
Site Address: Point View, 10 Western Parade, Emsworth, PO10 7HS
Proposal: Construction of a replacement 1no. 3 bed detached dwelling, including balconies to front elevation, and alterations to rear outbuilding.(Retrospective)
Application No: APP/20/01204 Expiry Date: 09/02/2021
Applicant: Mr Brown
Agent: Mr Potter Case Officer: Lesley Wells
James Potter Associates
Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site is located on Western Parade, which is an unadopted road and footpath between Beach Road and Kings Road, fronting the Emsworth foreshore. The site abuts Chichester Harbour Area of Outstanding Natural Beauty (AONB) which is also a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site. The front of the site lies within Flood Zones 2 and 3.

The original dwelling was a detached chalet style bungalow, with a porch and a balcony to the front and a single storey flat roofed extension to the west. This has since been demolished and following the grant of two planning permissions, the development has commenced on site. The proposal seeks to regularise changes to the previous approved scheme, under reference APP/20/00122.

The site is flat, with an existing access and area for parking at the front.

The surrounding area is characterised by substantial detached dwellings, some of which are set in spacious plots. The property immediately to the east is a contemporary two storey replacement dwelling, with a large glazed area and balcony to the south elevation. To the west is an older style chalet bungalow, with a two storey side element. This property does not have a single storey element and is located close to its boundaries to the west and east. To the rear are the gardens of the properties in Warblington Road, and from within these properties it may be possible to glimpse the sea in the spacings between the Western Parade dwellings.

The building area falls within Flood Zone 1, with the front of the plot sited within Flood Zone 2 and 3.

2 Planning History

APP/19/00421 - Demolition of existing dwelling and construction of a replacement 1No. 3 bed detached dwelling including a balcony to the front elevation and a single storey to the rear., PERM,29/01/2020

APP/20/00122 - Demolition of existing dwelling and construction of a replacement 1 No. 3 bed detached dwelling to incorporate an existing outbuilding with modifications, with balcony to the front elevation (Revision to APP/19/00421). (Approved 09.06.2020). Request to discharge condition No/s 3, 7, 8, 9 and 10. (22.07.2020)., PERM,09/06/2020

APP/20/00612 - Material Schedule, CEMP, Public Sewer protection scheme, bat box details., UNK,
APP/20/01059 - Retention of fence and gate to front of property., PERM,20/01/2021

3 Proposal

Construction of a replacement 1no. 3 bed detached dwelling, including balconies to front elevation, and alterations to rear outbuilding.(Revised) The proposal is currently being constructed, with roof rafters installed at the time of the last site visit.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Havant Borough Pre Submission Local Plan 2036

E5	(Chichester Harbour Area of Outstanding Natural Beauty)
E1*	(High quality design)
H1*	(High quality new homes)
E3	(Landscape and settlement boundaries)
E19	(Managing flood risk in new development)
E16	(Solent Special Protection Areas)
IN3	(Transport and parking in new development)
EX1	(EX1 Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D4	(Design of Public Spaces & External Areas)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)
ENP_D2	(Height, Mass & Materials)
ENP_L2	(Housing Mix)
ENP_L3	(Independent Living)
ENP_D5	(Integration & Strong Connections)
ENP_D3	(Layout, Form & Density)
ENP_D7	(Mitigate Light Pollution)
ENP_WF1	(Public Enjoyment of the Waterfront)

ENP_D6 (Resource Efficiency)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Building Regulations will be required for this work

Southern Water Public sewer crosses the site and appears to be within 3m of proposal consultation with SWS will be necessary Under AD H

Solid waste storage provisions not shown

Unprotected area issues to be considered with regards to West Elevation and location of notional boundary with regards to openings and cladding proposed

Chichester Harbour Conservancy, The Harbour Office - Objection

Recommendation – Objection:

- glazing, without sub-divisions to panes and balcony balustrading would be far more apparent from Chichester Harbour;
- unnecessary introduction of rooflights windows considered excessive and not aligned to The Conservancy's aspirations to promote dark skies within and immediately adjoining Chichester Harbour.

Thank you for advising the Conservancy of this application. Sorry for the delay in responding, but major applications have had to be given priority in my workload.

The site lies outside, but immediately adjacent to the AONB boundary. A gravel vehicular way services these properties, which also serves as a public footpath. The site is thus highly visible in the landscape and especially from Chichester Harbour.

