

3 Proposal

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).

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))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
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)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)

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)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_H1	(Design & Heritage)
ENP_D4	(Design of Public Spaces & External Areas)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)
ENP_D2	(Height, Mass & Materials)
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 - Comment

Public sewer crosses rear of property new dwelling appears to be within 3m of the sewer. Consultation with Southern Water Service will be require

Location of solid waste storage not shown (should match existing)

Glazing on West elevation should not exceed 1m sq if notional boundary is less than 1m away (width of ramp unknown)

Building Regulation consent required for this work

Chichester Harbour Conservancy - No Objection

No objection, subject to implementation with the specified building materials approved under APP/19/00941.

The amendments seem fairly minor to the approval under APP/19/00941.

- The house appears to have crept towards the Harbour somewhat, but given lack of regular building line and reasonable set back being maintained, this is not seen as problematic;
- The house width has reduced;
- The elevational treatment has become more pleasingly symmetrical to the Harbour, sensibly retaining the existing garaging arrangements and placing habitable accommodation to face the harbour, thus offering a more active and interesting frontage;
- The house chimney stack has switched over to the west side;
- The adjusted garage floor plate has reduced in width; and,
- Internal layout and room functions have altered their positions.

The Conservancy notes the rooflight window unfortunately persists to the front, but accepts this is part of the APP/19/00941 approval.

Having regard to the Policy framework no objections are raised to this adjusted design solution.

Community Infrastructure - Comment

CIL Liable. .

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

We note CIL Form 7(1) has been submitted.

As this is a replacement dwelling the Solent Recreation Mitigation Strategy does not

apply. See

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

County Ecologist - No Objection

The application is accompanied by a Preliminary Ecological Appraisal (EcoSupport, November 2019). The dwelling is considered to offer negligible potential for supporting roosting bats and no further survey works are considered necessary. I am content that impacts to protected habitats and species within the site boundary are minimal.

The key issue here is the proximity of the site to Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC which are situated c20m from the site. There is clearly potential for construction-phase activities to result in impacts to these sensitive sites through noise and visual disturbance and airborne and waterborne pollution. These potential issues should be addressed primarily through the adoption of 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. Current Natural England advice is that noise levels at or below 67dB are acceptable.

If you are minded to grant permission can I suggest that a Construction Environment Management Plan (CEMP) is secured by condition. This should include details of measures to avoid construction impacts to the adjacent designated sites arising from noise, visual disturbance, airborne and waterborne pollution.

Crime Prevention -Minor Apps

No comment

Developer Services, Southern Water - 1st Comment - Objection

The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

- The Public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction

works. Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Furthermore, 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.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges.

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.

Officer comment: the adequacy of soakaways to dispose of surface water will be part of the building regulation application for the site.

Developer Services, Southern Water -2nd Comment - Objection Withdrawn

Further to our comments dated on 10/03/2020, Southern Water has the following comments to make regarding the above proposal.

The public foul sewer needs to be protected in accordance with the details approved under the Build Over process, job reference number DS_BOS-111137.

All other comments in our response dated 10/03/2020 remains unchanged and valid..

Environment Agency - 1st Comment - Objection

Environment Agency position

In the absence of a Flood Risk Assessment (FRA), we **object** to this application and recommend that planning permission is refused.

Reasons

The application site lies within Flood Zones 2 and 3, which is land defined by the planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 163, footnote 50) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Advice to the Local Planning Authority

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

We will always support and substantiate our objections to major development proposals at appeal wherever a refusal is lodged in line with our advice. If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Advice to Applicant

Sources of information for an FRA

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email SSDEnquiries@environment-agency.gov.uk and request a 'Product 4' or flood data for your site location. When sending a request, please also send a plan identifying the site boundary. Requests are usually dealt with within 20 working days.

Your Local Planning Authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your Local Planning Authority to determine what information is available.

Guidance on how to prepare a flood risk assessment can be found on the gov.uk website here -

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>.

A checklist on what should be included in a flood risk assessment can also be found on the gov.uk website here –

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Site-Specific-Flood-Risk-Assessment-checklist-section>.

