

bedroom at first floor).

The main changes from the permitted scheme are as follows:

The footprint of the building will extend beyond the furthest point of the approved scheme by 600mm to the south and 300mm to the east. Overall the floor area will increase by 45 sqm over the 3 floors, with a 16.5 sqm on the ground floor.

In terms of the specific changes to the elevations, these are:

- East elevation – Window removed from ground and first floor, new high level window and corner window detail amended on second floor, slatted balcony detail.
- West elevation – window openings removed and one new central detail of stair core windows and wooden slatted detailing inserted
- North elevation – new ground floor entrance included and garage door moved, window detailing on upper floors amended to have more symmetrical rhythm.
- New bi-fold door and amended door detail on ground floor, new window and balcony detailing on upper floors, greater expanse of wood cladding.

The permitted planning application included detailed assessments in relation to flood risk, ecology and design and neighbour impacts. As the changes to the proposed built form are of a minor nature the technical information and conclusions in the documentation remains unaffected.

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

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF,

which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

The relevant planning policies of the emerging Local Plan are:

DR1 - Delivery of Sustainable Development

E1 - High Quality Design

E2 - Health and wellbeing

E3 - Landscape and settlement boundaries

E14 - The Local Ecological Network

E15 - Protected Species

E16 - Solent Special Protection Areas

E22 - Amenity and pollution

H1- High Quality Homes

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

No Objection

Coastal Engineering

The FRA submitted with the original application, compiled by Ambiental and dated September 2017, advised that all habitable accommodation will be set on the upper floors of the property, above the design tide level of 4.5 mAOD for Chichester Harbour in 2115. Therefore, occupants will have access to safe internal refuge. The addition of a third bedroom at first floor level will not result in a significant increase to the residual flood risk at the site.

Furthermore, the site currently benefits from flood defences at Eastoke Corner. The South Hayling Island Beach Management Plan 2017 - 2022 identifies a strategy for delivering the beach management approach along the open coast, including bi-annual beach recycling at Eastoke Corner to deliver a 1:200 year standard of protection.

Community Infrastructure, Planning Policy & Urban Design

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

£210.00 received for APP/17/01179 in respect of the SRMP fee. The Definitive Strategy now applies and the customer will need to complete a new Unilateral Undertaking and pay £515.65 net. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Case Officer should also consider if this application is affected by information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Engineering/Drainage

No Comment

Environment Agency

We have no objection to the proposed increase in footprint and the addition of a third bedroom on the first floor as submitted in this variation. The response to the original application as on 1st December 2017, and the requested a condition in any permission granted still stands.

Environmental Health Manager, Community Group

No objection

Hampshire Highways

One of the two car parking spaces previously shown is now proposed to be accommodated inside the building in a garage. I confirm the Highway authority have no objection to this proposal.

Natural England Government TeamNutrient Neutrality

Natural England agrees with your authority's conclusion that there will be no likely significant effect on the protected European sites as a result of the variation of condition as no additional residential units are proposed.

Solent Recreation Mitigation Strategy

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

The Appropriate Assessment has taken this into consideration, therefore, providing the appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

Appropriate Assessment

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be results of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. Regarding the water quality, whilst the applicant has not submitted any information regarding nitrogen neutrality this is a Section 73 application. Whilst the plans result in an additional bedroom, based on Natural England's methodology to Local Planning Authorities (June 2019), this additional bedroom would not alter the assumed occupancy, which remains at 2.4 persons irrespective of the number of bedrooms. As such there will be no notional increase in population from the extant planning permission APP/17/01179, which can be implemented at any time. As such it is considered that there would not be a material change in relation to the impact on the SPA.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation packages with regard to SRMS.

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

- (i) Principle of development
- (ii) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Impact on highways/parking

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. In addition planning permission was granted under application APP/17/01179 for 1No. 2 bed detached dwelling with garage and off street parking. The principle of development is therefore fully established.

Given that this is a S73 application to vary a condition the comments below relate to the changes to the original proposal.

