

APP/19/00177 - PLANNING ENFORCEMENT APPEAL CASE, UNK,
APP/19/00837 - Replacement cottage, Privy style storage building, installation of gates in front wall and repointing of front wall, PERM,26/11/2019
APP/19/00834 - Listed Building Consent for replacement cottage, Privy style storage building and repointing of front wall, PERM,26/11/2019
APP/20/01079 - Replacement cottage, Privy style storage building, installation of gates in front wall and repointing of front wall (Amendments to APP/19/00837)., PERM,10/06/2021
APP/20/01080 - Listed Building Consent for replacement cottage, Privy style storage building and repointing of front wall. (Amendments to APP/19/00834), PERM,19/02/2021

3 Proposal

Variation of Condition No. 2 of Planning Permission APP/20/01079 relating to amended plans - increase in size of the porch on the south elevation.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
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

DM17	(Contaminated Land)
DM20	(Historic Assets)
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)

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.
Conservation Area: Langstone

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy - No Objection

Recommendation – No objection, subject to-

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms / to match the existing on site
- any and all roof lights / skylights should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies)
- the boundary wall to the road should be retained and any timber fence enclosure to the private garden amenity space should be set within the plot behind the retained boundary wall.

Officer reasoned justification

The Conservancy is pleased to see the reconstruction of these historic buildings which were the subject of fire damage.

I note this is a revision to APP/20/01079, that earlier application being granted 10.6.2021, itself a revision to APP/19/00837 granted 26.11.2019. I enclose a series of slides to illustrate how the design has modestly morphed since the first permission – something the applicant might have usefully put together in such cases of repeat applications.

Overall, the Conservancy has no objection to the very modest increase in the width of the side porch, which would not increase the dwelling silhouette, having regard to Policy CS12 of the local plan, reinstating an important part of the cultural heritage of Langstone, which contributes positively to the AONB.

Officer Comment: *The proposal is a minor amendment to permission APP/20/01079. Therefore it is recommended that the conditions imposed on this permission, are taken forward on this application, if granted.*

Community Infrastructure

Despite the evidence provided by the agent we remain unconvinced that the property was occupied for a continuous period of 6 months during the 3 years preceding 10/6/21 (the decision date for APP/20/01079). We continue to explore this with the agent, meanwhile, the application remains CIL Liable.

Conservation Officer - No Objection

The very modest increase in size of the side porch would not cause any harm to the special architectural or historic interest of the dwelling. As such there is no objection to the proposal.

Councillor Imogen Payter

No comment.

Councillor J Branson - St Faiths

No comment.

Councillor T Pike - St Faith's

No comment.

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: 10

Number of site notices: Not applicable.

Statutory advertisement: 07/01/2022

Number of representations received: 0

Comment	Officer Comment
None.	

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 Grade II Listed Building, the Langstone Conservation Area and the Chichester Area of Outstanding Natural Beauty (AONB)
- (iii) Impact upon residential amenity
- (iv) Public Utilities
- (v) Parking
- (vi) Land Contamination
- (vii) Drainage
- (viii) Archaeology
- (ix) Community Infrastructure Levy (CIL) and developer contributions
- (x) Other Matters

(i) Principle of development

7.2 Whilst the application site is located outside of the defined urban area and within a non-urban area, the principle of a replacement dwelling on the site has been accepted and this variation would not affect that consideration.

7.3 Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

(ii) Impact upon the Grade II Listed Building, the Langstone Conservation Area, and the Chichester AONB

7.4 The proposed changes are minor: minor increase in size of porch on south elevation.

The impact on the Conservation Area and the Chichester AONB is considered acceptable.

- 7.5 The Conservation Officer has been consulted over the proposal and due to the very modest increase in size of the side porch, is of the view, that the proposal would not cause any harm to the special architectural or historic interest of the dwelling. As such there is no objection to the proposal and it is considered that the scheme would have a positive impact on the listed building and accord with Policies C11, CS16 of the HBLP (Core Strategy) and DM20 of the HBLP (Allocations) and the statutory duty set out in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is noted no objection were received with respect to the scheme. An informative, is however recommended, that if this proposal is implemented, Listed Building Consent should be sought and obtained, before works commence.

(iii) Impact upon residential amenity

- 7.6 The proposed changes would not result in any adverse impacts on neighbouring properties.

(iv) Public Utilities

- 7.7 The impact on the gas pipe line that runs outside and to the north and south of the site, was considered to be acceptable under permission APP/20/01079 and this variation would not affect that consideration.

(v) Parking

- 7.8 The impact on parking was considered to be acceptable under permission APP/20/01079 and this variation would not affect that consideration.

(vi) Land Contamination

- 7.9 The impact on land contamination was considered to be acceptable under permission APP/20/01079 and this variation would not affect that consideration.

(vii) Drainage

- 7.10 The impact on land contamination was considered to be acceptable under permission APP/20/01079 and this variation would not affect that consideration.

(viii) Archaeology

- 7.11 The impact on land archaeology was considered to be acceptable under permission APP/20/01079 and this variation would not affect that consideration.

(ix) Community Infrastructure Levy (CIL) and developer contributions

- 7.12 The Council considers the development is CIL liable at a cost of £21,288.21. A CIL Liability Notice will be issued with the decision notice.

- 7.13 In other respects, the proposal seeks to replace what were formerly two semi-detached properties with a single dwelling. In this regard it would not result in any increase in the number of dwellings within 5.6km of the Solent SPAs, nor any increase in overnight accommodation which might affect water quality in the SPAs. As

such the proposal would not result in any likely significant effects on the SPAs by reason of either recreational disturbance or water quality, and no mitigation measures are required.

(x) Other matters

- 7.14 As this is a Section 73 application any new permission sits alongside the original permission, which remains intact and unamended. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.
- 7.15 Permission APP/20/01079 has not been implement. Section 51 of the Planning and Compulsory Purchase Act 2004 does not provide for extending the time in which a development must be started. Therefore, a condition is recommended that would provide 3 years for the development to commence from the date permission was granted in respect of APP/20/01079 ie 10/6/21.

8 Conclusion

- 8.1 The proposed change to the porch is minor in nature. It is recommended to grant planning permission to vary Condition 2 of Planning Permission APP/20/01079.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01367 subject to the following conditions

- 1 The development must be begun not later than the 9 June 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:

Site Plan Proposed - Drawing No. 130A
Ground Floor Plan Proposed - Drawing No. 430A
First Floor Plan Proposed - Drawing No. 431A
Second Floor Plan Proposed - Drawing No. 432A
Proposed Elevations - Drawing No.530B
Street Elevation Proposed - West - Drawing No. 531A

Reason: - To ensure provision of a satisfactory development.
- 3 Prior to the occupation of any relevant part of the development hereby approved, a scheme of remediation / risk mitigation works based upon the proposals of section 8 of the Apple Environmental Ltd. Contaminated Land Intrusive Investigation, Ref: CL/2823/LR dated October 2019 shall be undertaken.

Works shall be overseen by competent persons documented in accordance with the verification plan outlined in section 8 of the CL/2823/LR report, and a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Report CL/2823/LR has demonstrated significantly elevated concentrations of Lead (Pb) that require remediation to mitigate risks to future occupants.

- 4 The car parking 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.

- 5 The foul and surface drainage shall be undertaken in accordance with approved drawing number 19008 - 122 0, 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 all the drainage provision in full accordance with approved drawing number 19008 - 122 0.

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.

- 6 Prior to occupation of the development permitted a soft landscaping scheme for the hardsurfaced area to the south of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.