

Recommendation: **GRANT PERMISSION**

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014
AL1 Presumption in Favour of Sustainable Development

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

County Ecologist (1)

It would be prudent to request some further detail on mitigating noise if works are to be undertaken in the period 1 October to 31 March.

Officer Comment

The applicant confirmed that construction work will take place only between the 1st April & 30th Sept and noise levels will be not to exceed 69dBA max at the sensitive receptor.

County Ecologist (2)

A condition is considered acceptable

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Chichester and Langstone Harbours SPA and Ramsar sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

SPA functionally linked land

It is noted that the beach adjacent to the southern boundary of this property is an area identified as functionally linked land of Chichester Harbour SPA. The site C19 is identified in the Solent Waders and Brent Goose Strategy as a Primary Support Area. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA). Natural England considers that the nature and scale of the proposals would be unlikely to have a significant effect on the integrity of the European sites. Due to the proximity, potential impacts should be considered and the use of a proportionate CEMP, or completing works outside of the overwintering period

(i.e. October to March inclusive), may be appropriate to ensure there are no impacts.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

Havant Biodiversity Information Centre

Within 50m Priority Habitat

- Coastal Vegetated Shingle
- SINC Hayling Island Beach
- Wader and Brent Goose Strategy C19

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: 38

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No objections, would enhance the block, balance and symmetrical look.	Noted

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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Flood risk
- (v) Impact on Ecology and Compliance with Habitats Regulations

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 The proposed balcony would be a simple 1.25m high glass balustrade supported on 6 oak posts with oak decking.

7.4 This design would be appropriate to the host building and similar to others in the area. It 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) Effect on neighbouring properties

- 7.5 Because the building comprises flats the proposed balcony would sit alongside the window of the adjacent first floor flat 90a, and above the patio doors of the ground floor flat 90B. The balcony would add some shade to the ground floor flat below, both outside and have some effect on the light to the room below. But facing due south the light loss would be minimal and arguably the provision of some shade welcome in the summer. It is understood that the applicant also owns this ground floor flat and no objection has been received.
- 7.6 In terms of the impact on the adjacent flat (90a) the balcony would extend out 2 metres which would be the same as the existing balcony approved under APP/21/00586. Therefore, it is not considered to have an adverse impact on the neighbouring occupiers.
- 7.7 It is noted that the site is in a very public place with no real privacy to the existing south elevation and garden - passers by on the beach footpath have a direct line of sight into this area. It is also noted that there are many balconies in the vicinity and the standard of privacy screens between units varies enormously, ranging from high walls to none.
- 7.8 Consequently, 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). It is noted no letters of objection were received with respect to the scheme.

(iv) Flood risk

- 7.9 The application would be classed as a 'minor development' and according to the National Planning Practice Guidance (NPPG) unlikely to cause flood risk unless they would have an adverse effect on a watercourse, floodplain or its flood defences; they would impede access to flood defence and management facilities, or; where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. The proposal should not affect these areas.
- 7.10 The application site is located within Flood Zone 3. The applicant's submission confirms that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the development will be incorporated where appropriate. It is also worth noting the proposal would not increase the existing footprint. The proposed development is classed as minor development and unlikely to increase the risks associated with flooding to the site and elsewhere and therefore accords with policy CS15 of the Core Strategy.

(v) Impact on Ecology and Compliance with Habitats Regulations

- 7.11 The site is located adjacent to the Solent and Dorset Coast SPA and the Solent Maritime SAC and notably a designated Primary Support Area for sanderling and ringed plover (site C19). This functional land forms part of a network terrestrial sites used for roosting and foraging. As such the potential for indirect harm, eg from noise and disturbance during construction, must be considered under the Habitats

Regulations. Whilst the small scale of the proposal is noted, the applicant has confirmed that construction of the balcony will take place outside the overwintering period of October to March inclusive and would largely be constructed off-site with the installation taking place within a single day and equipment would not exceed 69db. This has been recommended to be conditioned to the decision.

8 **Conclusion**

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/23/00282 subject to the following conditions

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

Location Plan
Block Plan
Proposed Elevations
Proposed Floor Plans
Flood Risk Assessment

Reason: - To ensure provision of a satisfactory development.
- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Construction of the hereby approved balcony shall only take place between 1st April and 30th September and the noise levels shall not exceed 69dBA max at the sensitive receptor unless otherwise agreed by the Local Planning Authority.
Reason: To protect the functionality of the adjacent Solent and Dorset Coast Special Protection Area and the Solent Maritime Special Area of Conservation and site C19 Primary Support Area, having regard to policy CS11 of the Havant Borough Core Strategy 2011 and the requirements under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework.