
Site Address:	13 The Kench, Ferry Road, Hayling Island, PO11 0DF		
Proposal:	Change the roof profile and change external materials.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00993	Expiry Date:	08/02/2024
Applicant:	Mr Pullen		
Agent:	Mr I Murray	Case Officer:	Robert Riley
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site, is a one-storey chalet located in Hayling Island located on the eastern side of The Kench. The property's materials feature beige pebbledash to form its external walls, and to construct its flat roof is a felt flat roof. On the application site's front and rear elevations it is surrounded by beach land with salt marsh land beyond.

The site lies beyond the defined urban area for Development Plan purposes, but The Kench is in itself a relatively dense pocket of developed area at the end of the peninsula with ferry road featuring chalet dwellings. The site also lies within the Coastal Zone and Flood Zone 2/3 and adjacent to the Langstone Harbour Site of Special Scientific Interest (SSSI), the Chichester and Langstone Harbours Ramsar and Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC).

2 Planning History

Adjacent site to the east:

APP/12/00365 - Application for Certificate of Lawful Development relating to mooring of a houseboat and incidental conversion of boats brought to the site for this purpose, in conjunction with use of the larger site (outlined blue) as a communal, recreational estate including access roads, car park, boat trailer park, open space and communal slipways., PERM,17/10/2012

3 Proposal

There are two elements proposed to the application site:

- Change the roof profile
- Change external materials.

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
DM10	(Pollution)
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)

Emsworth Neighbourhood Plan Post Examination Version 2020

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger - Hayling West

No comment

Councillor Julie Richardson

No comment

Councillor Paul Gray

No comment

Ecologist

I would not raise any overriding ecological concerns with the proposed development although the site's location is sensitive, and specific measures to avoid ecological risk will be required.

The site is situated immediately adjacent to parts of the Solent Maritime Special Area of Conservation (SAC) and Langstone Harbour Site of Special Scientific Interest (SSSI) and is also adjacent to an area listed as Site H83 in the Solent Waders & Brent Goose Strategy (SWBGS): Site H83 is classified as a Primary Support Area due to the number and variety of overwintering waders and wildfowl it supports.

The proposed works therefore have some potential to result in impacts to internationally and nationally designated nature conservation sites and the species they support. Given the scale of proposed works, I would suggest that impacts are likely to result from visual and noise disturbance and possibly airborne and waterborne pollution (such as construction waste/litter). I would recommend that a Construction Environment Management Plan (CEMP) is secured by condition. The CEMP should identify the potential impact pathways (noise and visual disturbance, airborne and waterborne pollution) and provide measures to ensure that impacts are avoided. Measures may include avoiding works within the overwintering season between 1 October and 31 March, the use of noise abatement measures, and the control of construction waste. I would expect Natural England to also highlight the need for a CEMP and, as competent authority under the Habitats Regulations, Havant Borough

Council will need to ensure that it has documented the Habitats Regulations Assessment process and reviewed any necessary impact avoidance measures.

Environment Agency

No comment received

Langstone Harbour Board

No comment received

Natural England Government Team

No objection subject to securing mitigation

Construction Environment Management Plan

We note that a Construction Environment Management Plan (CEMP) has been submitted, located in the Habitat Regulation Assessment dated 01/02/2024. We advise the CEMP should be submitted to and approved in writing by the district ecologist/biodiversity officer.

Habitats Regulations Assessment

Natural England notes that a report to inform an Appropriate Assessment of the proposal has been produced in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 planning permission given.

Special Protection Areas (SPA) and Functionally Linked Land

The proposals have the potential to affect SPA and functionally linked land, which form part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. Please see the Solent Wader and Brent Goose Strategy (SWBGS) for more information.

The site affected, H83, is classed as a Primary Support Area and supports high numbers of dark-bellied Brent Goose.

It is advised that the impact is properly assessed and any identified impacts are addressed in line with the SWBGS Guidance on Mitigation and Offsetting Requirements. Please note, where financial contributions are proposed, for example to mitigate impacts on Low Use sites, it is advised that a sufficient level detail of the measures to which they will be directed is provided to inform your authority's

appropriate assessment, in order to provide the necessary confidence and certainty that such mitigation will be effective and deliverable in perpetuity.

Natural England will be happy to advise further on this aspect via our Discretionary Advice Service (DAS).

