

Recommendation: **REFUSE PERMISSION**

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
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)
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

No comments

Chichester Harbour Conservancy

Recommendation: That Chichester District Council, as local planning authority be advised that Chichester Harbour Conservancy raises no objection in principle subject to review and consideration of the following comment/s and/or condition/s recommended:

Observation / Conditions / notes:

Observations:

a) It is noted that pursuant to Policy PP04 – *Creation of New Dwellings and Residential Institutions*, of the Chichester Harbour Planning Principles, the proposed development is not within an existing settlement boundary, does appear to have demonstrated that the existing wastewater treatment plant/s have capacity, and not demonstrated how recreational disturbance will be adequately or appropriately mitigated/addressed, and the sustainability of this location appears questionable. i.e. there are no shops and/or local amenities, is car reliant/dependent, extends the existing ribbon development along Northney Road and the resulting loss of trees, already taken place, has undermined the nature conservancy efforts of the AONB and its setting.

b) The location of the subject land is not within a defined urban area and is not brownfield land but rather open countryside and is considered as 'Non-urban'.

c) There are concerns with clarity and intent relating to the landscaping plan, no clarity is provided which demonstrates protection of the existing hedgerows and proposed tree planting within the site that would promote the conservation and enhancement of the special qualities of the AONB setting and its habitats and species.

d) Consideration being given to changing the windows from white UPVC to a more sustainable wood and be of a darker/subdued colour.

REQUEST FOR CONSIDERATION SHOULD APPROVAL BE GRANTED

In the event that Havant District Council consider approval of the proposed development the Chichester Harbour Conservancy request that the following conditions are considered:

Conditions:

1. Demolition/ building works are restricted (e.g. piling) is restricted to Mar-Sept to avoid noise leading to bird disturbance.
2. That the developer contributes the appropriate per dwelling rate in respect to recreational disturbance of the Solent SPAs and SAC.
3. Prior to the commencement of any site works, an amended landscaping plan is submitted to and approved by the local authority.

Advice Note: In relation to condition 3 the landscaping plan should include a species legend, annotation/s that surrounding hedge and trees to north, south and west boundaries are to be retained to ensure some screening and that established habitats survive. Additionally, consideration to be given to native tree planting to front car bays and more substantial species to the rear of the site that would enhance and conserve the AONB and its native wildlife. This should be demonstrated on a landscaping plan and an associated condition included to ensure planting is carried out and maintained as such in perpetuity.

Notes:

- i) Consideration being given of a design, internally, to be inclusive and accessible for those living with disability i.e. wider door entries etc.
- ii) The resulting one (1) car bay arrangement at No.1 Northney Cottages and lack of vehicle manoeuvrability within the site may benefit from a review.
- iii) Vegetation / trees – It is noted that between June 2011 and June 2016 significantly large mature trees appear to have been systematically removed along the western and southern boundaries. It is further noted that No.1 Northney Cottages has created a single access driveway for one vehicle and no on-site maneuvering and lack of sight lines, having potential to create a road safety issue, further to this another tree has subsequently been removed to make way for this access and the remaining vegetation in the front garden has become gravel

Planning Officer Comment: Informatives shall be included with any decision.

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>. There was no contribution collected under the previous application.

Crime Prevention

No comment

Highways Engineer, Development Engineer

The development will require the construction of a new long vehicular access and a informative should be placed on any future planning permission. The two parking spaces shown for each property require turning on site and this is provided by a joint turning area. I would suggest that this parking and turning area is covered by a condition that it must be constructed and retained. Also a condition should be added that no sheds fences, planting plot or garden furniture should be allowed in this area.

Natural England Government Team

No objection subject to appropriate mitigation being secured.

