
Site Address: Rosecot, 15 New Cut, Hayling Island, PO11 0NB
Proposal: Demolition of existing dilapidated single storey detached dwelling, construction of 2 no. detached two storey four bedroom chalet style dwellings (Plots 1 & 2 as indicated on drawing no. 22303/201), reuse of existing access to Plot 2 and new vehicular and pedestrian access to Plot 1, on-site open parking and turning area for 3 no. cars to each dwelling.
Application Type: Full Planning Permission
Application No: APP/23/01002 Expiry Date: 02/05/2024
Applicant: Mr Ian Thompson and Mr Robert Hughes
Agent: Mr Jeffrey Douglas Case Officer: Kayleigh Taylor
 Jeffrey Douglas Chartered Architect
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

1.1 The application site measuring approximately 0.1ha, is located to the north of New Cut, within the defined settlement boundary. New Cut is a residential road to the east of Havant Road, in the northern part of Hayling Island. On the northern side of New Cut there are detached chalet bungalows, varying in design, whilst on the southern side there are detached two storey dwellings which are fairly uniform in scale and design. To the north of the application site there is access to a stable building running parallel with the site boundary and fields beyond identified as a 'low use' site in the Solent Waders and Brent Goose Strategy Network 2024.

1.2 The application site comprises a dilapidated, 1 bedroom bungalow and garden. The land is modestly higher than the highway and the existing bungalow is well screened by mature vegetation. The site itself is relatively flat in topography and at the time of the officer site visit the rear garden had been largely cleared of vegetation, except for on the boundaries. The site is accessed by an existing dropped kerb and vehicular crossover adjacent to the eastern site boundary.

1.3 The application site is entirely within Flood Zone 1 and is outside any future flood risk area.

2 Planning History

None relevant.

3 Proposal

- Demolition of existing dwelling
- Subdivision of the site and erection of 2 no. detached four bedroom chalet bungalows
- Creation of a new vehicular crossover and access to Plot 1
- Parking provision for 3 no. cars to each dwelling and turning space

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)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

No comment received.

Community Infrastructure, Planning Policy & Urban Design

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

The floorspace of the existing dwelling cannot be credited in respect of demolition because it was last in use in 2006, and thus has not been in continual use for at least 6 months of the previous 36 months.

An application for self build relief has been received for each plot by the two applicants. The application will need to be split into two phases prior to permission being granted.

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 additional dwellings and their respective number of bedrooms. See Unilateral Undertaking - Solent Recreation Mitigation Strategy | Havant Borough Council

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

Former Councillor Brenda Linger - Hayling West

No comment received.

Former Councillor Julie Richardson

No comment received.

Councillor Paul Gray

No comment received.

Crime Prevention -Minor Apps

No comment received.

Ecologist, Planning Policy Team

Original comments received 18/03/24:

The application is accompanied by a Preliminary Ecological Appraisal (ESL, February 2024). The site comprises a heavily overgrown and neglected plot containing a dilapidated single-storey dwelling and outhouse, dense woody vegetation, boundary hedging and a small number of trees.

The dwelling and outhouse are severely dilapidated and are considered to offer negligible potential for supporting roosting bats. I would concur with this conclusion. The overgrown vegetation is clearly suitable for nesting bird species and it is highly likely that small numbers of birds will nest here. There are records of hedgehog locally and it is highly likely that this species will occur. The overgrown nature of the vegetation has potential to provide shelter for individual amphibians such as Common Frog and Common Toad and possible also common reptile species. Otherwise, I am content that the site overall is not suitable for a range of other protected and notable species.

There are records of Stag Beetle from the local area and I would consider this site to be potentially of value to this species: dead wood is used by Stag Beetle larvae and, given the amount of dead wood present, it is highly likely that the site is of value to breeding Stag Beetles. It will be essential to retain and incorporate dead wood habitat within the developed site. This may prove difficult in the context of the submitted site plans, and a sensible and permanent location for dead wood within the new gardens will need to be found.

The ecology report contains some useful recommendations for ecological mitigation, compensation and enhancement. Measures such as flowering lawn mixtures are welcome, but there is no detailed landscaping information and it is not currently clear whether this can be delivered. Similarly, the proposed retention of dead wood habitat will need to be considered carefully in the context of residential gardens. Proposed measures such as gully pot amphibian ladders, hedgerow maintenance and Hedgehog gaps in fencing also need further detail if they are to be secured.