Noise Impacts

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

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

In relation to significant long term projects that cannot avoid the winter period - the following advice could also be given:

- Natural England recommend that the effects of the piling on the SPA birds are monitored by a suitably qualified ecologist during the works so that additional mitigation measures can be applied to avoid excessive disturbance.
- For intertidal areas and estuaries, Natural England recommend that percussive piling is undertaken at or around high water to further reduce residual risk. Please note, an alternative approach may be required if high tide roosts are present. If there are any questions feel free to contact me.

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: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comments

The context is that this development site is in a sensitive and highly visible location from perhaps 270+ degrees including Ferry Road, as well as from many different harbour viewpoints, so careful consideration is required.

Officer response

Noted.

Approval for certain planning aspects of the proposed modifications might tend to establish unwelcome precedents that may, with some justification, be

Noted.

alighted upon by any other of the 50+ Kench chalet owners.

Such planning aspects include:-

* that the roof will be raised some 0.5 metre (or 1ft 8ins). Since the existing chalet already exceeds the permitted building area limit at the Kench (since the 1970s of 750 sq ft by some 37 sq feet), the additional height will serve to further increase the 'bulk' for this site.

The proposed height increase is considered acceptable due to its small scale.

* that instead of being a flat roof (a requirement for chalets at the Kench since the 1970s), the plan is for a "wavy" shape to accommodate a water tank - yet the existing chalet has no water tank on the roof.

Noted

* that a non-flat 'wavy' roof may create requests for other 'artistic' roof designs that may be less attractive than the subject roof.

The design is considered to offer an uplift to the property. Each application is treated on its own planning merits

In isolation these planning inconsistencies are not unacceptable.

However, the widespread adoption of these anomalies, as a result of precedent, right across the rest of the Kench over future years might be unwelcome.

Noted, but as above each application will be assessed on its own planning merits.

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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Flood risk
- (v) Impact upon ecology and wildlife

- (i) Principle of development

7.2 The application site is located outside of the defined urban area and within a non-urban area. Policies AL1 and AL2 in the Havant Borough Council Local Plan (Allocations) July 2014 are relevant and Policy AL2 states that planning permission will be granted for developments within undeveloped gaps or non-urban areas that help to define the separate identity of settlements and prevent their coalescence where development relates to small scale householder development. The proposed development is for minor works to the property. The development would not undermine the separate identities of settlements or result in their coalescence. As such, there is no objection in principle to the proposal, subject to compliance with other Development Plan Policies.

7.3 The Kench has evolved over a long period primarily as a holiday area with mobile

homes/ park homes and structures that have become permanent over time. There are a mix of styles, ages and sizes that reflect the evolution and replacements that have taken place at the site over the years. Other than the proposed wavy roof this application does not enlarge the existing chalet and therefore does not alter its silhouette significantly. The proposed works involve replacing the existing flat roof with a wavy design roof and changing the external materials from beige pebbledash to form the external walls proposed to be formed with ocean blue cedar click cladding. Furthermore, there would be revised fenestration, Given the informal low-lying coastal character of the area which is part of the non-urban area, it is important to consider the visual impact of this change in materials on the surroundings.

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

- 7.3 The existing Chalet, which is in a flat roof design, has a height of approximately 2.6 metres to the eaves height, a maximum height of approximately 3.0 metres, a width of approximately 7.8 metres and a depth of approximately 11.2 metres. Following the works, the chalet would have a footprint of between approximately 5.8 to 7.8 metres in depth and a width of approximately 11.3 metres. The roof of the building would also feature a wavy design with a proposed eaves height of approximately 2.4 to 3 metres and a maximum height of approximately 3.3 metres.
- 7.4 The proposed change in external materials would feature ocean blue cedar click cladding to form the external walls this is considered acceptable in appearance. With most dwellings on Ferry Road featuring white and light renders, the change in external materials is considered acceptable and is a blue/grey colour. The roof would be installed in a wavy roof design with grey single-ply membrane this is considered acceptable. As the increase in roof height is only approximately 0.5 metre and therefore similar in scale this change is considered appropriate. Additionally, the road though largely featuring flat roofs, contains some shallow pitched roofs suggesting that the proposed works would not significantly affect the character of the area regarding roof shape.
- 7.5 In terms of its impact on the wider area, the design of the resulting building would be unique on the road, with the building being readily visible in the street scene. However, it is considered acceptable reflecting that the scale of the building would only modestly increase and the modern and contemporary design which whilst contrasting in detail with the surrounding dwellings, is of a similar scale and is not considered visually intrusive.
- 7.6 Taking these various factors together it is considered that the design and appearance of the proposal would be acceptable, 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

- 7.7 To the western side of the application site are properties Nos 12 and 14 Ferry Road. Due to proximity, the main impacts to assess would be regarding these properties.