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: 29/06/2018

Number of representations received: 2

Comment	Officer Comment
Concern raised from No 38 Northney Road: We refer to the above re-submission of the application for the erection of a pair of semi detached 3 bed houses, to include new access and parking. We can see no substantial changes in the plans (apart from bike stores for each property and a joint dropped kerb and access at the front) and so our objections remain the same. To clarify, we set these out again as, although some of them were raised in our previous objection, we assume that there is a new Planning Officer considering this application. We are concerned about our privacy, the two houses will overlook our back garden, patio-breakfast area, the side aspect of our house (and so into our kitchen, bedroom and conservatory) and also at the front. We note Mr Wilson's letter to Havant Borough Council dated 4th May 2017 in which he stated that the houses have been "deliberately set on the far side of the plot to minimise any effect on number 38". Comparing the plans for the previous application and the resubmitted application, it appears that the houses are a little more central on the plot, and so nearer to our property. However, we do not know how accurate the drawing is, so this may not be correct. The Design and Access Statement states "the hedge along the northern side to the field will be retained" and "no trees will be affected". There is a large tree at the rear of the plot and if the build goes ahead this should not be removed at the retention of the tree will assist with our privacy concerns. The next issue is the principle of the development in the countryside.	See section 7

The site is located within the designated countryside for which new housing development does not accord with the Government's agenda of achieving sustainable development. Paragraph 55 of the National Planning Policy Framework 2012 (NPPF) highlights that the provision of new housing the countryside must be limited to specific reasons, namely for agricultural/forestry/fishing workers where there is an essential need to provide new housing in the countryside, or where the houses are affordable housing.

The proposal does not accord with either of these requirements and therefore there should be an overarching 'in principle' objection to the provision of these houses in this location. The proposal is therefore contrary to Policies CS16, CS17 and DM9 of the Adopted Core Strategy, and Policy AL2 of the Adopted Local Plan (Allocations) document.

Another main issue is the location of the site within the Chichester Harbour AONB. The run of properties along this part of Northney Road is characterised by ribbons of semi-detached dwellings inter dispersed with breaks along the line of properties offering longer distance views and glimpses to the open countryside and Harbour beyond. The proposal would result in a loss of this important break in the ribbon of development, and would therefore be harmful to the character and appearance of this part of the AONB, and is therefore contrary to Policy CS12 of the Adopted Core Strategy and the advice in the Harbour Conservancy Design Guidance.

Also referring to the North East Hayling Residents Association Village Design:

"the existing situation is recognised by the Havant Borough.....which states that this area, perhaps more than any other in the Borough, retains much of its authentic rural settlement pattern....". Two new builds are not authentic or rural.

Further:

"Infill or backland development within rural settlements should be resisted as this would fundamentally alter the authentic irregularity and density of settlement here. Further development to the north or south of the village should be resisted...." Northney Road is the north of the village.

Within the Village Design Statement, design considerations include:

The open characteristics of the settlement edges with views of agricultural land and the harbour environs.
The size of the extensions and replacement dwellings, in relation to plot size and location within each character area, in order to maintain the appropriate open space around each building.

The building of two semi detached houses (so not an extension or a replacement dwelling but a new build) on the small plot of land, which was previously a garden attached to No 1 Northney Cottages, is completely against the Village Design. It does not appear to comply with NPPF, the Harbour Conservancy Design Guidance nor the Chichester Harbour Conservancy AONB. It appears that the previous application was to be likely to be refused before Mr Wilson withdrew his application, although the reasons for this are not available. As mentioned the re-submission does not appear significantly different so we wonder why this submission is more likely to be successful. We note that NEHRA has lodged a "neutral" response and no other Northney Residents have commented. This is not surprising but is disappointing. We will await the decision in due course.	
NEHRA: The proposed property has been designed to reflect the character and identity of the existing buildings in Northney Road, and hence is in keeping. Northney villagers are committed to the ethos of the Village Design Statement (VDS) ' To help guide, change, to conserve and enhance. There is concern that whilst smaller developments, on their own may not seem to amount to much, their cumulative affect can alter the appearance of an area considerably. The VDS requests that in order to maintain the spatial character of the village, any infilling should be carefully considered and new housing is of necessity achieved by replacement dwellings. Nevertheless there is an understanding that affordable housing is required. NEHRA	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) Nature of the development
 - (iii) Impact upon the character and appearance of the area
 - (iv) Impact upon residential amenity
 - (v) Developer Contributions
 - (vi) Highways
 - (vii) Effect on Protected Species
- (i) Principle of development
- 7.2 The site lies outside the built up area where new residential development is not normally acceptable. Policy CS17 relates to the need to concentrate new development (including housing) in the urban areas. Policy AL2 defines land outside the defined