Having regard to the Policy framework* below and reviewing previous site photography I make the following observations to changes made to the approved APP/20/00122 - (itself a revision to APP/19/00421) – scheme during construction.

Those adjustments appear to relate to –

- Altering to mostly plain glazing panes instead of glazing given definition by mullions and transoms;
- The net introduction of 6 further rooflights and re-positioning of the two main rooflights over the first floor landing;
- Steps and a ramp to the main front entrance;
- Deletion of bi-fold door configurations;
- Various inconsequential internal floor plan adjustments;
- Moving the first floor window opening located over the garage door;
- Removing decorative shutters to the ground floor right hand side window opening front elevation and similarly first floor rear elevation;
- Removal of rear cornice overhang altering proportions of central first floor window;
- Removal of cornice line between ground and first floors to side elevations;

- Deletion of doorway and rooflight over it to west elevation rear projection; and,
- Vertical boarding instead of horizontal boarding to all elevations.

The adjustments to the glazing and glazed balustrading are a concern in terms of views from The Harbour and the net introduction of other rooflights seems unnecessary and does not help The Conservancy to promote its 'dark skies' agenda in the AONB.

The design and appearance of the replacement dwelling has been weakened, adversely affecting the setting of the AONB.

*Policy framework

NPPF - 172; **NPPG** – ID's – 8, 21a, 26; **HBLP** – CS12, CS16, DM9; **DENP** –D1; **CHMP** – 1-2; **PP** – 01, 03; **SPG/SPD**.

NPPF – National Planning Policy Framework (2018)

NPPG – National Planning Practice Guidance (2014)

HBLP – Havant Borough Local Plan (2011/2014)

DENP – Submission version Emsworth Neighbourhood Plan

CHMP – Chichester Harbour Management Plan (2019-2024)

PP – CHC Planning Principles (2016 onwards)

SPG/SPD –

Borough Design Guide

Emsworth Design Statement

Joint Chichester Harbour AONB SPD (2017)

Community Infrastructure, Planning Policy & Urban Design

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

Not SRMS liable as the application is for a replacement dwelling.

Councillor Julie Thain-Smith

No comment received.

Councillor Lulu Bowerman

No comment received.

Councillor R Kennett

No comment received.

Community Infrastructure - Comment

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

Not SRMS liable as the application is for a replacement dwelling.

County Ecologist, Strategic Environmental Delivery

No comment.

Developer Services, Southern Water

It appears that the applicant is proposing to abandon/divert a public sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application should be made using Southern Water's Developer Portal at:

www.southernwater.co.uk/developing.

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

To make an application visit www.southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

www.southernwater.co.uk/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Environment Agency, Romsey Depot - No Objection

Advice to Local Planning Authority

Flood Warning and Emergency Response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. Our flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, please visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, please visit <https://www.gov.uk/help-during-flood>.
For advice on what do after a flood, please visit <https://www.gov.uk/after-flood>.
Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Officer comment: the LLPF comments on emergency planning are below.

LLFA - Comments Only

As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> for further information on recommended surface water drainage techniques. If you specifically need our advice on this application, please contact us. A fee may be charged for this service depending on the complexity of the site.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse>

Hampshire Biodiversity Information Centre, Hampshire House

No comment.

Hampshire Fire & Rescue Service - No Objection Building Regulations: Access for Firefighting

General advice provided by Hampshire Fire & Rescue Service on the proposal.

Hampshire Constabulary, Tasking & Co-Ordination Directorate

No comment received.

Hampshire Wildlife Trust, Beechcroft House

No comment received.

Highways Development Planning, Strategic Transport, Economy, Transport and Environment Department - No Objection

Having reviewed the documentation submitted in support of the above planning application Highways Development Planning is satisfied that the proposal would have no detrimental impact on highway safety or operation. A recommendation of no objection would therefore be given.

Natural England, Natural England Consultation Service

No comment received.

Norse South East, Operations Director

No comment received.

Planning Policy, PPUD

Nutrients would not apply as there is no net increase in dwellings.

Planning Policy - Objection on lack of FRA, which has since been provided.

Policy Status

The Core Strategy and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the Borough. The Havant Borough Local Plan was submitted for examination on 12 February 2021 and may be afforded limited weight.