No.12 Ferry Road

- 7.8 The proposed profile and external material changes would not bring the footprint of the building any closer to No.12, and regarding to the increased height of the roof, it would increase up to approximately 0.5 metres taller at its maximum height, this would

be considered an acceptable impact as the increase in height is of a modest scale and would not increase overshadowing or a sense of bulk to No.12.

- 7.9 A new small window is proposed on the western elevation to serve a bathroom facing No.12, however, this was confirmed by the agent to feature obscure glass by the agent and is therefore considered acceptable.

No.14 Ferry Road

- 7.10 The proposed profile and external material changes would not bring the footprint of the building any closer to No.14, additionally, the dwelling is screened regarding the height increase and the proposed western elevation window by No.12 Ferry Road and therefore the impacts upon this dwelling would be considered acceptable.
- 7.11 Having regard to the foregoing analysis, it is considered that the proposal would not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Flood risk

- 7.12 The application would be classed as a 'minor development and according to the National Planning Practice Guidance (NPPG) unlikely to cause flood risk unless they would have an adverse effect on a watercourse, floodplain or its flood defences; they would impede access to flood defence and management facilities, or; where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows. The proposal should not affect these areas. The application site is in Flood Zone 3. The applicant's submission confirms that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the development will be incorporated where appropriate. There is no increase in the number of bedrooms at the site. The proposed development is classed as minor development and unlikely to increase the risks associated with flooding to the site.

(v) Impact on ecology and wildlife

- 7.13 The site is located immediately adjacent to several internationally designated nature conservation sites, including the Langstone Harbour Site of Special Scientific Interest (SSSI), the Chichester and Langstone Harbours Ramsar and Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC). The County Ecologist was consulted on the application requesting an Construction Environmental Management Plan (CEMP) to be provided stating that any works would need to be carried out during the winter months to avoid disturbance to overwintering birds, ensure that noise disturbance in particular would be avoided/mitigated and also covering airborne and waterborne pollution. A CEMP was provided and the Ecologist was satisfied with the information. A Habitats Regulations Assessment and Appropriate Assessment was undertaken and Natural England consulted whereby they commented:

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 planning permission given.

A copy of the HRA/AA is attached to the case file.

A condition is recommended to ensure that the CEMP is adhered to in the construction process in order to not undermine the conservation aims of these designations nor affect the protected species (largely wader birds). Subject to these measures and conditions, the impact on Ecology is considered to be appropriately addressed,

- 7.14 Consequently, it is considered that the proposal would not appear overbearing or lead to a loss of light, outlook or privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). Additionally the proposal would have an acceptable visual impact in this sensitive location and the potential impacts on the SPA and sensitive ecological environments have been appropriately assessed and appropriate mitigation secured.

8 Conclusion

- 8.1 The proposed development is acceptable in principle, is appropriate in terms of design and its impact on the character of the area, and would have a limited and acceptable impact on the neighbouring properties. Ecological impacts have also been assessed and appropriately mitigated. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00993

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:

Drawing Number: A101: SITE & LOCATION PLAN
Drawing Number: A111 V7: PROPOSED SITE & LOCATION PLAN
Drawing Number: A112 V7: PROPOSED GROUND FLOOR
Drawing Number: A113 V7: PROPOSED ELEVATIONS
Drawing Number: A114 V7: PROPOSED NS & EW SITE SECTIONS
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN
EMAIL DATED 18TH JANUARY I J MURRAY (OBSCURE GLAZING DETAIL)
DESIGN AND ACCESS STATEMENT
FLOOD RISK ASSESSMENT

ALSO CONSIDERED IN THE DETERMINATION OF THIS APPLICATION:

Drawing Number: A115 V7: PROPOSED SITE VIEWS

Drawing Number: A116 V7: PROPOSED INTERNAL VIEWS

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.
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.
- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, the window in the western elevation to serve the en suite on the plans hereby approved shall be fitted with textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 5 The development hereby permitted including demolition shall be carried out fully in accordance with the approved Construction Environmental Management Plan unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to control the demolition and construction phases to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.
- 6 Percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbA max – measured at the sensitive receptor) shall be avoided during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the Local Planning Authority in advance.

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

Reason: In order to control the demolition and construction phases to prevent harm to internationally and nationally protected sites and protected species together with the character and amenities of the area and neighbouring residents having due regard to policies CS11, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act, the Habitat Regulations and the National Planning Policy Framework.