If you are minded to grant permission, can I suggest that all ecological avoidance, mitigation, compensation and enhancement measures are included within a single, comprehensive Ecological Mitigation, Compensation and Enhancement Strategy. I would also request that a detailed lighting strategy is provided in order to ensure that impacts to bats and other nocturnal species are avoided.

Prior to the commencement of any development activities, an Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the outline ecological measures detailed within the Preliminary Ecological Appraisal (ESL, February 2024) and shall include (but not necessarily be restricted to): full details of all ecological avoidance and mitigation measures, to include timings, methods and responsibilities; full details of all ecological compensation and enhancement measures, including location, area, composition, establishment and ongoing management, monitoring and responsibilities. Reason: to protect and enhance biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Further comments received 04/07/24 after submission of an Ecological Mitigation, Compensation and Enhancement Strategy:

The application is accompanied by an Ecological Mitigation, Compensation and Enhancements Strategy (Jeffrey Douglas, June 2024). This document is submitted in accordance with a suggested pre-commencement condition relating to ecological matters.

The key ecological mitigation, compensation and enhancement measures from the previous Preliminary Ecological Appraisal (ESL, February 2024) have been carried forward and confirmed as being implemented. This includes a new section of native hedging, provision for Stag Beetles and small mammals, and the installation of bird and bat boxes. It is confirmed that vegetation removal has occurred, outside the bird nesting season.

In summary, the submitted document is acceptable.

Environmental Services

HBC on behalf of Norse:

1. Access Requirements:

Access/Service Roads need to be capable of taking a 26 tonne Refuse Collection Vehicle (RCV) and allow vehicle to reverse close to bin store or containment area. Width of RCV 2.8m, maximum length 11.3m.

Drop kerbs also need to be provided to allow easy transfer of bins from store area to vehicle.

No bins to be pulled or waste carried more than 25 metres.

2. Bin Stores:

Almost all bulk bins utilised by the Authority are approximately 1.26 metres wide, therefore doors to stores need to be of 1.8 metres width to enable all types of container to be easily removed and returned.

A standard depth of 1.0 metre also applies to the majority of bulk bins, and bin stores therefore need to accommodate the required of containers measuring 1.26m x 1,0m.

NB: In 2026 food waste collections will be introduced, so consideration should be given to capacity for additional containers.

3. Bin requirements

Note: Factors such as family size and age of occupants can influence the number of bins required and it is therefore advisable that the waste Management team be asked to confirm each calculation if possible.

4. Bin sizes for Information:

- a) 140 litre (plastic) - 1065mm tall x 485mm wide x 550mm deep
- b) 240 litre (plastic) - 1075mm tall x 580mm wide x 725mm deep
- c) 660 litre (metal) - 1310mm tall x 1260mm wide x 730mm deep
- d) 940 litre (metal) - 1500mm tall x 1020mm wide x 975mm deep
- e) 1100 litre (metal) - 1370mm tall x 1260mm wide x 990mm deep

Officer comment: *There is considered to be ample scope within the curtilage of each of the proposed dwellings to accommodate refuse storage requirements.*

Hampshire Highways

The access arrangement to the proposed dwellings is acceptable although ideally the accesses would be paired, this is not essential on a minor road.

I confirm the Highway Authority have no objection subject to Conditions and a Note to Applicant.

HCC Arboricultural Consultancy

Original comments received 28/05/24

I have carried out a review of the relevant documents available on the HBC planning portal and provide the following comments. Please note this is as desktop review only, as I have not had instruction for a site visit. In the absence of a site visit I must assume the submitted descriptions and assessments of the trees and the site to be true, fair, and accurate.

The Arboricultural information has been revised and resubmitted, these comments therefore relate to the revised information.

Following my previous comments, the revised tree report still proposes that "Replacement trees will negate the loss of trees removed to facilitate the proposal" but still does not provide any details or commitment to this proposed new planting.

My previous comment noted that the submitted Tree Protection Plan did not have dimensions to set out the proposed protection fencing. The revised plan is also missing dimensions for tree protection fencing.