The following policies in the adopted Local Plan are of particular relevance:

- • CS11 Protecting and Enhancing the Special Environment and Heritage
- • CS12 Chichester Harbour AONB
- • C15 Flood and Erosion Risk
- • CS16 High Quality Development
- • CS17 / AL2 Development in the Urban Area
- • DM8 Conservation, Protection and Enhancement of Existing Natural Features
- • DM9 Development in the Coastal Zone
- • DM13 and DM14 Car and Cycle Parking on Development

SPDs:

- • Parking SPD
- • Chichester Harbour AONB SPD

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

- • IN3 Transport and Parking in New Development
- • E1 High Quality Design
- • E3 Landscape and Settlement Boundaries
- • E5 Chichester Harbour AONB
- • EX1 Water Quality Impact on the Solent European Sites
- • E16 Solent Special Protection Areas
- • E19 Managing Flood Risk in New Development
- • H1 High Quality New Homes

In addition, it should be noted that the Emsworth Neighbourhood Plan has reached an advanced stage of preparation. It has successfully passed examination. The referendum has been delayed due to coronavirus restrictions, but government guidance indicates that it should be given significant weight at this time. The following policies are of particular relevance to this proposal:

- • L1 General Housing Policy
- • L4 Independent Living
- • H1 Design & Heritage
- WF1 Public Enjoyment of the Waterfront
- D1-D7 + Design Checklist

Principle of Development

This proposal is for a redevelopment of an existing residential plot - a brownfield site within the urban area. The principle of development is therefore accepted, and the determination will be based on the detail of the proposed scheme.

Flood Risk

The site lies on the waterfront.

In the present day (plan on the left below), the vast majority of the site, including the proposed built form lies in Flood Zones 1, with the access road and a small part of the

south of the site in Flood Zones 2 and 3.

The lifetime of residential development is considered to be 100 years. In the future, with climate change taken into account to 2115 (plan on the right below) a large part of the site, including the proposed built form in Flood Zones 2 and 3.

National and local policy is clear that applicants must demonstrate that development will be safe over its lifetime. To do so, a site-specific flood risk assessment should be prepared, and if necessary, the development should incorporate site specific flood protection, resilience and resistance measures. The applicant has not submitted an FRA to support this application and it is therefore not possible to assess whether the development will be safe over its lifetime.

Protected Sites

The site fronts onto the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. Particular regard should be had to these designations both during the construction and the occupation phase. Natural England and/or the council's ecologist can advise further. A contribution to the Solent Recreation Mitigations Strategy will also be required.

Access to the Waterfront

Both the Local Plan and the emerging Emsworth Neighbourhood Plan seek to safeguard existing accesses to the waterfront. This proposal appears does not affect public access along Western Parade, and is therefore policy compliant in this regard.

Design Quality & Chichester Harbour AONB

Similar to CS16 in the adopted plan, policy E1 of the new Local Plan seeks high quality design in all developments.

Crucially, the site lies within the Chichester Harbour Area of Outstanding Natural Beauty. Particular regard must therefore be had to the impact of the proposal on the qualities of the AONB. Detailed design guidance is contained within the Chichester Harbour AONB SPD, which should be taken into consideration in determining whether the detail of the proposal is acceptable.

In addition, the emerging Emsworth Neighbourhood Plan includes a suite of design policies, and a design checklist, which should be taken into consideration, if with limited weight.

Residential Standards

Under the emerging Local Plan, a number of new standards are expected in new residential development. These include internal space standards (Policy H1), low carbon design (Policy E12) and electric vehicle charging (IN3). The Emsworth Neighbourhood Plan similarly sets expectations for new residential development. Notably, under Policy L4b 'Redevelopment of existing residential properties should include design measures to support independent living.'

These policies do not yet have full weight, but compliance with them should nevertheless be sought and weighed up in the determination of this application.

Conclusion

Being a replacement dwelling on an existing residential plot, the principle of development is accepted. The determination of this application is down to consideration

of the detailed design, taking into account in particular the proximity of the protected harbour, the AONB and the focus on design in the Emsworth Neighbourhood Plan, as well the residential standards in the emerging Local Plan.

Notwithstanding these matters, the applicant has not demonstrated that the development is safe for its lifetime in the light of flood risk, and on this basis it is suggested that this application should be refused.

Officer comment: when consulted prior to the Flood Risk Assessment (FRA) being submitted the Environment Agency (EA) raised no objection to the proposal The FRA submitted under the previous application APP/20/00122 was subsequently submitted, which the EA had previously agreed. Subject to a condition that the works proceed in accordance with the submitted FRA there are no objection to the proposal on flooding grounds. A contribution to the SRMS is not required as the proposal is for a replacement dwelling; not an additional one.

