
Site Address:	24 Beacon Square, Emsworth, PO10 7HU		
Proposal:	Demolition of existing house and construction of 1No. 4bed dwelling, garage and boatstore. (Revised application).		
Application No:	APP/18/01312	Expiry Date:	01/03/2019
Applicant:	Mr & Mrs Nicholls		
Agent:	Mr Helyer Davies Architects	Case Officer:	Bee Crawford
	Helyer Davies Architects Ltd		
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site is located in a sensitive location, being adjacent to the landscape and wildlife designations of Chichester Harbour AONB, Ramsar, Special area of Conservation, a Special Protection Area and a Site of Special Scientific Interest.
- 1.2 The site itself comprises a two-storey detached dwelling of brick and tile construction with a pitched roof, set in a spacious plot with access from Beacon Square. The rear garden is large, laid to lawn and includes some semi-mature vegetation along the side boundaries with the neighbouring properties. This garden extends down to the harbour and shares a boundary with a public footpath which runs along the harbour's edge. The existing dwelling features a large rear balcony at first floor level to make use of the harbour views. To the front of the dwelling, there is a paved driveway with an area for on site parking. Other development in the immediate locality is characterised by large detached dwellings, set in spacious plots.

2 Planning History

APP/10/00022 - Erection of 1No. 4 bed detached house, withdrawn 18/08/2010.
APP/13/00502 - Construction of 1No. 4 bed detached house with associated parking, decking and landscaping, withdrawn 30/07/2013.
APP/18/00876 - Demolition of existing house and construction of 1No. 4bed dwelling, garage and boatstore, permitted 19/11/2018.

3 Proposal

- 3.1 The proposal is for the demolition of existing house and construction of 1No. 4bed dwelling, garage and boatstore. (Revised application).
- 3.2 The proposal is fundamentally the same nature and character of dwelling to that previously approved under APP/18/00876. The revisions to this application include re-siting the new dwelling 4.5 metres to the south to satisfy the requirements of Southern Water; a small new first floor window in the eastern elevation; two new ground floor windows in the western elevation; relocation of a ground floor window in the northern elevation.

- 3.3 The new dwelling would be larger in footprint than the existing with an increase of approximately 140sq.m. The proposed dwelling would be raised by 450mm to reduce the risk of future flooding. It would still be arranged over two floors. It would have a more contemporary appearance using materials such as vertical timber cladding, a zinc clad roof and aluminium framed windows and doors.
- 3.4 The proposal includes a boat store which would be detached and located adjacent to the eastern boundary. This would be flat roof in design and include vertical timber cladding on the external facade. The development would provide 3 no. parking spaces on site.

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)
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

DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

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

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Public Sewer crosses site but building is shown 3m away from it - Accept

Solid waste storage provisions not shown. Please provide details showing compliance with AD H.

Means of escape required from each habitable room due to inner room situations as stated under AD B1.

Officer comment: *It is considered that these issues are a matter for Building Regulations.*

Chichester Harbour Conservancy

Chichester Harbour Conservancy has no objection in principle, subject to negotiating a re-positioning of the new footprint and a reduction in the amount of glazing facing the Harbour. Consideration should also be given to placing a Tree Preservation Order on the trees shown to be retained. Conditions to otherwise agree facing/roofing materials, protect retained trees during the build and provide/retain bird and bat boxes should be imposed.

Officer Comment: *Following consultation, no comment was received from Chichester Harbour Conservancy regarding the previous application, which therefore represents a viable 'fallback position' in relation to the current proposal. The new application is fundamentally the same as the previous scheme approved under APP/18/00876, with the main change being the re-siting of the new dwelling 4.5 metres to the south to satisfy the requirements of Southern Water, although the rear elevation of the property would be in excess of 55 metres from the rear boundary. It is therefore considered a defensible reason for refusal could not be justified for this revised design and layout when compared with the extant approval. Furthermore, a condition is recommended for samples of materials to be agreed by the Local Planning Authority prior to commencement of the scheme. Paragraph 3.8 of the submitted design and access statement confirms there is no proposal to remove any of the existing trees on the site and bird and bat boxes are to be provided on the site. Paragraph 3.6 of the submitted design and access statement confirms the glazing on the southern elevation of the new property is similar to that of the existing property and measures are to be taken to reduce the amount of reflection from the glazing. Regarding the advice about the possibility of re-siting the dwelling, the main mass of the house has been purposefully located in a similar place as the existing dwelling to help reduce any impact to the house located behind (No 20A). Although the footprint is extended to the east, this element is ground level only and includes a flat sedum roof. It is considered likely that the visual impact would be minimal compared to the extant approval.*

Community Infrastructure, Planning Policy & Urban Design

Development is CIL Liable for the new floorspace as over £100sqm. If the applicants wish to claim a self-build exemption they must submit CIL form 7(1) prior to commencement.

