
Site Address: 26 West Haye Road, Hayling Island, PO11 9RN
Proposal: Variation of Condition 2 of Planning Permission APP/19/00021 in relation to removal of an unsound wall to the western boundary and its replacement with 2m high wooden fencing with concrete posts and concrete gravel boards
Application No: APP/20/00889 Expiry Date: 07/12/2020
Applicant: Mr B Smith
Agent: Mr D Treagus Case Officer: Joseph Toole
Derek Treagus Associates
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

Under reference APP/19/00021 the application site obtained planning permission for the Demolition of existing dwelling at 26 West Haye Road, Hayling Island and erection of 3No. 2bed dwellings with parking and refuse.

Note - Due to Coronavirus a site visit was not possible but the applicant/agent supplied photos of the application site which have been used to inform this decision.

2 Planning History

APP/19/00021 - Demolition of existing dwelling and erection of 3No. 2bed dwellings with parking and refuse.

[Note: Grampian Condition applies, contact LPA for details]

, PERM,16/09/2019

APP/19/00524 - Demolition of existing dwelling and erection of 1No. single storey 2bed. dwelling with associated parking and refuse., PERM,28/06/2019

3 Proposal

Variation of Condition 2 of Planning Permission APP/19/00021 in relation to removal of an unsound wall to the western boundary and its replacement with 2m high wooden fencing with concrete posts and concrete gravel boards

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

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| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS21 | (Developer Requirements) |
| DM13 | (Car and Cycle Parking on Residential Development) |

Havant Borough Local Plan (Allocations) July 2014

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| AL1 | (Presumption in Favour of Sustainable Development) |
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DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Pre Submission Local Plan 2036

E14 (The Local Ecological Network)

Emsworth Neighbourhood Plan Post Examination Version 2020

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 West Ward

No Comment.

Councillor R Raines - Hayling East

No Comment.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

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

Summary of Natural England Advice

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

Chichester and Langstone Harbour SPA & Ramsar, the Solent Maritime SAC and the Solent and Dorset Coast SPA.

No objection subject to securing appropriate mitigation

Recreational disturbance - Special Protection Areas within the Solent

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

Nitrogen Neutrality

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

It is noted that there is no detail of the nature of mitigation measures to address the issue of nutrient neutrality. However, provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

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: 24

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

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Oppose to replace wall with 2 metre high fence	Please see Section 7.
The wall was fine at the commencement of build	
The wall was damaged on site, unsure why the whole wall needs replacing	
Planning consent was granted based on rules imposed by the council , of which one was leaving the original boundary wall,	
Cheap, low quality fencing	
Poor design and appearance of fencing	
Should be replaced like for like	

Damage to wall Under current regulations Environmental Protection Act 1990 (EPA) I feel with the parking of several cars should be deemed a "statutory nuisances" under this Act ,my rationale is ; how can a close -boarded fence panel buffers noise smells & vehicle fumes to the same level as the existing brick wall I have just noted that the house plot 1 is NOT being marketed as a two bedroom dwelling it is actually being marketed as a 3 bedroom dwelling (on estate agents website) , surely this is a breach ? so this will cause more noise, pollution , cars etc ? I imagine the other 2 dwellings that in the process of erection will too be sold as 3 bedroom dwellings which too contravenes policy	This would be a Environment Health matter and they would not to be contacted directly. This is not a material planning consideration.
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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) Habitat Regulations Assessment /Appropriate Assessment

(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.

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

7.3 This is a Section 73 application and if approved, its granting effectively re-issues the original permission and must repeat the relevant conditions unless they have been discharged. In this case there are conditions that required discharging. The impact of the proposed changes that are now under consideration. The proposed development would involve the variation of condition 2 of Planning Permission APP/19/00021 in relation to the removal of an unsound wall to the western boundary and its replacement with 2m high wooden fencing with concrete posts and concrete gravel boards. The alterations would not be readily visible from the street scene. As there is no sole condition regarding the retaining of the wall it is not considered fundamental to the original planning permission approved. Furthermore, once the properties have been occupied these works could be carried out under permitted development in which there would be no planning control. Therefore, the removal of the wall along the

western boundary to be replaced by 2 metre fencing is not considered to have an adverse impact upon the character and appearance of the area and thus deemed acceptable. This is in accordance with Policy CS16 of the Havant Borough Core Strategy 2011.

(iii) Impact upon residential amenity

- 7.4 The proposed 2 metre high fencing would go along the west side on the shared boundary with No.24 West Haye Road. The proposed fencing would be higher than the existing brick wall. It is considered the difference from a brick wall to fence would not impact any form of overlooking. Furthermore, it is considered to cause a relatively insufficient increase in noise which is not deemed to adversely impact residential amenity. This is in accordance with Policy CS16 of the Havant Borough Core Strategy 2011.

(iv) Habitat Regulations Assessment /Appropriate Assessment

- 7.5 The Local Planning Authority carried out a Habitat Regulations Assessment and Appropriate Assessment which identified and secured the appropriate mitigation for Recreational disturbance - Special Protection Areas within the Solent.
- 7.6 With regards to Nitrogen Neutrality this has been mitigated by a Grampian condition for plots 2 and 3.

8 Conclusion

- 8.1 This is a Section 73 application and its granting effectively re-issues the original permission and must repeat or amend accordingly the relevant conditions unless they have already been discharged. The Variation of Condition 2 of Planning Permission APP/19/00021 in relation to removal of an unsound wall to the western boundary and its replacement with 2m high wooden fencing with concrete posts and concrete gravel boards would have limited and acceptable impact on the original planning permission and neighbours, therefore considered to be appropriate and recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00889

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location and Site Plans and Fence Details - 19/803/05
Reason: - To ensure provision of a satisfactory development.
- 2 The development in respect of plots 2 and 3 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 each of plots 2 and 3, and this calculation has been submitted to, and approved in writing by, the Local

Planning Authority; all measures necessary to meet the agreed waste efficiency calculation must be installed before plots 2 and 3 are first occupied and retained thereafter;

b) A mitigation package addressing the additional nutrient input arising from plots 2 and 3 has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the relevant development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

- 3 Prior to the first occupation of any of the hereby approved dwellings, a detailed soft landscaping scheme for the areas shown on the hereby approved plans as new landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed distribution and species of ground cover to be planted, the positions, species and planting sizes of any trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

- 4 No dwelling hereby permitted shall be occupied unless or until the development has erected a minimum of one bat roosting unit and one bird nesting unit within the curtilage of each dwelling, in regards to securing ecological mitigation and enhancement measures in accordance with Conservation Regulations. The boxes shall be retained as such thereafter.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981,

NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011 and National Planning Policy Framework.

- 5 The area shown on the hereby approved plans for the parking, turning and manoeuvring of vehicles, and other vehicular access arrangements to serve the development shall be provided and 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.