Royal Society for the Protection of Birds, 1st Floor Pavilion View

No comment received.

Waste Strategy Team Leader, Community Group

No comment received.

6 Community Involvement

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

Number of neighbour notification letters sent: 48

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 11

Comment	Officer Comment
Contrary to Policy CS16 as fails to protect privacy/overlooking	See Section 7 below
Adverse daylight/sunlight impact	
Window on west elevation should be obscured and non-opening	
Loss of privacy from balcony - least 0.6 further forward	
Windows on east elevation should be obscured	
Roof higher than approved.	
Further forward of building line	
Roof lights excessive	
Light pollution from large window - may affect feeding patterns of birds	

Poor design -out of sympathy with area/Chichester Harbour AONB	
Dark sky policy applies	
Lack of information to determine - colour of materials required	Sufficient information has been submitted to determine the application. Material colours and details supplied
Advert incorrect - retrospective proposal	Following amended plans, neighbours reconsulted with 'retrospective' in description
Not built as approved - breach of planning control - enforcement action required	Application submitted to seek to regularise the changes to the approved scheme.

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) Parking and access
- (v) Drainage
- (vi) Ecology
- (vii) Flooding
- (viii) Developer Contributions & CIL

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Further, a replacement dwelling on the site has been permitted on the site under references APP/19/00421 and APP/20/00122.

The main changes to the development granted under reference APP/20/00122 are:

The setting forward of the balcony by approximately 0.6 m.
 Replacement of the wooden balcony, with glass
 Changes to the fenestration.
 Removal of window on east elevation to side element.
 Removal of doors on western side of retain structure on eastern side.
 Increase number of roof lights from 6 to 14
 Vertical cladding instead of horizontal cladding to all elevations.
 Changes to the internal layout.

The site has been visited by the Case Officer on a number of occasions in response to concerns raised, amongst other matters, about the front balcony and the height of the building, including the east side element. As to the former the application seeks to regularise the increase width of the front balcony which is considered on its merits, together with a proposed screen along the western boundary of the balcony. The

height of the roofs was measured during one of the visits. These measurements confirmed that the height of the roofs are as proposed, on which the proposal is assessed. A street scene was submitted, shows the height of the building as that previously approved.

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

A replacement dwelling on the site, in terms of scale and size has already been found acceptable in planning terms, subject to conditions.

The proposal seeks to change the design of the latest permission from a colonial style to a more contemporary, modern design. The main changes would be larger glazed windows and doors, without the mullions and transoms previously approved; vertical as opposed to horizontal cladding; increase in size and design of balcony to front and additional roof lights. Internal inconsequential changes are also proposed.

The increased in glazing is reflective of the replacement dwellings to the east of the site. The balcony would be glazed as opposed to wooden as previously approved, which again is reflective of recently erected replacement dwellings to the east. The balcony is set forward by approximately 0.6m than that previous approved This would not be out of keeping as the building line along this row of dwellings is staggered. As to the change to the direction of the cladding, this would not be out of keeping with other dwellings in the area that have been cladded, albeit horizontally. The changes to the fenestration are not considered to be out of keeping with the character and appearance of the area.

The proposal would have vaulted rooms at first floor. Hence the additional rooflights from 6 to 14. The intention is that the rooflights would have blinds to prevent light pollution and a condition to this effect is recommended. The additional roof lights would not materially impact on the character and appearance of the area. An original window on the east elevation would be blocked up, with lighting for the ensuite obtained via a roof light.

The proposed materials would be:

Siberian Larch Cladding, pre-treated with Si000X
Sunflex Heritage aluminium doors & windows – colour Anthracite Grey (RAL 7016)
matt finish
Frameless glass balustrade – IQ glass or similar
Spanish natural slate roof tiles

The site lies adjacent to the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. Chichester Harbour Conservancy has objected to the increase in glazing and rooflights. However, for the reasons set out above, these are considered acceptable and the proposal would not fail to conserve or enhance the natural beauty of the AONB.

In summary, the proposal has replaced an existing dwelling, which had little in the way of architectural merits and is of the same size and scale as that previous permitted. In replacing the existing dwelling with a modern dwelling, it is considered that the proposal would overall improve the appearance of the site, and would conserve the

special quality of the Chichester Harbour AONB in terms of its natural beauty, in accordance with Policies CS12 and CS16 of the HBLP (Core Strategy), emerging local plan policy, the Emsworth Neighbourhood Plan and the advice in the NPPF.

