

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)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control, Havant Borough Council

Provision of ground floor wc to be provided under Approved Document M requirements

Location of solid waste storage to be shown so as complying with Approved Document H requirements

North elevation boundary should be at least 1m from face of property regarding unprotected areas issues under Approved Document B requirements

Building Regulation application will be required for this work

Officer Comment: *An informative shall be included outlining Building Regulations requirements.*

Crime Prevention

No comment

Natural England Government Team

No objection

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

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Planning Policy Policy Status

Adopted Local Plan

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough.

Emerging Local Plan _

The Pre-Submission Havant Borough Local Plan 2036 can only be afforded very limited weight at this stage but may be afforded greater weight as the Plan progresses towards examination. The following policies are of particular relevance

- • E1 | High quality design
- • E3 | Landscape and settlement boundaries
- • H1 | High quality new homes
- • C2 | Tourism

Comment

The site lies within the urban area as defined by policies CS17 and AL2 in the context of the adopted local plan and within the settlement boundary as defined by policy E3 in the emerging local plan. There is therefore a presumption in favour of sustainable development subject to other considerations.

Policy DM3 of the adopted local plan and Policy C2 of the emerging Local Plan only permit the change of use or redevelopment of land or premises currently or last in use for tourism purposes to non-tourism purposes where it has been demonstrated through a realistic and active marketing exercise that the premises and/or land are no longer viable for their authorised use. The submitted Design and Access Statement provides limited marketing evidence in this respect.

However, given the previous refusal of planning permission ref. APP/12/00273 and subsequent planning appeal did not discuss this matter, it is considered that an objection on these grounds could not be sustained.

Subject to detailed matters of design, a policy objection would not therefore arise in the context of the adopted and emerging local plan. Though the latter will have greater weight going forwards, it is questionable how the proposal would meet the new standards and requirements in the new Local Plan.

Public Spaces

No comment

Waste Services Manager

I have no concerns over waste collection regarding this planning application thank you.

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I would like to object to the proposal of replacement of caravan No two bedrooms chalet bungalow. Site address 1A Haven Road, Hayling Island: Reason for objection. Lose of privacy totally overlooked	See section 7

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) Residential amenities of the proposed dwelling
- (v) Highways

(vi) Developer Contributions/CIL

(i) Principle of development

- 7.2 The application site is situated within an urban area as defined by CS17 where further development is considered acceptable subject to the usual development control criteria. Policy CS9 supports new dwellings which help the Borough achieve its allocated housing requirement and therefore the principle for the additional dwelling is acceptable.
- 7.3 The principle of development has been established as being acceptable under the 2013 appeal decision and is therefore considered to be acceptable for the current application.

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

- 7.4 The proposed chalet bungalow is considered to not look significantly out of place within the character of other properties surrounding the application site. Bungalows and two storey dwellings are present and therefore the design and style of the proposed dwellinghouse is considered to sit appropriately amongst the design and position of the neighbouring properties. Within the appeal decision it was commented on that *'the defined plot already exists and accommodates a caravan with permission for holiday occupation for 10 months in any year. There would be some visual improvement in the streetscene from the replacement by the proposed permanent dwelling in this location'*. Therefore the works are considered to result in an acceptable impact on the appearance and character of the area.
- 7.5 The proposal has made efforts to create an appropriate design and scale of a dwelling when taking into account the limited and restricted plot size available. The works shall be set off the neighbouring boundaries by approximately 1m from the east and 5m from the west which in part complies with the Borough's Design Guide. Due to being positioned to the north east of the application site the development proposes an amenity space to the side and front of the dwellinghouse which does not comply with recommended amenity space standards but under the 2013 appeal is considered to be a sufficient provision for a two bedroom home. Therefore a reason for a refusal based on these grounds would not be substantiated.
- 7.6 The new dwellinghouse is proposed to be built with a matching brickwork and tile to those of the neighbouring dwellings. Following a site visit and assessment it is considered that these materials would suit the locality well and would not create a significantly dominant nor obtrusive visual appearance in the streetscene. Therefore the dwellinghouse is considered to match those of the neighbouring properties which shall help ensure the visual dominance of any development is reduced. A condition shall be included with the decision for samples to be submitted for approval by the Local Planning Authority to ensure the colour, texture and finish is appropriate.

(iii) Impact upon residential amenity

- 7.7 The proposed site has a residential dwelling to the east, north and west of the application site. Although concern has been raised by the public it is considered that the dwellings opposite No 1A have a good separation from the development by the highway of Haven Road and combined with the works being set in the rear north of the application site and away from the front curtilage boundary by approximately 4.6m the impact caused is considered to be limited and acceptable.

