
Site Address:	4 Bembridge Drive, Hayling Island, PO11 9LU		
Proposal:	1No. replacement dwelling and detached garage (Retrospective and same design as APP/20/00395 and APP/20/00396)		
Application No:	APP/21/00499	Expiry Date:	15/07/2021
Applicant:	Mr and Mrs Adams-Madgwick		
	ACE Designs		
Agent:	Mr Gard	Case Officer:	Tina Pickup
	ACE Designs		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a former detached, vacant, old bungalow located on the south side of Bembridge Drive, at the eastern end of Hayling Island. Planning permission was granted under APP/19/01259, and then amended under APP/20/00395, for significant extensions to the original bungalow - but when this was implemented the original bungalow was demolished and the works were undertaken as a replacement dwelling. The development is externally substantially complete, currently being fitted out internally. APP/20/00396 approved a double garage to the front, which has not yet been commenced. This application therefore seeks to regularise the development as a single permission for a replacement dwelling and garage.

The site has a dual frontage - to the north the site fronts Bembridge Drive, which is a private road at this point; and to the south the site fronts the beach with a pedestrian path running along the southern sea wall boundary, at a slightly lower level.

The area is relatively mixed in character, with the retail shops in Rails Lane to the north, which include flats above in a four storey corner building. Immediately adjacent the site to the west, Number 2 is a two storey dwelling which is of a boxy 'flat roof' design with false pitch tiled perimeter. This dwelling is sited close to the shared boundary and has two first floor small port-hole windows facing the application site. To the east is a low profile flat roofed bungalow (Nos 6), whose roof in part comprises a roof terrace. This is also sited close to the shared boundary, with a couple of windows facing the site and a relatively open exposed boundary between the 2 properties. On the beach side, the boundary demarcation between these properties is minimal and the southern curtilages are largely open, being a mix of grass and pebbles.

Beyond the immediate setting of the site, the architectural design, height and profile, age, materials and siting of dwellings varies enormously from bungalows to 2 storey dwellings with some 3 storey development. Some have been extended and modernised.

The site falls within flood zone 2 and in part flood zone 3.

2 Planning History

APP/19/00355 - Proposed alterations and extensions with increase in ridge height to

create two storey dwelling with accommodation in roof space, (including balconies to South elevation), attached double garage to North elevation., WD,31/05/2019
 APP/19/01259 - Proposed alterations and extensions with increase in ridge height to create two storey dwelling with accommodation in roof space, (including balconies to South elevation). (Revised)., PERM,03/04/2020
 APP/20/00395 - Proposed alterations and extensions with increase in ridge height to create three storey dwelling with accommodation in roof space, including balconies to South elevation. (Revisions to APP/19/01259 to include insertion of internal 2nd floor) (approved 3.9.20) - request to partially discharge condition 3 (11.9.20). Request to Discharge Conditions 3, 4 and 6 (17/11/2020).
 , PERM,03/09/2020
 APP/20/00396 - Proposed double garage (Approved 30/07/2020). Request to discharge Condition Nos 3 and 4 (16/11/2020)., PERM,03/09/2020
 APP/20/01088 - Application for non-material change to Planning Permission APP/20/00395 in relation to removal of portholes on first floor and replacement of portholes on ground floor with windows., PERM,15/12/2020

3 Proposal

1No. replacement dwelling and detached garage (Retrospective and same design as APP/20/00395 and APP/20/00396)

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

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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Submission Version Havant Local Plan

E22	(Amenity and pollution)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
E12	(Low carbon design)
E19	(Managing flood risk in new development)
E14	(The Local Ecological Network)
IN3	(Transport and parking in new development)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

None received

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The applicants have indicated they intend to apply for self build relief for a residential annex or extension. The application is for a replacement dwelling, therefore a completed CIL Form 7 Part 1 must be submitted, and self build relief granted, prior to commencement of works.