The amended proposal has retained one tree that was previously marked for removal. This is labelled as tree T3, blackthorn, but looking at Google street view the only tree visible in that location with sufficient height of T3 (7m) is a sycamore, so this may have been mis-recorded.

In summary, I have no concern regarding the proposal, but I recommend a Planning Condition be used to safeguard trees.

Further comments received 09/07/24 following submission of a TPP.

I have reviewed the documents that have been submitted recently and forwarded to me by email. Unfortunately, these do not provide the information that I have requested in my previous comments.

To enable on site checking and, if required, enforcement I have requested the submitted Dimensioned Tree Protection Plan. The resubmitted plan does not have dimensions, therefore cannot be used for this purpose. A plan showing GPS set out nodes has been provided, but again this cannot be used to check fencing positions without GPS equipment. Furthermore, this plan is not referenced in the Arboricultural Method Statement.

In summary the information requested has not yet been provided.

No further comments received within the 21 days consultation period following submission of an updated TPP.

Waste Services Manager

No comments received.

Council's Nutrients Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:
<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

Natural England

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 10 July 2024, 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.

Mitigation measure(s) to offset any positive nutrient budget should be provided within the relevant catchment area(s).

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.

Deterioration of the water environment

As Competent Authority it is your responsibility to ensure that you are confident that there is sufficient information to support the values used in any nutrient budget calculation that supports this application, and that any nutrient budget calculation(s) are correct.

Environmental Health

No observations to make in respect of noise or light.

Officer comment: *The Council's Environmental Protection Team confirmed that they do not require any conditions relating to the demolition and construction process.*

Hampshire Biodiversity Information Centre

Within 50m - Wader and Brent Goose Strategy H60C Low Use Site

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
There are already too many residents on the Island for the utility infrastructure, road access and amenities eg Doctor's surgeries.. A single storey detached dwelling is being replaced with two new dwellings - each with space for 3 cars - this will do little to reduce traffic issues already experienced on the Island.	Hampshire Highway Authority have no objection to the application.
There are a lot of properties where either one property is being built in the 'back garden' or several (such as the New Town Hotel and the property in Manor Road). I would like to think that	The Council has a housing need, and additional residential development within existing urban areas is supported by the NPPF and Local Plan policies.

a tally is being kept of the permissions given for these types of build so that there is a more accurate picture of development, and increase in population, on the Island. The equivalent of a housing estate is being built by stealth.	
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7 Planning Considerations

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

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Standard of accommodation and amenity space
- (v) Parking and highway safety
- (vi) Ecology
- (vii) Habitat regulations
- (viii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The Council's Five-Year Housing Land Supply, Updated at March 2023, indicates the Borough's housing land supply position as 1.81 years with a 20% buffer applied. This shortfall engages Paragraph 11d) of the NPPF with its presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. It is accepted that the proposal for one additional dwelling, within the urban area of Hayling Island, would make a modest contribution to housing supply and this benefit of the proposal must be afforded weight in the overall planning balance.

7.3 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Local Plan (Core Strategy) (2011) sets out that development will be permitted that makes the most effective use of land in the borough.

7.4 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.

- 7.5 Paragraph 123 of the NPPF (December 2023) sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.6 Paragraph 128 of the NPPF (December 2023) supports development that makes efficient use of land where it considers the desirability of maintaining an area's prevailing character and setting and where it takes into account the importance of securing well-designed and beautiful, attractive and healthy places.
- 7.7 The Framework goes further and sets out at Paragraph 129 (December 2023) that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site.
- 7.8 The principle of making more efficient use of an existing urban sustainable site is therefore supported, albeit the acceptability of the proposal is subject to the detailed planning considerations as set out below.