(iii) Impact upon residential amenity

The principal properties directly impacted by the replacement dwelling are Nos. 9 and 11 Western Parade, as well as the Warblington Road properties to the rear. An assessment of the impact of the development on these properties is as follows.

As to 9 Western Parade, an existing window has been bricked up at first floor on the former outbuilding, thereby removing any fears of overlooking from this window. Excluding the outbuilding, the separation distance between the two properties would be approximately 5.5m, which is the same as the previous permission.

There would be two windows and a door at ground floor on the east elevation, which due to a 1.6m - 1.8m fence along the boundary with No. 9 would not adversely impact on residential amenity. One window would be at first floor on the east elevation, which would be conditioned to be obscurely glazed making this acceptable.

With regard to 11 Western Parade, the siting of the proposal is in the same location on the western boundary as that previously approved. The only difference is the balcony, which has been built approximately 0.6m forward then that previous approved. The Case Officer has had an opportunity to stand at first floor to view the relationship of the balcony with No. 11, as concerns have been raised about loss of privacy to the main bedroom. This was not found to be the case. That said, along the balcony's western boundary a screen would be installed, which would be required to be retained and maintained by a recommended condition, prior to occupation. Therefore, any fears of overlooking into the windows of the front of No. 11 should be effectively removed.

Two long, narrow windows and a third window are proposed at ground floor on the western elevation of the proposal. There is a wall approximately 1.8m high along the western boundary. During one of the inspections it was noted that the middle side window would look into one of the windows at No. 11 Western Parade on their flank wall. In response to this, the applicant has proposed a trellis along this part of the boundary wall which would address this. If permission is granted a condition requiring the trellis to be erected prior to occupation and thereafter retained and maintained is recommended. As to the window at first floor this would service a bathroom, (which would be obscurely glazed) with a top opening, which should not materially impact on the amenity of No. 11 on its eastern boundary.

Concerning the impact of overlooking from windows at first floor to the rear on neighbouring properties to the east and west, this would be of an oblique nature, and similar to those of neighbouring properties and to be expected within a residential area.

As to the relationship with residential development to the rear, a degree of overlooking would have been experienced from the demolished property to properties in Warblington Road, which benefits from a 1.8m fence and vegetation to the rear. The proposal would not materially change the position, with a separation distance to the rear fence of approximately 23m, with this distance more than doubled to the property to the rear, which would exceed that required by the Borough Design Guide SPD (i.e. 20m.).

(iv) Parking and access

Access to the site is via an unmade single width road, but as a proposal for a replacement dwelling the scheme does not alter the access arrangements, which continue to be acceptable. The site can accommodate more than 2 car parking spaces, together with an area to turn at the front. There would also be a garage on the eastern side, which is part of the original outbuilding, which in width terms falls below 3m. The proposal replaces a 3-bedroom house, with an annexe incorporating a further bedroom (ie 4 in total), with a 3 bedroom dwelling. Two parking spaces meet the requirements of Havant's Parking Supplementary Planning Document and Policy DM13 of the Local Plan.

(v) Drainage

Details as to drainage and protection of the public sewer to the rear of the proposal were conditions imposed under the previous permission reference APP/20/00122; conditions 7 and 9 were discharged on 11/9/20. The same information has been provided in respect of this application. Subject to conditions requiring compliance with the submitted details, there are no drainage objections.

(vi) Ecology

The proposal is a for a one to one replacement dwelling, with a reduction in bedrooms from 4 (including the bedroom in the outbuilding) to 3. This proposal would not result in any increase in the number of dwellings within 5.6km of the Solent SPAs, nor any increase in overnight accommodation which might affect water quality in the SPAs. As such the proposal would not result in any likely significant effects on the SPAs by reason of either recreational disturbance or water quality, and no mitigation measures are required.

