
Site Address: 48 Sinah Lane, Hayling Island, PO11 0HH
Proposal: Application for Variation of condition 5 of Planning Permission APP/21/00913 (which granted consent for Demolition of existing dwelling and erection of replacement dwelling including new summer house and garage together with new driveway access with associated landscaping - to include provision of first floor accommodation over garage and revised summerhouse and terrace arrangements with minor works proposed to the existing sea wall) relating to revised landscaping design and planting scheme.
Application Type: Variation/Relief of Condition
Application No: APP/23/00998 Expiry Date: 03/01/2024
Applicant: Mr & Mrs Whitehead
Agent: Nick Hebden Case Officer: Kayleigh Taylor
 Hebden Design Studio
Ward: Hayling West

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application relates to 48 Sinah Lane, located upon Hayling Island. The site comprises a modern dwelling with an irregular footprint set back from the road, behind a two storey garage with ancillary accommodation (approved under planning application APP/20/01223). At the time of the officer site visit the garage building was still under construction, however, the dwelling was complete.
- 1.2 To the rear of the dwelling there is a long garden which slopes gently towards Langstone Harbour and the shoreline. There are trees along the eastern and western boundaries and to the shoreline frontage.
- 1.3 Sinah Lane and the surrounding streets consist of narrow treelined roads, deprived of pedestrianised pavements. Dwellings in the locality comprise of large detached single-storey and two-storey properties on sizable sites with generous front setbacks and large rear gardens, with a generally leafy vernacular. Many of the sites on the northern side of Sinah Lane consist of rear gardens fronting the coast providing direct access to the water.
- 1.4 The development site is in close proximity to the Solent Maritime SAC, SPA, Chichester and Langstone Harbours Ramsar and Langstone Harbour SSSI.

2 Planning History

APP/20/01223 - Demolition of existing dwelling and erection of replacement dwelling including new summer house and garage together with new driveway access with associated landscaping., PERM,02/06/2021

APP/21/00913 - Variation of conditions 2 (approved plans), 5 (landscaping), 9 (materials), 10 (hardsurfacing) and 15 (means of enclosure) of Planning Permission APP/20/01223 (Demolition of existing dwelling and erection of replacement dwelling including new summer house and garage together with new driveway access with

associated landscaping) - to include provision of first floor accommodation over garage and revised summerhouse and terrace arrangements with minor works proposed to the existing sea wall., PERM,17/01/2022
APP/23/00266 - Non-material amendment to Planning Permission APP/21/00913 relating to amended access position and width, change to frontage gate and wall, removal of 1 No. Laurel Cherry Tree (T06) at entrance with amended frontage planting – amendments to provide for emergency service access., PERM,04/08/2023

3 Proposal

3.1 The application seeks the variation of condition 5 of Planning Permission APP/21/00913 to allow for a revised landscaping design and planting scheme to that previously permitted.

3.2 The permitted landscaping scheme permitted under application APP/23/00266 comprised 3no. Quercus robur 'Fastigiata' (oak) trees at the site frontage. The current proposal seeks 3no. Acer Campestre 'Streetwise'.

3.3 There would be a self binding gravel path meandering the length of the garden connecting the driveway and house to the Summerhouse and harbour edge. There would be a firepit installed on the northern part of the site with semi-circular seating supported by a soil mound. There would be changes to the layout of the decking area around the summerhouse and gravel standing for a boat on the northern part of the site measuring approximately 5m width by 5m depth with timber sleepers down to the harbour edge.

3.4 The original scheme comprised lawn in the rear garden with beds along the boundaries. The revised scheme is devoid of lawn in the rear garden and instead there would be large beds of planting with large feature boulders. A schedule of plant species has been submitted which comprises predominantly perennial non-native species;

Bed 1 at the site frontage would include rosemary, hellebores, lambs ear, hostas and daphne and 3no. acer trees.

Beds 2 and 3 are located between the garage and the house and would include daphnes, lavender, geraniums, sweet williams, yew topiary balls, foxgloves, salvias and irises.

Bed 4 adjacent to the eastern boundary would include thyme, hostas and ferns.

Bed 5 closest to the principal elevations of the house would predominantly comprise long grasses with some flowering plants like echinacea.

Bed 6 adjacent to the western boundary would include a mix of grasses and flowering plants like hellebores, hostas, rosemary and salvia.