urban area of Hayling Island as 'non-urban' and again restricts development within such areas. The principle of residential development is therefore not considered to be acceptable in this location.

(ii) Nature of the development

- 7.3 The proposal is a full application for the development of No 2, semi-detached three bedroom dwellings in the amenity space to the west side of No 1 Northney Cottages. The description includes the vehicular access from Northney Road to serve the two dwellings and the submitted plans show the proposed position and design of the units including parking and amenity spaces.

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

- 7.4 The area is outside the built up area and has a rural character with fields and boundary hedgerows and trees interspersed by a row of dwellings and farmland. The landscape is relatively flat and the site is immediately adjacent to Chichester Harbour Area of Outstanding Natural Beauty. To the west beyond Northney Road is a continuation of housing and farmland with a fairly uniform pattern of semi-detached dwellings to the east. To the south is open farmland.
- 7.5 The application site itself is located in a small group of semi-detached cottages to the east end of Northney Road which benefit from a generous amenity space to the side rather than the typical form of to the rear. To the east of No 1 semi-detached two storey dwellings are present and are situated in generously sized plots to the rear in a narrow form. The proposed plot is partly screened from the highway by thick hedging at various heights and appears to serve No 1 and provide a garden/amenity space to benefit the cottage. It also provides an un-developed aspect when viewed from Northney Road and whilst it is appreciated that there are existing dwellings either side of the plot when viewed from Northney Road, the development of the site would lead to an intensification of the existing residential development detracting from the remaining rural character of the area.
- 7.6 Within such areas new residential development without specific justification (for example a farm workers dwelling) is normally refused. The provision of two No. two storey dwellings would consolidate development on the north side of the road and lead to an unacceptable intensification of residential development having a harmful impact on the semi-rural character of the area. Furthermore the area is isolated from schools, employment and other facilities and would result in an over reliance on the private car, resulting in an unsustainable development in a relatively isolated location.
- 7.7 The development would result in the loss of this important gap and views to the Chichester Harbour AONB and open land fronting the harbour by the provision of the two storey dwellings. This would effectively consolidate a line of ribbon development to the west to the harm of the existing semi-rural character. The development would also result in the removal of the frontage and part side hedging and the provision of a parking and turning area. This would further detract from the semi-rural character and appearance of the area. This character is recognised in the Northney and Tye Village Design Statement.

(iv) Impact upon residential amenity

- 7.8 The development has the potential to impact No 1 Northney Cottages and the adjacent neighbour to the west No 38 Northney Road.