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>

County Ecologist

The application is accompanied by a Preliminary Ecological Appraisal (Bright Green, September 2018). The building was considered to offer low potential for supporting roosting bats and a further bat survey carried out in July 2018 recorded no roosting activity. The site is generally considered to be of limited ecological value, comprising the existing dwelling and associated managed garden.

No mention is made of the very close proximity of Solent Maritime SAC, Chichester & Langstone Harbours SPA/Ramsar and Chichester Harbour SSSI. Whilst the proposed works are situated in the north of the application site and restricted predominantly to the existing building footprint, the construction works could potentially result in disturbance to the SPA/Ramsar if undertaken during periods when wintering bird species are present: the distance to the SPA is c.65m which is well-within the distances at which birds can be disturbed by novel noise disturbance, and

construction-related activity may take place closer to the SPA/Ramsar.

The proposal is relatively small-scale and so I am not suggesting that noise and visual disturbance would be a significant issue. However, there will undoubtedly be periods of substantial noise and visual disturbance (e.g. during demolition works) and there should be recognition of how this may affect the qualifying features of the adjacent European designated sites.

I did recommend in my pre-application comments that these issues needed to be addressed and that a CEMP would be the most sensible option for ensuring that potential issues are dealt with. The issue would not occur if works can be timed to avoid the overwintering bird season, October to March.

I note that Natural England have requested additional information regarding site drainage: it is for the applicant to provide this information to the satisfaction of NE.

Officer Comment: *A drainage strategy report was submitted and forwarded to Natural England for comment. Conditions requiring works to be carried out in accordance with the submitted CEMP and for no percussive piling or worksto be undertaken wiithin the bird overwintering period, 1st October to 31st March inclusive will be included.*

Crime Prevention -Minor Apps

No response received.

Developer Services, Southern Water

The exact position of the public foul and surface water sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development, excavation or new tree planting will be allowed to be located within 3 meters on each side of the external edge of the public sewer.
- No new soakaways should be located within 5 meters of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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 protect the public sewers, prior to the commencement of the development."

Furthermore, due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk.

Southern Water requires a formal application for a connection to the foul and surface water sewers 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 contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. 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 <https://beta.southernwater.co.uk/infrastructure-charges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system.
- b Water course.
- c Where neither of the above is practicable sewer.

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: *A pre-commencement condition and informative is recommended as per Southern Water's request. With regard to the discharge of foul and surface water, it is considered that this issue is a matter for Building Regulations given the modest scale of development proposed and the fact that this is a replacement dwelling.*

Environment Agency, Romsey Depot

Environment Agency Position

We have no objection to the proposal as submitted.

Advice to the Applicant and Local Planning Authority

Flood Warning Service

All occupants of the building should sign up to the Environment Agency's Flood Warning Service. Further details about this service can be found on the gov.uk website: <https://www.gov.uk/sign-up-for-flood-warnings>.

Finished Floor Levels

The proposed development is located within tidal Flood Zone 1, an area where the chance of flooding has been assessed as less than 0.1 % in any year (1 chance in 1,000 in any year). However, it is located immediately adjacent to an area within Flood Zone 3 (assessed as more than 0.5% in any year (1 chance in 200 in any year)).

The nearest current 0.5% tide level for this area is 4.6mAOD, taking the effects of climate change into account.

The building itself will be located just outside Flood Zone 3, and is therefore not considered to be at risk of inundation.

We do recommend that the Applicant raises the finished floor levels of the new dwelling to a minimum of 4.45mAOD as submitted in the information accompanying the application (as set out in Section 2.3.1 Conclusion of the submitted document entitled 'DESIGN__ACCESS_STATEMENT-1150780'), as the development will be located immediately adjacent to Flood Zone 3.

However, please note that the tidal flood level for 2115, including climate change, is 4.6mAOD, and the Applicant may want to consider this when making a final decision on finished floor levels in order to account for future sea level rise and climate change.

Officer Comment - *This advice will be included as an informative.*

Hampshire Wildlife Trust, Beechcroft House

No comments received.

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application.

Natural England Government Team

Appropriate Assessment:

Please note that, recent case law ('Sweetman 11') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance/mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, the HRA will need to move on to the Appropriate Assessment stage where avoidance/mitigation measures to offset construction and drainage impacts on the Chichester and Langstone Harbour SPA/Ramsar, Chichester Harbour SSSI and Solent Maritime SAC sites can be outlined.