Beds 7, 8 and 9 which would form the rear garden would include a mix of grasses and flowering plants like salvias and dogwood shrubs and trees.

3.5 At the time of the officer site visit on 10/01/2024, works including the construction of the seating area around the proposed fire pit and the edging for the proposed pathway through the site had been undertaken.

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

CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS9	(Housing)
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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

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

5 **Statutory and Non Statutory Consultations**

Community Infrastructure, Planning Policy & Urban Design

This is a S73 application, which will not affect the CIL liability under APP/21/00913. As soon as reasonably practicable after decision the CIL Team will confirm this in writing.

Ecologist

No comments to make.

Landscape Team, Havant Borough Council

Summary of initial comments

No landscape objection.

Summary of comments during course of application following revised plans

I do not accept the reduction for 3 no. fastigate oaks to just one magnolia and I must admit I do not accept the applicants comment about supply issues of Oak trees.

I would accept the planting be altered from a fastigate Oak to an alternative UK native species. The proposed species Quercus Robur 'Fastigiata' has been bred to have a narrow canopy spread will unlikely undermine foundations as suggested by the applicant.

Suggest plant Acer Campestre 'Streetwise' which has very vibrant autumn foliage. Again this has been bred to have a narrow canopy similar to the oak that was suggested.

Natural England Government Team

No objection.

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: 13

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 on the character and appearance of the area
- (iii) Impact on ecology

(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.

7.3 The principle of the development of 'Demolition of existing dwelling and erection of replacement dwelling including new summer house and garage together with new driveway access with associated landscaping' was established in the granting of planning permission APP/20/01223 and varied under application APP/21/00913 to allow for the provision of first floor accommodation over garage and revised summerhouse and terrace arrangements and minor works to the existing sea wall. Since the determination of APP/21/00913 non-material amendments to the landscaping and access were permitted under APP/23/00266. Whilst the applicant is applying for a variation of Condition 5 of APP/21/00913, under Section 73A of the Town and Country Planning Act 1990 (as amended), this is in effect a fresh planning application.

7.4 In terms of planning policy, since the determination of planning application APP/21/00913 the draft Havant Borough Local Plan 2036 has been withdrawn. The adopted Core Strategy (2011) and Allocations Plan (2014) together with the Hampshire Minerals and Waste Plan continue to form the development plan for the Borough. As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) was updated in December 2023 but retains a presumption in favour of sustainable development with greater emphasis on achieving beautiful places.

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

- 7.5 The proposed amendments to the landscaping scheme would continue to provide an attractive site frontage when viewed from Sinah Lane, the proposed Acer Campestre 'Streetwise' trees would provide green foliage in the spring and summer changing to a vibrant gold in the autumn. Around the trees there would be a good level of soft landscaping providing ground cover providing a visual break between the road and the proposed hard standing in front of the garage.
- 7.6 Whilst the private rear garden would not be visible from Sinah Lane, some views of the rear garden could be achieved from the water. Within the private garden area, the proposed landscaping scheme would provide a wide variety of plants that would provide different heights and layers of foliage either side of the proposed meandering path.
- 7.8 The proposed gravel standing for a boat would appear acceptable in this location given that the site is adjacent the foreshore. The proposed seating around the firepit would not appear unduly prominent, given the dark stained timber finish.
- 7.9 Having regards to the above, it is considered that the amendments to the landscaping scheme would be acceptable and not materially harmful to visual amenity.

(iii) Impact on ecology

- 7.10 The Council's Ecologist has been consulted on the proposals to amend the landscaping scheme under this application and has no comments.
- 7.11 The site is located adjacent to Langstone Harbour and its international designations as a SPA, RAMSAR and SAC. Natural England has been consulted on the completed habitat regulation assessment (HRA) and has raised no objection. As such officers are satisfied that the potential adverse effects arising from the proposal can be appropriately addressed by the reimposition of conditions to secure the mitigation and enhancements proposed in the Phase 1 Ecological Assessment (relating to temporary screening installed on the northern boundary during construction between 1st October and 31st March and the location of any temporary site compound located away from the designated sites) and to secure compliance with the approved Construction Environmental Management Plan.
- 7.12 It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites.