- 7.9 The proposal consists of a pair of semi-detached two storey dwellings to be positioned in the west side amenity space of No 1 Northney Cottages. This shall create an approximate distance of 2.3m between the proposed development and shared boundary to the east and approximately 4.25m between the proposed dwelling and No 1. Although this is a fairly modest distance between the proposed development no objection has been made by the neighbour who is also the applicant. Following a site visit it was noted that No 1 only had three windows present within the west side elevation towards the rear of the property and approximately 7m away from the proposed development. These were two at ground floor and one at first floor. Although these do have the potential to be impacted by the works the development is considered to be set a sufficient distance away by approximately 7m which coupled with the design of the dwellinghouse and being hipped away to the west is considered, on balance, to not create an oppressive outlook from No 1 nor significantly restrict light levels reaching the neighbouring dwelling. Therefore the works are considered to result in an acceptable relationship between the neighbouring dwellings.
- 7.10 No 1 is positioned in a large plot with amenity to the side, rear and to the east in the form of an L shape and therefore although it would be losing a large proportion of available amenity space to the dwellinghouse it is still considered to retain a large enough provision in which to serve No 1 and comply with the Borough Design Guide. The works are therefore considered to be acceptable.
- 7.11 Concern has been raised by the neighbouring dwelling to the west No 38 in regards to the works and the impact this would have in relation to a loss of privacy. The principle of the development has also been raised however this is considered to have been addressed under point 7.2. The proposed dwellinghouse would be set approximately 7m away from No 38 and would have an eaves height of 5m and a ridge height of 7.4m which is proposed to be fully hipped to the east. Three windows are proposed within the west side elevation, one at first floor serving a stairway which is not considered to cause significant over-looking and two at ground floor to serve a hallway and W/C. As the windows do not serve primary rooms the potential cause of over-looking is reduced significantly. Although it is acknowledged that No 38 has a window in the east side elevation at first floor it is considered, on balance, that due to the proposed windows serving rooms which do not have a regular activity within them, coupled with the distance the works are set away from the neighbour and that the proposed screening between the neighbours would reduce this impact further that the development would not warrant a refusal in this regard and is considered to be acceptable.

(v) 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 for Hayling Island. The development is CIL liable to the total of £28,471.59 and the applicants have completed the necessary Assumption of Liability form accepting this amount.
- 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. However the applicant has not provided a package of avoidance or mitigation measures aimed at removing this significant effect. As a result, the HRA concludes that the planning application would be likely to lead to a significant effect on the Chichester and Langstone Harbours Special Protection Area. 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. As such, the planning application must be refused.

(vi) Highways

- 7.14 The Development Engineer has been consulted in regards to the proposal and it was highlighted that the development will require the construction of a new long vehicular access and that an informative should be placed on any planning permission. It was also commented on that the two parking spaces shown for each property require turning on site and this is provided by a joint turning area. It was suggested that this parking and turning area is covered by a condition that it must be constructed and retained. Also a condition should be added that no buildings or structures should be erected in the site without approval from the Local Planning Authority. It is considered that an informative should be included with the decision so that in the event of an appeal these conditions are included accordingly to ensure that this would be an acceptable part of the proposal.

(vii) Effect on Protected Species

- 7.14 The site is located adjacent to SINC's and close to the international and national designations of Chichester Harbour (SSSI, RAMSAR, SPA etc) and adjacent to Brent Goose strategy sites. The application has been assessed by Natural England who have confirmed that subject to the imposition of conditions and SPA disturbance mitigation requirements the proposal would have an acceptable impact on nature conservation interests. However, as this contribution has not been paid the application shall be refused accordingly.

8 Conclusion

- 8.1 In conclusion, the principle of residential development in this non-urban area in the absence of an overriding justification would be contrary to the policies of the development plan, result in unsustainable development and detract from the character and appearance of the area.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00593

(A) for the following reasons

- 1 The proposal represents the undesirable addition of two dwellings in a location outside the built up area for which there is no special justification. Furthermore the dwellings would be located in an unsustainable location where the occupiers of the dwellings would be likely to have an over reliance on the private car to access employment, education, retail, entertainment and health facilities. It is therefore contrary to policies CS17, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2018.
- 2 The dwellings and associated access, parking and turning would be sited to the west side of No 1 Northney Cottages removing an important visual gap between residential buildings and consolidating and extending linear development. This is considered to be harmful to the attractive semi-rural character of the area. The development would therefore conflict with policies CS11, CS16, CS17 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 Havant Borough Local Plan (Allocations) 2014, The Northney & Tye Village Design Statement and the National Planning Policy Framework 2018.
- 3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, DM24 of the Havant Borough Local Plan (Allocations) 2014 and the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework 2018.