Environment Agency - 2nd Comment - Objection Withdrawn

The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

Condition The development shall be carried out in accordance with the submitted flood risk assessment (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 (AOD).

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

Advice to LPA

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).

Officer comment: In the absence of an increase in flood risk with the proposal and that within the Flood Risk Assessment there is an evacuation plan and a link to the Environment Agency's flood warnings and that as the front of the site (not the development) is within Flood Zone 2 and 3 the occupiers should be notified of any potential flood risk by the Environment Agency, this is considered to be sufficient and no further consultation is needed.

As to the recommended condition, the EA has confirmed this only relates to newly constructed development, not the existing outbuilding on the site, which is to be incorporated into the proposal and used as garaging.

Hampshire Biodiversity Information Centre

No comment.

Hampshire Highways

As this is a replacement dwelling served by a private drive this application is covered by the Standard Advice on highway matters issued last year.

Hampshire Wildlife Trust, Beechcroft House

No comment.

Natural England Government Team

Designated sites

The development site is located in close proximity to the Chichester and Langstone Harbours Special Protection Area and Ramsar site and the Solent Maritime Special Area of Conservation. These sites are designated nationally as the Chichester Harbour Site of Special Scientific Interest. The site is also in close proximity to the Chichester Harbour Area of Outstanding Natural Beauty.

Noise disturbance

To address the potential for disturbance to qualifying features of the Chichester and Langstone Harbours SPA during construction, the following condition is recommended:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Construction Environmental Management Plan

Natural England also advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the local planning authority that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on designated sites, species and habitats. The CEMP should address the following impacts:

- ☐ Storage of construction materials/chemicals and equipment;
- ☐ Dust suppression
- ☐ Chemical and/or fuel run-off from construction into nearby watercourse(s)
- ☐ Waste disposal
- ☐ Noise/visual/vibrational impacts.

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Chichester Harbour Area of Outstanding Natural Beauty

The proposed development is close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Biodiversity and protected species

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the [Hampshire Biodiversity Information Centre](#) and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraph 109. The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the Borough. For example, proportional contributions could be taken to plant new trees in the Borough, provide new bat and bird boxes, help manage the Borough's wildlife sites etc.

Planning Policy - Comments

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 Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and must be afforded some 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 Pre-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
- 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 was submitted to the Local Planning Authority in April 2019, and has successfully passed examination. While it has not yet been to referendum it must be afforded some weight in decision making. 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. While on the previous application (APP/19/00421) it was accepted that a Flood Risk Assessment was not required, this was on the basis that information consulted at the time, which indicated that the site was in Flood Zone 1.

However, the southern part of the site are in Flood Zones 2 and 3. This triggers the requirement for a Flood Risk Assessment to accompany the application.

In any case, there is a requirement to demonstrate that development will be safe

over its lifetime. Given that the lifetime of residential development is considered to be 100 years, this must include a consideration of climate change and sea level rise. The image below shows that with climate change a much larger area of the site will be at risk of flooding.

Public Spaces

No comment.

Royal Society for the Protection of Birds

No comment.

Waste Services Manager

No comment.

6 Community Involvement

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

Number of neighbour notification letters sent: 24

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

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
Proposal mitigates flood risk	See Section 7 below.
Proposal mitigates encroachment issues	
Colour not stated	
Loss of privacy/overlooking	
45% degree line breached to the rear.	
Adverse daylight/sunlight impact	
Window on west elevation should be obscured and non-opening	
Loss of privacy from balcony	
Windows on east elevation should be obscured	

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) Public Sewer
- (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. The principle of a replacement dwelling on this site was found acceptable by the grant of planning permission under ref: APP/19/00421.

The proposal seeks to amend the approved scheme. The changes are not considered to be substantial and include:

The width of the dwelling has been reduced in size on the eastern elevation, but the position of the proposal has not moved forward into the site;

The elevational treatment has become more pleasingly symmetrical to the Harbour, by removing the car port and replacing it with habitable accommodation;

The dwelling's chimney stack has switched over to the west side;

The outbuilding to the rear, will remain at its current two storey height; and,

Internal layout and room functions have altered their positions.

