framework, and conditional planning permission is recommended.

---

## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01207 subject to the following conditions

1 **General**

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

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

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

Location & Block Plan - Drawing No. 1100 Rev B  
Perspective View - Drawing No. 1003  
Proposed Sectional Elevations - Drawing No. 1302 Rev A  
Proposed Sections Elevations – Drawing No. 1302A  
Proposed Ground Floor Plan - Drawing No. 1101 Rev C  
Proposed First Floor Plan - Drawing No. 1102 Rev B  
Proposed Elevations - Drawing No. 1301 Rev B  
Site Plan with Highway Location - Drawing No. 1120

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

3 Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination is encountered (e.g. obviously stained soils, oils, fuels, any unusual sweet or solvent-like odours, or similarly discoloured / odorous groundwater within excavations); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

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

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

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

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

- A) A written statement confirming that no suspected contamination was identified during development, OR;
- B) Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.

**Reason:** The previous use of this site poses a risk that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site or to the local water environment. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183 & 184 of the National Planning Policy Framework 2022

#### 4 **Pre-Commencement**

No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

- 5 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

- (i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;
- (ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

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

#### 6 **Prior to Occupation**

Prior to occupation of Flats 1 and 2 hereby approved, all of the windows on the ground floor shall incorporate a pane of laminated glass to BS EN 356:2000 class P1A which shall be thereafter retained.

**Reason.** To mitigate the opportunities for crime having due regard to Policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to the occupation of any of the flats hereby approved, the erection of the

bollard and pavement extension as shown on Drawing No. 1101 Rev C (Proposed Ground Floor Plan) shall be made fully available for use and shall be retained thereafter for their intended purpose.

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

- 8 Prior to the occupation of any of the flats hereby approved, confirmation shall be provided that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, will meet BS8233:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms.

**Reason:** To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially traffic noise and potential noise from any commercial / business premises alongside the housing and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 9 Prior to the occupation of any of the flats hereby approved, an external lighting scheme for the site shall be submitted to and agreed in writing by the Local Planning Authority. Prior to occupation of any of the flats hereby approved the agreed details shall be implemented and thereafter retained and maintained.

**Reason:** In the interests of highway and public safety and having due regard to policies CS8 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Prior to the occupation of any of the flats hereby approved, the cycle parking and bin store shown on the approved plans to serve the development hereby permitted shall be made fully available and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and waste management having due regard to policies DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to the occupation of any of the flats hereby approved, details of the native hedgerow to be planted within the built development shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any hedging planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by hedging of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

## 12 Above Ground

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full

specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

### 13 **Post Occupation**

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

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

#### **Appendices: APP/21/01207**

- (A) Site Location Plan
- (B) Site Plan with Highway Location
- (C) Proposed Elevations, North & West
- (D) Proposed Ground Floor Plan
- (E) Proposed First Floor Plan
- (F) Perspective View

#### **Appendices: APP/18/00313**

- (G) Proposed Elevations, North & West
- (H) Proposed Ground Floor Plan
- (I) Proposed First Floor Plan