- 7.8 No 3 Havant Road is the dwellinghouse to the east of the current caravan and is a bungalow in nature and set off the shared boundary. The works proposed shall increase the height of the development creating a chalet bungalow development which shall be greater in mass and bulk than the existing caravan. However, following a site visit it was noted that No 3 has an outbuilding in place between itself and the proposed dwellinghouse alongside additional screening in the form of hedging approx 3m high. The works proposed at No 1A shall be in line with the side elevation of No 3 thereby protecting and retaining the rear amenity space afforded to the neighbour. The works at No 1A are set suitably off the boundary which alongside a barn hipped and pitched roof design is considered to ensure the works do not result in significant mass and bulk to No 3 nor impact light levels reaching the neighbour significantly. Combined with no objection being made and no windows proposed in the first floor side elevation the development is considered to result in a neighbourly relationship with No 3 Haven Road.
- 7.9 No 1 Haven Road is the dwellinghouse to the west and is set off the shared boundary with the existing caravan by approximately 1m. Due to the proposed layout of the application site the dwellinghouse would be set away from No 1 by approximately 6m in total which is considered to be an acceptable distance for the works to not appear significantly over-bearing nor obtrusive in nature. Combined with a barn-hipped and pitched roof design the development is considered to not lead to a significant loss of light nor cause over-shadowing as a result. No first floor windows in the side elevations are considered to protect the privacy levels between the neighbours and not cause over-looking. Therefore, on balance, the impact caused is considered to be limited and acceptable
- 7.10 66 Creek Road is the dwellinghouse to the north and the proposed development shall be alongside the boundary with this neighbour. The increased mass and bulk is considered to have an impact on the neighbour however efforts have been made to reduce this with the pitched and barn hipped roof. The works shall be positioned towards to the rear amenity space of No 66 and therefore shall not be over-bearing or oppressive in nature from the dwellinghouse. A rooflight is proposed with the rear roofslope and this shall be conditioned to be at high level so as not to cause over-looking into the neighbours rear garden space thereby retaining the privacy of the amenity space. With this condition the works are considered to be acceptable however an additional condition removing permitted development rights is included to ensure that the LPA retain control over development on this site

(iv) Residential amenities of the proposed dwelling

- 7.11 The submitted plans show how the site would be laid out and it includes two parking spaces to the front. A garden space has been provided to the side and front of the dwellinghouse which are modest in scale and do not meet with guidance laid out in the Boroughs Design Guide and acceptable standards. However, a provision is provided and following the 2013 appeal it was considered that this was a sufficient provision and was considered to be acceptable. It is noted that the design, position and placement of the application site does lend itself to creating the most available space, albeit modest. However, this would not substantiate a reason for refusal and is therefore considered to be acceptable.

(v) Highways

- 7.12 The proposed chalet bungalow proposes two parking spaces to serve the two bedroom chalet which is considered to accord with the Boroughs Parking SPD and is acceptable. These shall be conditioned as part of the decision to serve the dwellinghouse and to be brought in prior to the dwelling being occupied.

(vi) Developer Contributions/CIL

- 7.13 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. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63.

This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant indicated a willingness to enter into a legal agreement to secure the mitigation package. 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 the legal agreement to secure the mitigation package and paid the relevant contribution comprising a contribution towards the SRMS totalling £531.35. The relevant contribution has been paid with a deed signed and submitted as part of the application.

- 7.14 The application is liable to pay the Community Infrastructure Levy a total of £7,825.00 and the relevant forms have been sent including a draft liability notice.

8 Conclusion

- 8.1 The new dwelling would have two parking spaces and what is considered to be a sufficient amenity space to serve the property. Although it is acknowledged that the works do not comply with the Council's SPDs these were assessed at higher level by the planning inspectorate and considered to be, on balance, acceptable in 2013. Therefore the Council does not have reason to substantiate a refusal of planning permission for the same layout and proposal. The application is therefore recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00067 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:

Proposed Elevations and 3d indicative plans: Drawing No A101
Location and Proposed Site and Floor Plan with Parking Layout Plan: Drawing No A102

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure or windows (including within the roof) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The car parking, servicing and other vehicular access arrangements shown on the approved plans Drawing No A102 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.

- 5 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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: In the interests of the amenities of the area and having due regard to policy CS16 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 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 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a further 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.

- 9 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 10 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the rooflight in the rear roof elevation serving the hallway and facing north shall be fitted to a height of no less than 1.7m above finished floor level 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.