Objections to the scheme were received, a summary of which is set out above. Due regard has been given to all material planning considerations raised by third parties and negotiations have taken place to seek to resolve some of the issues raised.

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

A similar designed replacement dwelling on the site has already been found acceptable in planning terms, subject to conditions. The current proposal provides more space about the building on the eastern side, which is in general more reflective of development within the street scene. The removal of the car port at the front and its replacement with accommodation is considered to be more aesthetically pleasing.

The proposal does not incorporate a reduction in the height of the outbuilding, as per the previous proposal, but would have a cat slide roof on the western elevation, thereby removing overlooking to the west from the existing windows at first floor level on this elevation. This two storey element remains and would be incorporated into the proposal, retaining a garage area on the ground floor and a bedroom, dressing area and en-suite at first floor.

The outbuilding is an existing feature in the street scene and the retention of its height at 5.5m when viewed against the main house and neighbouring properties, would not have a material impact on the area. The main part of the proposal has also been increased in height by 10cm to protect against flood risk. The proposal, with this increase, would still be below the heights of the adjacent properties at numbers 9 and 11 Western Parade and would be acceptable in planning terms.

The proposed materials for the roof would be slate grey; walls would be grey weatherboarding, (colour Cembrit CPO40c,) windows and paint work white.

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'. Natural England and the Chichester Harbour Conservancy have raised no objection to the proposal, and have not argued that it would fail to conserve or enhance the natural beauty of the AONB.

In summary, the proposal would replace an existing dwelling, which has little in the way of architectural merits and is similar in design to an earlier approved proposal. In replacing this with a modern dwelling of attractive colonial design, 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, the proposal has been moved away from the eastern boundary, with the exception of the existing outbuilding, which abuts it to the rear. Excluding the outbuilding, the separation distance between the two properties would be approximately 5.5m, which would be an improvement over that formerly approved and acceptable.

As to the outbuilding and its retention at its current height (ie 5.5m), this would not change the current situation on the land. The outbuilding is located adjacent to the eastern boundary. At No. 9 there is a garage sited along this boundary, set back from the outbuilding. The retention of the existing height of the outbuilding (previously lower by approximately 0.5m) is considered acceptable in planning terms and would maintain the status quo.

There would be two windows and a door at ground floor, which due to a 1.6m - 1.8m fence along the boundary with No. 9 would not adversely impact on residential amenity. Two windows would be at first floor on the east elevation, one of which is an existing window in the outbuilding. Following amended plans, these windows would be obscurely glazed making them acceptable and a condition to ensure they are provided and maintained is recommendation.

With regard to 11 Western Parade, the siting of the proposal is approximately in the same location of the western boundary as that previously approved. The only difference, is the separate to the rear is now shown as 3.115m, as opposed to 3.250m as shown on the plan at the front of the property. This 0.137m reduction in separation between the two properties is not considered to be materially harmful to the amenity of the occupiers of No. 11. However, the separation distances shown on the plan along the western boundary, are recommended to be the subject of a condition.

Two long, narrow windows and a third window are proposed at ground floor on the western elevation of the proposal. Due to a wall approximately 1.8 high along the western boundary, this should prevent overlooking into the three ground floor windows of No. 11. As to the window at first floor this would service a bathroom, (which would

be obscurely glazed) and the ability to open this window, 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, 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 siting of the building, this is the same as previously permitted, as is the balcony to the front. Therefore, the position of the building in relation to No. 11 has already been found to be acceptable in planning terms, by the Local Planning Authority.

The main part of the dwelling has been set back into the site, by approximately 2.7m from the original building, due to previous concerns regarding the building line, the street scene and overshadowing of the southern window to the property to the west. This has moved the proposal closer to the rear boundary. A degree of overlooking would be experienced from the existing property to properties in Warblington Road, which benefits from a 1.8 m 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 (ie 20 m.).