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

- 7.9 The application site currently comprises a dilapidated bungalow of no architectural merit, as such there is no objection on design grounds to the demolition of the existing dwelling.
- 7.10 Whilst the proposal seeks to subdivide the existing site to provide an additional dwelling on the site, officers are satisfied that the proposal would be in keeping with the pattern and density of dwellings within the wider area. The proposed dwellings would front New Cut and would respect the existing staggered building line.
- 7.11 The proposed dwellings would be read as detached chalet bungalows, which is in keeping with the scale and form of the existing dwellings on the northern side of New Cut. The proposed roof form comprises a crown pitched roof which would respect the neighbouring building heights. Whilst the Council's Design SPD discourages the use of flat roofs, there would only be limited views of the flat roof and the crown pitch would help to conceal the proposed solar PV. Furthermore, there are two existing chalet bungalows with crown roof designs to the immediate east of the application site. As such, in this instance a crown pitched roof design is considered to be acceptable. The proposal incorporates pitched dormer windows, these meet the design guidance contained within the Council's Design SPD.
- 7.12 The applicant has submitted a materials schedule which includes; grey render elevations with fibre cement cladding dormers/gables. Grey slate interlocking cement roof tiles and block paving for driveways. These materials are considered to be acceptable and would complement the existing materials palette on the northern side of New Cut.
- 7.13 The proposal would require a new access from New Cut for the western dwelling and both proposed dwellings will have large areas of hard standing to facilitate the parking of 3 cars and turning space. This would result in erosion of the existing soft landscaping and would have an urbanising impact. However, on balance this impact would not be detrimental to the character of the area. The remainder of the existing hedge would be safeguarded from removal by planning condition.

- 7.14 Overall the design and appearance of the proposal is deemed appropriate in context to the wider streetscene and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.15 In respect of the impacts on Number 17A, to the east of the application site, Officers are satisfied that there would be no material loss of light to the neighbouring occupiers. An officer site visit confirmed that the kitchen of Number 17A is dual aspect with the primary window facing north. The proposed development would not intersect the 45 degree line from this window and the first floor bedroom window and as such would accord with the guidance contained within the Council's Design Guide SPD with regards to loss of light to neighbouring properties. Officers acknowledge that Number 17A has a relatively shallow garden length and the proposed block plan shows that the depth of the proposed dwelling on plot 2 would extend the entire depth of the garden of Number 17A. However, given that the eaves height is 3.6m and there is a separation distance between the shared boundary and the proposed development of 1.5m and that the separation distance increases to 4.6m together with a catslide roof design dropping to an eaves height of 2.3m, on balance it is considered that there would not be an such an adverse overbearing impact that would significantly and demonstrably outweigh the benefits of providing an additional dwelling on the site. A condition is recommended removing PD rights to extend the proposed dwelling on plot 2 without planning permission, in order to prevent an adverse impact on neighbouring occupiers. It is also considered reasonable to impose a condition requiring the first floor rooflight in the eastern elevation of plot 2, serving an en-suite to have a minimum cill height of 1.75m from finished floor level to safeguard the privacy of the occupiers of Number 17A.
- 7.16 In terms of the impact on Number 13 to the west of the application site, it is noted that this dwelling has a number of first floor and ground floor windows facing the application site. The land immediately adjacent the boundary is used for parking provision and is therefore not primary amenity space and creates a separation distance of between 5.3m – 5.8m between this neighbouring dwelling and the proposed dwelling on plot 1. Number 13 has been extended under planning permission APP/21/01208 (as amended by non-material amendment APP/21/00341) as such floor plans of this dwelling are available to officers. Officers are satisfied that the ground floor windows in the eastern elevation of Number 13 serve rooms which benefit from dual aspect windows, as such, whilst the proposed dwelling on plot 1 would change the outlook from these windows there would be no material harm to the amenities of the occupiers of this neighbouring property. Furthermore, owing to the separation distance there would be no adverse overbearing impact. In terms of the first floor windows in the eastern elevation of Number 13 there is a bedroom with two windows facing the application site, it acknowledged that this room would outlook upon the proposed flank elevation of plot 1. Whilst this would be a change in outlook, it is not considered to result in a total loss of outlook owing to the separation distance and height of the proposed dwelling allowing views of the skyline to still be achieved from first floor level, furthermore, there would be adequate separation distance to prevent a material loss of light. In terms of overlooking, there would be two rooflights in the western elevation of plot 1 serving an en-suite and dual aspect bedroom. It is considered reasonable to impose a condition requiring these to have a cill height of 1.7m from finished floor level to safeguard the privacy of Number 13.