County Archaeologist

I am happy to confirm that I would not raise any archaeological issues,

Crime Prevention

None received

Environment Agency

Object

Reason The submitted FRA (FLOOD_RISK_ASSESSMENT-1486345) does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not adequately assess the flood risks posed for the lifetime of the development. The FRA will need to comply with the requirements for site-specific flood risk assessments that adequately assesses the flood risks posed for the lifetime of the development.

In particular, the FRA fails to:

- • provide details of finished floor levels (FFL's) compared to 1 in 200 year return period plus climate change tidal flood levels for the lifetime of the development
- • consider how people will be kept safe from the identified flood hazards
- • consider how a range of flooding events (including extreme events) will affect people and property
- • consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including a 1 in 200 year return period plus climate change event
- take the impacts of climate change into account
 - There is no assessment of the impact of climate change using appropriate climate change allowances for a 1 in 200 year return period plus climate change for the lifetime of the development
 - Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for a 1 in 200 year return period plus climate change event. Consequently the development proposes inadequate:
 - ▪ Raised finished floor levels
 - ▪ Resistance and resilience measures
 - ▪ Safe access and egress routes

Re-consultation following receipt of FRA

Environment Agency Position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk, if the following condition is attached to any planning permission granted.

Condition The development permitted by this planning permission shall be carried out in accordance with Flood Risk Assessment (AMENDED_FLOOD_RISK_ASSESSMENT-1565605) dated January 2022 and the measures it details, including the following condition:

1. The Finished Floor Levels (FFL) must be set no lower than the level of 5.45mAOD as proposed on Page 5 of the Flood Risk Assessment (FRA).
2. The applicant must sign up to the Environment Agency flood warning system as stated on Page 6 of the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants.
To ensure the occupants can move to a place of safe refuge if required.

Advice to LPA

The proposed FFL of 5.45mAOD is well above the 1 in 200 year plus climate change event and why we remove our objection, but the property is still vulnerable to wave over-topping and therefore we recommend the below considerations. The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Details and adequacy of an emergency plan including rescue or evacuation arrangements
- Provision of and adequacy of a temporary refuge
- Whether insurance can or cannot be gained

Environmental Permit The Environmental Permitting (England and Wales)

Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Hampshire Highways

As the application is for 5 or less dwellings and features no change of vehicle access onto the highway, HCC's standing advice should be referred to in the first instance. The Highway Authority will therefore not provide detailed comments on the planning application

Public Spaces

None received

Waste Services Manager

None received

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: 14

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. This is a regularising full application following the demolition of the original bungalow and its complete replacement, instead of a householder application for extensions. The proposed replacement dwelling design matches that previously approved under APP/20/00395, with subsequent approved NMA regarding omission of porthole windows. The current submission tallies the previous discharged condition details re boundaries and materials and the only difference in the current plans is the regularising of the further omission of an area of glazing within the roof over the upper balcony - it has been tiled as continuous roof instead.

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

7.3 The character of the area is very mixed and the principle of a contemporary design with modern materials and extensive glazing has already been considered and deemed appropriate for such a highly prominent beach side site under previous applications (see in particular reports for APP/19/01259 and APP/20/00395). The design, which includes a low eaves line to respect the adjacent bungalow and visually

anchor the gable ends has been successful - the dwelling as nearly completed makes a vibrant contribution to the appearance of the area, especially when viewed from the beach.

- 7.4 The current regularising replacement dwelling application does not alter the size, scale or design of the dwelling in street scene terms from that already approved as extensions. Therefore the contemporary design that provides a focal point and uplift to the mixed visual character of the area on this prominent seafront site, is considered to remain acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) and the Borough Design Guide SPD.