Further Information on Drainage Required to Determine Impacts on Chichester and Langstone Harbour SPA/Ramsar, Chichester Harbour SSSI and Solent Maritime SAC

Natural England recommends that a comprehensive written drainage strategy is provided to ensure there are no impacts on the adjacent designated sites. Due to the sensitive nature of the adjacent designated sites, a main aim should be to reduce the volume of surface-run off as much as possible using on-site features within the development itself. This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from drainage on the adjacent designated sites.

Other Advice

Construction Environmental Management Plan

Due to the proximity of the proposal to the Chichester and Langstone Harbour SPA/Ramsar, Chichester Harbour SSSI and Solent Maritime SAC, Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:

- . Visual screening (for SPA birds)
- . 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 CEMP should ensure there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites.

Biodiversity Mitigation and Enhancement Plan:

Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been agreed by a Hampshire County Council (HCC) Ecologist. This will ensure the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement as set out in National Planning Policy Framework paragraphs 8,170,174 and 175d. The scope of the BMEP should be agreed with the HCC Ecologist and will need to consider great crested newts, reptiles, badgers, bats and nesting birds.

The application should include a consideration of what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Examples might include:

- . Incorporating swift boxes or bat boxes into the design of new buildings.
- . Designing lighting to encourage wildlife.
- . Providing a new footpath through the new development to link into existing rights of way.
- . Creating a new pond as an attractive feature on the site.
- . Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- . Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- . Adding a green roof to new buildings.

We recommend the applicants make use of the Defra biodiversity metric, which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals.

Water Environment

Natural England recommends that all new development adopt the higher standard of water efficiency under the Building Regulations (which equates to 110 litres/head/day including external water use) and re-use in line with best practice. Consideration should be given to the use of grey water recycling systems and efficient appliances.

Landscape Advice

The proposed development is for a site within or 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. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

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 (585 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.

Officer comment - A CEMP was subsequently submitted by the applicants and a Habitat regulations Assessment and Appropriate Assessment undertaken - see section 7 (iv) below, as a result of which Natural England were able to conclude:

"Natural England agrees with your Authority that the measures detailed within the Appropriate Assessment are adequate to mitigate for the potential adverse effects of the development on the integrity of the European sites. Subject to these measures being secured in full by any permission we have no objection to this aspect of the application. "

Public Spaces

No comments received.

Royal Society for the Protection of Birds

No comments received.

Waste Services Manager

I have no concerns over waste collection regarding this planning 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: 4

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 0

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, particularly Chichester Harbour Area of Outstanding Natural Beauty
- (iii) Impact upon residential amenity
- (iv) Impact on ecology
- (v) Flood risk
- (vi) Drainage considerations
- (vii) Developer contributions

(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, particularly Chichester Harbour Area of Outstanding Natural Beauty

7.3 The replacement dwelling would retain the general form, scale and massing of the existing dwelling but with a slightly larger footprint and with a slightly higher ridge height. The site being of a substantial size, can easily accommodate the larger footprint without resulting in overdevelopment of the plot and retaining the spacious character. The current proposal is to re-site the replacement dwelling 4.5 metres further to the south than that approved under APP/18/00876 to satisfy the requirements of Southern Water, together with minor changes to the proposed elevations. The existing dwelling has a lower ridge height than the two neighbouring properties and the proposed dwelling would increase the ridge height to the same level, but not higher, than these properties. Therefore from the view of the harbour, the dwelling would not appear out of context with regards to scale and massing. The dwelling can easily accommodate the required 3 no. parking spaces on site and the access would not alter from the existing arrangement.

7.4 The proposed dwelling has been designed to feature the use of dark muted materials and non reflective glazing to enable the building to blend into the existing context of development when viewed from the harbour setting and footpath. The amount of glazing proposed is similar to the existing dwelling and mainly located on the rear elevation. The first floor overhanging canopy would assist to reduce the reflection from the first floor glazing. The first floor rear balustrade would be fitted with non reflective glass to reduce the impact on the harbour setting.

7.5 Overall it is considered that as a result of the high quality, well considered design using appropriate materials, the impact on the area and the AONB would be limited and acceptable. The proposal is therefore considered to be in accordance with Policies CS12 and CS16 of the Local Plan (Core Strategy 2011).