- 7.17 Officers are satisfied that there would be sufficient separation distances to other dwellings to prevent adverse impacts to neighbouring occupiers.
- 7.18 Subject to conditions, it is considered that the proposal will not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Standard of accommodation and amenity space

- 7.19 Both dwellings would benefit from sufficient amenity space with garden depths measuring approximately 15m, which accord with the requirements of the Council's Design Guide SPD.
- 7.20 Both dwellings would exceed the minimum floor areas set out the Nationally Described Space Standards. A plan was submitted during the course of the application demonstrating an acceptable headroom could be achieved at first floor level. All habitable rooms on the ground and first floor of both dwellings would have adequate outlook. The dwellings would have stairwells with large windows that would face the flank elevations of each other, given that these are positioned in different positions any views between the two stairwells would be oblique and would not materially harmful to the privacy of future occupiers.
- 7.23 The proposal therefore provides an adequate standard of accommodation and amenity space and would accord with Policy CS16 of the HBLP Core Strategy.

(v) Parking and highway safety

- 7.24 Hampshire Highway Authority has raised no objection to the proposal and the creation of a new access, subject to conditions. Officers are satisfied that 3 vehicles could park on each plot, furthermore there is space for vehicles to turn within the site. The proposal would therefore accord with the requirements of the Parking SPD and Policy DM13 of the HBLP Core Strategy.

(vi) Impact on Trees

- 7.25 The application has been supported by an Arboricultural Impact Assessment which has been updated during the course of the application and reviewed by the County Arboriculturist. The County Arboriculturist raised no objection subject to a condition requiring submission of and compliance with a tree protection plan (TPP). The applicant submitted a revised TPP during the course of the application to negate the need for a pre-commencement condition. The County Arboriculturist requested that dimensions were included on the TPP. The TPP was updated accordingly, the County Arboriculturist was consulted again on this application however no further comments were received. Nonetheless, Officers are satisfied that the trees to be retained would be adequately protected during the course of the development, subject to condition. The proposal therefore accords with policy DM8.

(vii) Ecology

- 7.25 This application is supported a Preliminary Ecological Appraisal (ESL, February 2024), which has been reviewed by the Council's Ecologist. These surveys appear to have been conducted prior to the clearance of the rear garden of the existing dwelling. The Council's Ecologist recommended a condition requiring the submission of an Ecological Mitigation, Compensation and Enhancement Strategy. The applicant has submitted this prior to the determination of this application, this sets out that vegetation clearance works were undertaken prior to the bird nesting season. In terms of proposed mitigation measures these includes; construction exclusion zones, pollution and dust control, planting of native hedgerow, 2no. trees and shrubs, creation of a vertical log pile for invertebrates including stag beetles, gaps for hedgehogs in the boundary treatment and lawns to include a floral mixture, bat roosting and bird nesting and solitary bee provision. This has been reviewed by the Council's Ecologist whom considers this acceptable.
- 7.26 Conditions are recommended requiring a detailed lighting strategy and compliance with the submitted Ecological Mitigation, Compensation and Enhancement Strategy.
- 7.27 This application was valid on 07/03/2024 and is therefore not required to provide Biodiversity Net Gain.

(vii) Habitat regulations

- 7.28 The proposal would result in the net gain of one dwelling which needs to comply with the Habitats Regulations. 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 (Amendment) (EU Exit) Regulations 2019. 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 due to both the increase in recreation and the decrease in water quality that would result from the proposed development.
- 7.29 Using Natural England's updated Methodology in January 2024, 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 on Nutrient Neutral Development.
- 7.30 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaking and paid the appropriate sum of £1,103.45 to address the potential recreational harm from the new development. Therefore it is considered that the recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, April 2023, the applicant has been able to also enter into the mitigation scheme at Warblington Farm to offset the nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £7,829.04 as nutrient mitigation. This is based on the development achieving a water efficiency of 110 l/p/p/d and to ensure these measures are provided as part of the development, and for ongoing compliance, it is necessary to add 2 conditions.

- 7.31 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs 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 and raise no objection. The Council's assessment as competent Authority under those regulations is included in the case file.

(v) CIL

- 7.32 The development is CIL liable for the net additional internal floor space, which amounts to 369sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council in 2013 and the levy to be charged for this development in Hayling Island would be £100 + indexation per square metre on new floor space. The net gain in floor space for plot 1 is 187sqm which results in a Liability of £31,806.70 but self-build exemption has been claimed, for plot 2 the net gain floor space is 182sqm which results in a Liability of £30,956.25. The Draft Liability Notices have been sent to the agent.