In the overall planning balance and having due regard to all material planning considerations, it is considered that the proposal would not appear overbearing or lead to significant overlooking or loss of light and would have a limited and acceptable impact on the properties immediately adjacent to the application site and the properties to the rear in terms of residential amenity, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) and emerging local plan policies and the Emsworth Neighbourhood Plan. However, to bring under control any future extensions to the proposal, it is recommended that permitted development rights be removed.

(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 proposal incorporates a garage and the site can accommodate more than 2 car parking spaces, together with an area to turn at the front. The proposal replaces a 3-bedroom house, with an annexe incorporating another bedroom, 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 and emerging policy.

(v) Public Sewer

To the rear of the property is an existing public sewer, and due to the setting back of the proposal compared to the existing dwelling, it would fall within 2.7m of the sewer, as opposed to 3m which is normally required by Southern Water. It has been confirmed, as with the earlier proposal, that Southern Water is prepared to grant conditional approval to build over or near the public sewer at the rear. Therefore, the initial objection by Southern Water has been withdrawn to locate the proposal within 3m of an existing sewer. However, as per the previous permission a condition requiring the submission and implementation of measures to protect the sewer during construction works prior to development commencing is recommended. The applicant

has agreed to this and the other pre-commencement conditions recommended.

(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.

The issue of bats being observed within the locality was previously raised by third parties, and in accordance with the Conservation of Habitats and Species Regulations 2017, a survey has been submitted, which has been considered by the Council's Ecologist.

The Council's Ecologist who raised no objection, found *"The dwelling is considered to offer negligible potential for supporting roosting bats and no further survey works are considered necessary. I am content that impacts to protected habitats and species within the site boundary are minimal."*

The Council's Ecologist did however raise concerns about the *"...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."*

These concerns echo the consultation response of Natural England and a condition requiring the submission of a Construction Environmental Management Plan is recommended, if permission is granted, together with a condition for a bat box to be installed on the proposal.

(vii) Flooding

Part of the front of the site falls within Flood Zones 2 and 3. The Environment Agency (EA) initially objected to the proposal as a Flood Risk Assessment (FRA) was not submitted. However, following the submission of a FRA the EA withdrew their objection, subject to compliance with the details set out in the FRA.

(vii) Developer Contributions and 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 £14,120.45. The applicant is claiming Self Build Exemption.

8 **Conclusion**

The proposal would result in a replacement dwelling on the site in lieu of the existing. 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 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/20/00122 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:

Block & Location Plan - Drawing No. 18065-PL-301
Proposed Indicative Street Scene - Drawing No. 18065-PL-315 Rev. A
Proposed Elevations 1 - Drawing No. 18065-PL-309 Rev. A
Proposed Elevations 2 - Drawing No. 18065-PL-310 Rev. D
Proposed Ground Floor - Drawing No. 18065-PL-306 Rev. A
Proposed First Floor - Drawing No. 18065-PL-307 Rev.B

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

- 4 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.

- 5 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.

- 6 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.

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of drainage measures to prevent any flooding on surrounding properties, and any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by 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.

- 8 Prior to the commencement of development, including any works or demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- (i) Arrangements for the storage of construction materials/chemicals and equipment;
- (ii) Measures to minimise creation and impact of dust;
- (iii) Arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- (iv) Consideration of how certain activities will be limited in time,

location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). This shall include details of noise monitoring of the construction and demolition work at sensitive locations;

- (v) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat - high tide roost sites) shall not be undertaken during the bird overwintering period (i.e. October to March inclusive);
- (vi) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;
- (vii) Measures for waste disposal;
- (viii) Measures for the protection of pedestrian routes during construction;
- (ix) No burning on-site; and
- (x) Scheme of work detailing the extent and type of piling proposed.

Reason: To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 9 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer to the rear of the site during the course of demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter 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 Prior to occupation of the replacement dwelling hereby approved, details of a bat box to be installed on the building shall be submitted to, and approved in writing by the Local Planning Authority. The approved bat box shall be installed in full accordance with the approved details before the occupation of the dwelling and retained thereafter, 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.

- 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-301.

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 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.