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

7.3 The architecture of the property is modern and reflects the form and building materials used in more recently constructed properties in the immediate vicinity. The proposed

changes to the approved application, including the increase in size and the use of more wood cladding on the upper floor adds a softer more naturalistic pallet that blends with its coastal context and adds to the townscape quality. It is considered that the design and layout of this proposed amended development would still result in a contemporary solution, which would respect its location through its simplicity and use of materials.

This is balanced against the need to take into account the impact of the development on the character and appearance of the area. It is considered that whilst the amended development would change the immediate character along Bracklesham Road, and also when approaching from Wittering Road, it would not result in a proposal that adversely affects the character of the area or street scene, sufficiently to warrant the refusal of this application on this issue, particularly given the overall limited impact of the development from the consented scheme. The proposal is considered an innovative high quality design in a sustainable location, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Effect on neighbouring properties

- 7.4 The proposed new property will be visible from the neighbouring properties, this amended scheme is 0.8 metres from the boundary wall of 56 Bracklesham Road and 1.2 metres from the boundary of 56A. There are secondary windows in the side elevation of 56A on ground and the top floor, the windows are to the garage and utility on the ground floor and a en-suite bathroom on the upper floor.
- 7.5 No. 56 Bracklesham Road has a number of windows on the east elevation facing the application site. These include a window on the ground floor that is a bedroom, a living-room window at first floor and small window to the stair-tower on the upper floor. The primary windows are on the north and south elevations that will not be impacted. The application proposes a number of windows on the western elevation, though fewer than the consented scheme, these windows serve a combination of the stair well and store rooms, a condition to obscure glaze these windows is considered an appropriate form of mitigation to avoid significant overlooking. As such due to the orientation of the new property and the location of the windows at No.56 no unacceptable loss of daylight or loss of privacy would result from the proposed development.
- 7.6 The proposal does include a larger balcony at second floor level, which would be accessed off the proposed kitchen and dining room. The immediate and surrounding properties in the area, are defined by balconies at either first or second floor level, which subsequently provides a degree of mutual overlooking into each others properties. This is the case with both immediate neighbouring properties. The design and layout of the building would screen direct views into the private amenity areas of no.56. In terms of the relationship with 56A, the development is set slightly back from the rear elevation of this property, and as such the private amenity area of this property would be partially screened by this neighbouring property. It is however acknowledged that this balcony would provide overlooking into elements of the neighbouring garden, however given that mutual overlooking exists from balconies from neighbouring properties, it is considered that this development would not result in a development that would create significant overlooking to an extent to justify a reason for refusal on this matter.
- 7.7 In terms of overbearing impact on the neighbouring properties, the proposal would be

set behind no.56A. In terms of the relationship with No.56 the development would be set at an angled nature to this property. The private amenity area of this neighbouring property is located adjacent to the south western corner of this property. As such taking into account the proposed layout and distance to this area, it is not considered that the development would have a significant adverse overbearing impact on the amenities of neighbouring properties to justify a reason for refusal on this matter on this revised application.

(iv) Impact on highways/parking

- 7.8 One of the two car parking spaces previously shown is now proposed to be accommodated inside the building in a garage. The development proposes the same access as previously approved, which would result in a new access onto Bracklesham Road. The layout includes on site parking and turning for the new dwelling. Cycle parking can be provided for the new dwelling. In terms of the overall impact, the Highways Authority has advised that the local highway network is not at capacity and the highway can therefore accommodate the potential increase in traffic from the development. Having regard to the NPPF, which refers to the cumulative impacts of development, it is not considered that the development would result in 'severe impacts' on the safety and free flow of the highway network, to justify a reason for refusal on this matter.