8 Conclusion

- 8.1 Due to the Borough's current housing supply position, paragraph 11d) of the NPPF is engaged which gives a presumption in favour of granting permission unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The provision of 1 additional dwelling would contribute to the Borough's housing need and represents a modest benefit. There would also be economic benefits arising from the construction and future spend of occupants; and a social benefit from the replacement of a dilapidated dwelling with two family homes in an established residential area in a sustainable location. It is considered that there are no identified adverse impacts arising from this development that would outweigh these benefits and therefore the tilted balance benefit of this development prevails.
- 8.2 The proposal meets the Habitats Regulations with recreational and water quality impacts adequately mitigated against. Overall the proposal is therefore considered acceptable and recommended for conditional permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to GRANT PERMISSION for application APP/23/01002 subject to the following conditions

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

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

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

22303/201	Root Protection Area - uploaded 09/05/2024
22303/201	Tree Protection Plan – submitted 10/07/2024

22303/201	Tree Quality Assessment Plan - uploaded 09/05/2024
22303-209	Proposed Floor Plans Showing Headroom - uploaded
09/05/2024	
22303-208	Proposed Street Scene And Sections – uploaded 15/12/2023
22303-207	House 2 Proposed Elevations And Section – uploaded
15/12/2023	
22303-206	House 1 Proposed Elevations And Section – uploaded
15/12/2023	
22303-205	Proposed Roof Plans – uploaded 15/12/2023
22303-204	House 2 Proposed Floor Plans – uploaded 15/12/2023
22303-203	House 1 Proposed Floor Plans – uploaded 15/12/2023
22303-202	Proposed Site Plan – uploaded 15/12/2023
22303-201a	Proposed Block Plan – uploaded 08/03/2024
22303-101A	Existing Location & Block Plan - uploaded 08/03/2024
Agricultural Report prepared by Johnston Tree Consultancy dated June 2024	
Ecological Mitigation, Compensation and Enhancement Strategy – uploaded 18/06/2024	
Nitrates calculator – uploaded 06/06/24	
Havant Occupancy Calculator – uploaded 15/12/2023	

Reason: To ensure provision of a satisfactory development.

- 3 Prior to first use of the new access to plot 1, hereby approved, the access shall be surfaced in a non-migratory material for a minimum distance of 6m. measured from the nearside edge of carriageway of New Cut.

Reason: To provide satisfactory access and in the interests of highway safety in accordance with Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Any gates or other obstruction to the passage of vehicles shall be provided a minimum distance of 6m. measured from the nearside edge of carriageway of New Cut.

Reason: To provide satisfactory access and in the interests of highway safety in accordance with Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Prior to occupation of each dwelling the area shown on the approved plan for the parking and manoeuvring of vehicles for each dwelling shall be provided and reserved for these purposes at all times thereafter.

Reason: To provide satisfactory parking provision and in the interests of highway safety and amenity in accordance with Policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 The rooflights in the western elevation of plot 1 and the eastern elevation of plot 2 shall have a minimum cill height of 1.75m above finished floor level.

Reason: To protect the amenities of adjoining residential properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, AA and B of Schedule 2, Part 1 of the Order shall be carried out on Plot 2 without the prior written consent of the Local Planning Authority.

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

8

The development hereby permitted shall not be occupied until:

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

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

- 9 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development shall be carried out in full accordance with the ecological avoidance and mitigation measures detailed within the an Ecological Mitigation, Compensation and Enhancements Strategy (Jeffrey Douglas, June 2024).

Reason: To protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 12 Notwithstanding the details shown on the hereby approved plans, no new external lighting shall be installed until a lighting scheme, designed to minimise light spill and impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide information on the specification, lux, direction and screening of the lights to be installed. Thereafter the lighting shall be installed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid and minimise impacts of artificial lighting on the ecological interest of the site and to prevent harm to visual amenity and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The development shall be carried out in full accordance with the Arboricultural Method Statement contained within the Arboricultural Report prepared by Johnston Tree Consultancy dated June 2024 and Tree Protection Plan submitted 10/07/2024. No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and as shown on the Tree Protection Plan submitted on 10/07/2024. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.