(iii) Effect on neighbouring properties

- 7.5 Because the replacement dwelling is of the same design as the approved extensions, the impacts on neighbours has previously been assessed protecting their privacy and outlook. The internal level of the side roof lights, provision of recessed balcony etc is all the same as approved under APP/20/00395 and the proposed replacement dwelling would have no further adverse effect on neighbours.
- 7.6 Overall, it is considered that the replacement dwelling continues to have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iv) Highways and parking

- 7.7 The site is accessed off a private drive and the site would remain a single family dwelling that would not adversely impact highway safety. This application includes the frontage double garage that was previously approved under APP/20/00396. As a 4+ bedroomed dwelling, 3 on site parking spaces would be required, together with secure cycle storage, to meet the adopted Parking SPD, which can be accommodated on site as previously approved. This application includes details of the boundaries which lower appropriately at the roadside, and screening frontage landscaping (elaeanthus hedging) which has previously been agreed with the landscape officer. Overall the frontage garage and parking area would continue to provide sufficient on site parking and be visually appropriate.

(v) Flood risk

- 7.8 The site lies within flood zones 2 and 3 and whereas the previous householder extension applications could rely on the EA's standing advice, as a replacement dwelling in flood zone 3, a full FRA taking into account climate change was required. The EA objected to the application until this had been provided. A full FRA report has subsequently been received which sets out that the finished floor level of the dwelling is 5.45mAOD which is above the 1 in 200 year with 20% for climate change, flood levels. The report also details site evacuation procedures and routes in the event of an emergency with use of the EA's flood warning service.
- 7.9 The EA have withdrawn their objection provided the development is carried out in accordance with the FRA. Further advice relates to flood resilience measures, emergency planning etc. The applicant has indicated that flood resilience measures were installed, such as raised sockets, improved drainage within the garden etc. As a modern replacement dwelling with increased FFL, the development provides improved flood resilience over the original modest bungalow on the site and therefore overall the risk to life for occupiers is improved.

(vi) CIL

- 7.10 The proposed replacement dwelling resulted in a net gain of residential floor space of some 206 sqm and previously the CIL liability Notices, with self-build exemption were all completed as 'extensions'. But as a replacement dwelling these need repeating and the updated Form 7 claiming self-build exemption as a dwelling has been received and the updated Draft Liability Notice has been sent.

8 Conclusion

- 8.1 The contemporary scale, siting and design of the replacement dwelling continues to remain appropriate for this prominent site, yet respectful of neighbouring development, and would have limited and acceptable impact on the neighbours. It is therefore considered appropriate to recommended approval of this regularisation application, with updated conditions to reflect the details already discharged and as built.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00499

(A) subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement

Flood Risk Assessment by Flood Risk & Drainage Consulting dated Jan 2022

Location and Block Plan Drawing No 190103/501

Site Plan with Boundary Details Drawing No 190103/502 Rev A

Proposed Ground Floor Drawing No 190103/503

Proposed First Floor Drawing No 190103/504

Proposed Second Floor Drawing No 190103/505 Rev A

Front & Rear Elevations as Proposed (Sheet 1 of 2) Drawing No 190103/506

Side Elevations as Proposed (Sheet 2 of 2) Drawing No 190103/506

Section as Proposed Drawing No 190103/508

Proposed Roof Plan Drawing No 190103/520

Proposed Garage Floor & Roof Plans Drawing No 190103/521

Proposed Garage Elevations Drawing No 190103/522

Street Scenes Drawing No 190103/523

Reason: - To ensure provision of a satisfactory development.

- 2 The development permitted shall be retained in strict accordance with Flood Risk Assessment by Flood Risk & Drainage Consulting dated January 2022 and the measures it details, including the following condition:
1. The Finished Floor Levels (FFL) must be set no lower than the level of 5.45mAOD as proposed on Page 5 of the Flood Risk Assessment (FRA).
 2. The applicant must sign up to the Environment Agency flood warning system as stated on Page 6 of the FRA.

Reason: To reduce the risk of flooding to the proposed development and

future occupants and to ensure the occupants can move to a place of safe refuge if required, having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Reason: To protect the amenity of neighbours and visual appearance in street scene terms, having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Provision shall be made for car parking of 3 vehicles and cycle storage for 3 bikes, together with associated servicing and other vehicular access arrangements 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 soft landscaping for the frontage of the site shown on the hereby approved plans shall be completed in full prior to the first use of the hereby approved garage. Any tree or shrub planted as part of the 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.