(v) Flooding issues

- 7.9 The site is located within a Flood zone 3 as identified on the Environment Agency flood zone map and the proposed development of an additional dwelling house is classified as a More Vulnerable Use by the EA. The previous permitted application considered this application against the required sequential and exception criteria, which is required for residential dwellings in a flood zones 3. It was concluded in this application that, whilst the site is categorised as being within an area of potentially high flood risk, it can be concluded that this proposal meets the requirements of the necessary Sequential and Exception tests. As such the principle of development on this site has been accepted, notwithstanding its location within flood zone 3.
- 7.10 For the purposes of clarity and consistency a summary of these considerations are provided below:
To demonstrate that the development will be safe has been the subject of discussions between the applicant and Environment Agency (EA). The applicant has submitted a Flood Risk Assessment (FRA) compiled by Ambiental and dated September 2017, which sufficiently outlines how flood risk at the site will be mitigated. As outlined in the FRA, the external ground levels of the site range from approximately 2.29mAOD to 2.57mAOD. The ground floor of the proposed development is to be used exclusively for a garage and storage/workshop space, whilst habitable accommodation will be located on the upper floors of the property, with the finished floor levels of the upper floors being set above all modelled flood levels and approximately 3.0m above the existing ground levels. The upper floors of the proposed development could therefore provide occupants with safe internal refuge during an extreme tidal flood event.
- 7.11 The site currently benefits from flood defences at Eastoke Corner. The South Hayling Island Beach Management Plan identifies a strategy for delivering the beach management approach along the open coast for the next five years (2017-2022), including bi-annual beach recycling at Eastoke Corner to deliver a 1:200 year standard of protection (SoP). Furthermore, a range of flood resilient construction techniques are proposed to be used, as well as additional flood resistance measures. Finally, the FRA recommends that all occupants of the building sign up to the Government's Flood

Warning Service and prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, to ensure that adequate warning is received prior to an extreme tidal flood event. Therefore, whilst the site is categorised as being within an area of potentially high flood risk, it can be concluded that this proposal meets the requirements of the necessary Sequential and Exception tests. In addition the EA raised no objection to this development, and are content with the measures in place to ensure that the development is free from the risk of flooding and is sustainably drained (subject to conditions).

(vi) Developer contributions

- 7.12 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 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners 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 on new floorspace plus indexing. It is considered that there is a CIL liability for this site, and the developer has been advised of the appropriate figure.

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. For the previous application the appropriate contribution was received for APP/17/01179 in respect of the SRMP fee. The Definitive Strategy now applies and the applicant has completed a new Unilateral Undertaking and pay the net difference as this is now based on bedroom numbers. The relevant contribution has been paid and paperwork returned.

8 Conclusion

- 8.1 In conclusion, the proposed alterations to the siting of the building are modest and are considered to be acceptable in terms of the character and appearance of the area and impact on residential amenities. The proposal is not considered to alter the highways and parking planning position and drainage and flood risk is not altered. As such permission under S73 can therefore be recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00686

subject to the following conditions

- 1 The development must be begun not later than 28th February 2021.
Reason: To comply with the requirements of Section 73 and 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:

P19-036-SK-001-B-Orientation Plan
P19-036-SK-002-C-Block Plan
P19-036-SK-101-E-Ground Floor Plan
P19-036-SK-102-E-First Floor Plan
P19-036-SK-103-E-Second Floor Plan
P19-036-SK-104-C-Roof Plan
P19-009-SK-301-C-West Elevation
P19-009-SK-302-C-East Elevation
P19-009-SK-303-C-North Elevation
P19-009-SK-304-C-South Elevation

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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Class A, of Schedule 2, Part 1, Class A, B, C, D, E, F of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: Any extensions to the dwelling hereby approved need to be carefully controlled given the limited garden size remaining and proximity to the immediate neighbouring properties, and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- All habitable living accommodation shall be located at first floor level or above. The first floor level should be set no lower than 3 metres above existing ground levels (paragraphs 1.7 and 7.4 of FRA.)
- Internal access is to be provided throughout the dwelling to provide an area of safe refuge on the upper floors of the property (paragraph 1.7 of FRA.)
- The provision of flood resilient construction measures has been submitted with the FRA and a site specific flood warning and evacuation plan is in place and to be implemented (section 7 of FRA.)

Reason: To ensure the safety of the development and future occupants in line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy CS15 of the Havant Borough Core Strategy 2011.

- 6 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall thereafter not be altered without prior consent other than for routine maintenance, which does not change its details
Reason: To protect the occupiers of nearby residential properties from light disturbance/pollution and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building the windows on the side elevations (east and west elevation) at first and second floor shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent), and shall be non-opening 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.