(iii) Impact upon residential amenity

- 7.6 No. 22 which lies to the west of the application site, also comprises a two-storey detached dwelling of a similar scale and design. The proposed dwelling would be set back slightly from the position of the existing with a larger footprint. At first floor level, the increase in footprint would mainly be towards the front / north of the dwelling, over what is currently the double flat roof garage. This would be set back 5 metres from the front building line of No. 22. and there would be a minimum distance of 9 metres between the new west elevation and the existing side/east elevation of No. 22. As such, the impact of the increased building bulk would be limited on this neighbour. There is already an existing clear glazed bedroom window in the west elevation at first floor level and this would be featured within the new dwelling. There would be a further window proposed however, this would serve a bathroom and could be obscurely glazed. Therefore, no additional overlooking would occur. No objections were received from this property.
- 7.7 No. 26 lies to the east of the application site and is of a similar design, scale and footprint. This dwelling would be located over 25m from the side elevation of the new dwelling and over 30m from the first floor element. Given the distances involved, it is considered that the impact of the proposed dwelling would be limited and negligible on this neighbouring property. No objections were received from this neighbour.
- 7.8 No. 20a lies to the north of the site, at a distance of approximately 30m (front to back distance). This property has a large dormer window on the rear elevation which makes use of the harbour views. The proposed dwelling would not significantly impede this view as the first floor element would not extend any further east than it currently does. Overall the impact on this neighbour is considered to be acceptable. It is noted that no objections have been received from this property.

(iv) Impact on ecology

- 7.9 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file.
- 7.10 The application in question does not represent a net increase in population. The application in question would constitute a new planning permission on the site however the application is a re-submission of a previous planning application. This application was for the replacement of a new dwelling and was granted planning permission under APP/18/00876. As a result, the creation of the replacement dwelling has already been granted planning permission. The only difference in the two applications is re-siting the new dwelling 4.5 metres to the south to satisfy the requirements of Southern Water; a small new first floor window in the eastern elevation; two new ground floor windows in the western elevation; relocation of a ground floor window in the northern elevation.
- 7.11 It should also be noted that the proposed development is for a replacement dwelling with the same amount of bedrooms as opposed to a net increase in dwellings. As a result, there would not be an increase in population or a consequent increase in nitrogen discharge. Subsequently there is not a likely significant effect Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast SPA due to recreational pressure or a decrease in water quality.

- 7.12 With respect to construction and drainage impacts, Natural England recommended that a comprehensive written drainage strategy be provided to ensure there are no impacts on the adjacent designated sites. Due to the sensitive nature of the adjacent designated sites, a main aim should be to reduce the volume of surface-run off as much as possible using on-site features within the development itself. This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from drainage on the adjacent designated sites.
- 7.13 A drainage strategy report was submitted on 29 May and a response was received on 3 July from Emily Greaves of Natural England confirming their satisfaction with the findings of the report. The impacts of the construction and drainage can be mitigated by the implementation of the submitted drainage strategy report which can be secured by condition.
- 7.14 Regarding construction impacts, a CEMP was submitted on 9 May and forwarded to the Council's Ecologist for comment who advised the following: "The submitted CEMP provides a useful document and sets out measures designed to avoid and minimise impacts to the nearby designated sites. This CEMP predates the comprehensive Shadow Appropriate Assessment and Biodiversity and Mitigation Plan (Ecology Surveys Ltd, May 2019) which includes more specific and explicit measures which should be incorporated into the CEMP. It would be sufficient for the CEMP to refer to, or be appended to, the Biodiversity and Mitigation Plan. The impacts of the construction can be mitigated by the implementation of the submitted CEMP in conjunction with the BMEP which can be secured by condition."
- 7.15 Subject to the imposition of the condition set out above, it is considered that the significant effect due to construction impacts which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains.
- 7.16 In addition, a BMEP was submitted on 29 May and forwarded to the County Ecologist for comment who advised the following: This document provides a sound assessment of the potential for construction operations to result in impacts to the adjacent SPA. Detailed measures have been provided for restricting the potential impacts of noise and visual disturbance and construction-phase pollutants. These measures are acceptable and the Council's own appropriate assessment should therefore conclude that impacts to site integrity are not likely. The impacts of the construction can be mitigated by the implementation of the submitted BMEP which can be secured by condition.
- 7.17 Subject to the imposition of the condition set out above, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains.
- 7.18 Having reviewed the submitted Construction Environmental Management Plan (CEMP), Drainage Strategy Report and Shadow Appropriate Assessment and Biodiversity Mitigation and Enhancement Plan, Natural England agreed with the conclusion of the local planning authority in that the measures set out in the HRA and Appropriate Assessment (dated 26 April 2019) are adequate to mitigate for the potential adverse effects of the development on the integrity of the European sites. Subject to these measures being secured in full by any permission there is no objection to this aspect of the application.