On the previous application, reference APP/10/00122 the County Ecologist recommended:

Bats were previously observed in the locality. Whilst the Council's Ecologist did not raise any concerns regarding *"...proximity of the site to Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC which are situated c20m from the site."* and the *"...potential for construction-phase activities to result in impacts to these sensitive sites through noise and visual disturbance and airborne and waterborne pollution"* and the need for *"...sound construction working methods including pollution prevention. If carried out during the overwintering bird season (October to March inclusive), there should be a restriction on percussive or other intensive noise events."*

Conditions as to a Construction Environmental Management Plan (CEMP) and bat box were required under the previous permission: ie conditions 8 and 9 which were discharged on 3/9/20 and 27/8/20. The same details as to these conditions have been submitted with this application. Therefore, subject to conditions that the works are carried out in accordance with the submitted CEMP and the approved bat box, there are no ecological objections to the proposal.

(vii) Flooding

Part of the front of the site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) was not originally submitted with the proposal and no objection was raised by

the EA. That said, the agreed FRA submitted for the previous scheme (APP/20/00122) was subsequently submitted and as per the previous proposal, subject to compliance with the details set out in the FRA, there are no objections to the proposal on flooding grounds. This addresses the objection raised by the Policy Team.

(viii) Developer Contributions & CIL

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 £100 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 94.7 sqm, which would be £14,120.17. The applicant will be claiming Self Build Exemption.

8 **Conclusion**

The proposal would result in a replacement dwelling on the site in lieu of a demolished bungalow. It is considered that the proposal would be an appropriate response to a replacement dwelling in this location. Moreover, the development would not be harmful to the locality, the AONB or residential amenity. In highways, parking, ecology and flood risk terms the proposal is acceptable, and matters raised by consultees can be appropriately addressed by conditions and/or informatives. Therefore, the proposal is considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01204 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:

Bat box details
Ecosupport, Ecological Survey, dated November 2019
Construction Environmental Management Plan

Flood Risk Note
 Flood Risk Assessment - Judwaa Consulting dated 4 May 2020
 Letter dated 21/7/20 Infiltration Test Results
 Sewer protection Report
 Trench Soakaway Report
 Engineering Layout – Drawing No. EL-102
 Trench Soakaway Details – Drawing No. DS-307
 Drainage Layout – Drawing No. EL-101
 Drainage Standard Details – Sheet 1 – Drawing No. DS302
 Drainage Standard Details – Sheet 2 – Drawing No. DS304
 Block & Location Plan – Drawing No. 18065-PL-501B
 Proposed Elevations, West and East – Drawing No 18065-PL-509A
 Proposed Roof Plan – Drawing No. 18065-PL-509
 Proposed Elevations, South & North – Drawing No. 18065-PL-508C
 Proposed Ground Floor Plan – Drawing No. 18065-PL-504
 Proposed First Floor Plan – Drawing No. 18065-PL-505
 Proposed Street Scene Plan

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, building alterations or side windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, prior to first occupation of the building hereby permitted the windows in the first floor on the west and east elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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.

- 5 The car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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

- 6 The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment produced by Judwaa Consulting, dated 04/05/2020 and the following mitigation measures it details:

Finished floor levels shall be set no lower than 4.96 m above Ordnance Datum, for any newly constructed development on the land.

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants having due regard to Policies CS15 of the Havant Borough Local Plan (Core Strategy) 2011

- 7 The development hereby permitted shall be carried out strictly in accordance to the submitted Construction Environmental Management Plan and emails dated 27 August and 3 September 2020, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Prior to the occupation of the development hereby approved the 1.8m obscure glass screen on the balcony to the west and trellis on the wall to the west shown on Drawing Nos. 18065-PL-509A and 18065-PL-501A shall be erected and thereafter retained and maintained, unless otherwise agreed in writing with 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

- 9 From the date of the planning permission the approved measures to protect the public sewer to the rear of the site during the course of demolition and construction shall be implemented in full accordance with the approved measures, during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The development hereby permitted shall be implemented in accordance with approved drainage details for foul and surface water drainage, unless otherwise agreed in writing with the Local Planning Authority. The development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

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

- 11 The development hereby approved, shall be built with a minimum separation distances of 3.115 metres to the north and 3.25 metres to the south between number 10 Western Parade and number 11 Western Parade in accordance with the dimensions shown on the approved Block Plan and Location Plan numbered 18065-PL-301B.

Reason: In the interests of residential amenity of number 11 Western Parade having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011

- 12 Prior to occupation of the replacement dwelling hereby approved the approved bat box shall be installed on the building and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Prior to the occupation of the dwellinghouse hereby permitted, fully fitted working internal screen blinds for the roof lights shall be install and thereafter retained and maintained.

Reason In the interests of light pollution having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.