8 **Conclusion**

- 8.1 The principle of the development has already been established. The proposed amendments to landscaping would not be harmful to visual amenity and there would be no adverse impacts on ecology or adverse effect on the integrity of the designated sites. The proposal is therefore recommended for approval subject to relevant conditions being carried forward to the new permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00050 subject to the following conditions

- 1 The development must be begun not later than 02/06/2024.

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:

Design and Access Statement Drw. No. 2016 3.700 REV 04 - received 04 Oct 2021

Materials Palette Drw. No.3.710 - received 25 Aug 2021

Construction Environmental Management Plan (CEMP) REV 01 - received 25 Aug 2021

Extended Phase 1 Ecological Assessment and Bat Roost Assessment (APRIL 2021) - received 08 Oct 2021

Tree Report BS5837 (Sept 2020) - received 25 Aug 2021

Tree Canopies Drw. No. 3.016 - received 25 Aug 2021

Tree Protection Plan Drw. No. 3.010 REV 04 - received 25 Aug 2021

Arboricultural Impact Assessment / Statement and Tree Protection Plan (March 2021) - received 25 Aug 2021

Existing Ground and First Floor Plans Drw. No. 1.100 - received 25 Aug 2021

Existing South and West Elevations Drw. No. 1.200 - received 25 Aug 2021

Existing North and East Elevations Drw. No. 1.201 - received 25 Aug 2021

Location Plan Drw. No. 3.000 - received 25 Aug 2021

Window Distances Plan Drw. No. 3.014 - received 25 Aug 2021

Aerial Overlay Drw. No. 3.015 - received 25 Aug 2021

Proposed Ground Floor Plan Drw. No. 3.100 - received 25 Aug 2021

Proposed First Floor and Basement Plans REV 03 Drw. No. 3.101 - received 25 Aug 2021

Roof Plan Drw. No. 3.102 - received 25 Aug 2021

South and West Elevations Sheet 1 Drw. No. 3.200 REV 02 - received 25 Aug 2021

North and East Elevations Drw. No. 3.201 REV 01 - received 25 Aug 2021

Fence Details Drw. No. 3.240 - received 25 Aug 2021

Deck and Planter RPZ Drw. No. 3.302 - received 25 Aug 2021

Site and Block Plan Drw. No. 3.010 REV 10 - received 30 June 2023

Site Plan Part 1 Drw No. 3.011 REV 07 - received 30 June 2023

Site Plan Part 2 Drw No. 3.012 REV 03 - received 25 Aug 2021

Site Plan Part 3 Drw. No. 3.013 REV 05 - received 08 Oct 2021
 Summerhouse Plan Drw. No. 3.120 REV 03 - received 08 Oct 2021
 Summerhouse Elevations Drw. No. 3.220 REV 04 - received 08 Oct 2021
 Garage and Ancillary Accommodation Plan Drw. No. 3.110 REV 05 - received 26 Oct 2021
 Garage Elevations Drw. No. 3.210 REV 04 - received 26 Oct 2021
 2016 - 9.001 Rev00 Soft Landscaping Area C received 08/11/2023
 2016 - 9.002 Rev00 Soft Landscaping Area B received 08/11/2023
 2016 - 9.003 Rev00 Soft Landscaping Area A received 08/11/2023
 2016 - 9.010 Rev05 dated 21/02/2024 Planting Bed 1 received 22/02/2024
 2016 - 9.011 Rev02 dated 09/02/2024 Planting Bed 2 received 22/02/2024
 2016 - 9.012 Rev03 dated 09/02/2024 Planting Bed 3 received 22/02/2024
 2016 - 9.013 Rev02 dated 09/02/2024 Planting Bed 4 received 22/02/2024
 2016 - 9.014 Rev03 dated 21/02/2024 Planting Bed 5 and 6 received 22/02/2024
 2016 - 9.015 Rev01 dated 07/11/2023 Planting Bed 7 and 9 received 08/11/2023
 2016 - 9.016 Rev01 dated 07/11/2023 Planting Bed 8 and 9 received 08/11/2023
 2016 - 9.017 Rev01 dated 07/11/2023 Planting Bed 10 received 08/11/2023
 Amended Plant List received 29/02/2024

Reason: To ensure provision of a satisfactory development.

- 3 No development hereby permitted shall commence unless and until a pre-commencement site visit has taken place between the Site Manager, the developers/applicants Arboricultural Consultant and a Havant Borough Council Arboricultural Representative to ensure that all tree protection is in place and installed to an appropriate standard. The tree protection shall remain in place during the demolition and construction phases.