- 7.19 An ecology report has been submitted with the application. The Council's Ecology Consultant has advised that the existing building was considered to offer low potential for supporting roosting bats, although a further bat survey was carried out in July 2018 which recorded no roosting activity. The site is generally considered to be of limited ecological value, comprising the existing dwelling and associated managed garden.
- 7.20 The Ecology Consultant does note that no mention is made of the very close proximity of Solent Maritime SAC, Chichester & Langstone Harbours SPA/Ramsar and Chichester Harbour SSSI in the report. Whilst the proposed works are situated in the north of the application site and restricted predominantly to the existing building footprint, the construction works could potentially result in disturbance to the SPA and Ramsar if undertaken during periods when wintering bird species are present: the distance to the SPA is c.65 metres which is well-within the distances at which birds can be disturbed by novel noise disturbance, and construction-related activity may take place closer to the SPA/Ramsar.
- 7.21 The proposal is relatively small-scale and noise and visual disturbance are unlikely to be significant issues. However, there will undoubtedly be periods of substantial noise and visual disturbance (e.g. during demolition works) and there should be recognition of how this may affect the qualifying features of the adjacent European designated sites. A Construction Environmental Management Plan (CEMP) has been submitted to the satisfaction of the Council's Ecologist and Natural England and a condition is recommended for the development to proceed in strict accordance with the submitted (CEMP) dated May 2019 together with the associated Shadow Appropriate Assessment and Biodiversity Mitigation and Enhancement Plan dated May 2019.

(v) Flood risk

- 7.22 The site is located in a Flood Zone 1, which is at the lowest risk of flooding however, the building itself would be located just outside Flood Zone 3. In this regard, the Environment Agency (EA) advised that the finished floor levels of the new dwelling should be raised to a minimum of 4.45m AOD. This has been incorporated on the proposed dwelling where the floor levels are raised to 4.5m AOD. The EA therefore raise no objection to the application, but recommend further advice which will be added as informatives..

(vi) Drainage considerations

- 7.23 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 protect the public sewers, prior to the commencement of the development." A pre-commencement condition is therefore recommended and has been agreed by the applicant.

(vii) Developer contributions

- 7.24 The development would be liable for CIL contributions charged at £100/sqm of floorspace plus indexation, the total being £19,408.79 for this development. A Self Build form has been submitted so if the relevant forms are submitted at the time of commencement of development, then the development may be exempt from CIL subject to the self build regulations.

- 7.25 Ordinarily instructions should be passed by the Case Officer to the CIL Team in the usual manner to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. However as the replacement dwelling has the same number of bedrooms as the original dwelling, no further action needs to be taken in this respect.

8 **Conclusion**

The proposal for the replacement dwelling is considered to be acceptable and based on the planning considerations discussed above in this report, is recommended for approval.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01312 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 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 buildings 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, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 No development shall take place until finished floor levels for the proposed building(s) relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 4 Development activities shall proceed in strict accordance with the submitted Construction Environmental Management Plan (CEMP) dated May 2019 and the Shadow Appropriate Assessment and Biodiversity Mitigation and Enhancement Plan dated May 2019.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 Prior to the commencement of development measures to protect existing public sewers shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.

Reason: To safeguard the amenities and utilities of the locality 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 2018.

- 6 No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken on site within the bird overwintering period, 1st October to 31st March inclusive.

Reason: To protect the habitats of the adjacent SPA, Ramsar and SAC in accordance with the Habitats Regulations, National Planning Policy Framework, and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.

- 7 Development activities shall proceed in strict accordance with the submitted Drainage Strategy Report dated June 2019.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 The works hereby permitted shall not be occupied unless or until the development has erected a minimum of one bat roosting unit and one bird nesting unit within the site 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 Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

- 9 The car parking, servicing 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.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg no. 17193-01 Location and block plan; existing elevations
plan received 2 August 2019

Drg no. 17193-02 Proposed block plan, floor plans and
section plan received 2 August 2019

Drg no. 17193-03 Proposed elevations and location plan
received 2 August 2019

Drg no. ENC/051218/U7A2 Drainage survey plan

Design and access statement dated December 2018

Ecological Appraisal dated 11 September 2018

Construction Environmental Management Plan (CEMP) dated May 2019

Shadow Appropriate Assessment and Biodiversity Mitigation and
Enhancement Plan dated May 2019

Reason: - To ensure provision of a satisfactory development.