All works within the Root Protection Areas of trees must be supervised by the Arboricultural Consultant to ensure that no harm to trees occurs. Furthermore, the approved Arboricultural Method Statement and Tree Protection Plan must be strictly adhered to.

Reason: To ensure that important trees are retained in the interests of the character and visual amenities of the area and ecology having due regard to policies CS11 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No underground services shall be provided with the Root Protection Zones of retained trees or hedges unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that important trees and hedges are retained in the interests of the character and visual amenities of the area and ecology having due regard to policies CS11 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The landscaping/hardscaping works shown on the approved plans:
- 2016 - 9.001 Rev00 Soft Landscaping Area C received 08/11/2023,
 - 2016 - 9.002 Rev00 Soft Landscaping Area B received 08/11/2023,
 - 2016 - 9.003 Rev00 Soft Landscaping Area A received 08/11/2023,
 - 2016 - 9.010 Rev05 dated 21/02/2024 Planting Bed 1 received 22/02/2024,
 - 2016 - 9.011 Rev02 dated 09/02/2024 Planting Bed 2 received 22/02/2024,
 - 2016 - 9.012 Rev03 dated 09/02/2024 Planting Bed 3 received 22/02/2024,
 - 2016 - 9.013 Rev02 dated 09/02/2024 Planting Bed 4 received 22/02/2024,
 - 2016 - 9.014 Rev03 dated 21/02/2024 Planting Bed 5 and 6 received 22/02/2024,
 - 2016 - 9.015 Rev01 dated 07/11/2023 Planting Bed 7 and 9 received 08/11/2023,
 - 2016 - 9.016 Rev01 dated 07/11/2023 Planting Bed 8 and 9 received 08/11/2023,
 - 2016 - 9.017 Rev01 dated 07/11/2023 Planting Bed 10 received 08/11/2023,
 - Amended Plant List received 29/02/2024
- shall be carried out within 18 months of final occupation of the development hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs 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.

- 6 The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Ref: 'Planning Statement (Including Design, Access and Flood Risk) 2016 3.700' Rev 04, compiled by Hebden Design Studio) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.05m above Ordnance Datum (ADD)
- Water resistant materials shall be selected where appropriate
- A non return valve shall be fitted in the sewer pipe
- All electrical sockets shall be raised

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Development shall proceed in accordance with the measures set out in Section 15 Mitigation Recommendations and 16 Enhancements, of the Extended Phase 1 Ecological Assessment and Bat Roost Assessment Phillips Ecology Final Report April 2021. Thereafter, the replacement bat roosts shall be permanently maintained and retained in accordance with the approved details.

Reason: To ensure the favourable conservation status of bats In accordance with DM8 Conservation, Protection and Enhancement of Existing Natural Features of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development hereby permitted including demolition shall be carried out fully in accordance with the approved Construction Environmental Management Plan REV 1, 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.

- 9 The external materials used shall be as indicated on the submitted forms, hereby approved plans, and the Materials Palette 3.710, and are to be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority in advance.

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.

- 10 The finished floor and site levels shall be as approved on Site Plan Part 1 Drawing No. 3.011 Rev 04, Site Plan Part 2 Drawing No. 3.012 Rev 03 and Site Plan Part 3 Drawing No. 3.013 Rev 05

Reason: In the interests of reducing flood risk, the character and appearance of the area and residential amenities having due regard to policies CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The occupation of the building hereby permitted shall not commence until the existing vehicular access to the site from Sinah Lane has been closed and the highway verge re-instated.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The roof area on the southern side at first floor level and the terrace roof area on the northern side at first floor level shall at no time be used as balconies.

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

- 13 The windows at first floor level in the west elevation of the dwelling serving the en-suite bathrooms to the Master Suite and bedroom 2, and the first floor window on the eastern elevation of the detached garage shall:

at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

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.

- 14 The dwelling hereby permitted shall not be occupied unless and until details of a privacy screen with a minimum height of 1.7m above finished balcony floor level have been submitted to and approved in writing by the Local Planning Authority to be positioned to the east and west sides of the balcony hereby approved. The approved screens shall be installed prior to occupation and thereafter retained and maintained in accordance with their approved design.

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.

- 15 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.

- 16 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.

- 17 The garage building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any business, commercial or industrial purposes whatsoever.

Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.