
Site Address:	90A Southwood Road, Hayling Island, PO11 9QF		
Proposal:	Erection of purpose built balcony approx. 6m long by 2m wide, positioned on the south elevation		
Application No:	APP/21/00586	Expiry Date:	02/08/2021
Applicant:	Ms M Stokes		
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a first floor flat within a two storey building containing 4 flats located on the south side of Southwood Road with the rear, south elevation fronting the beach. The 'rear' garden facing the beach is entirely shingle and open ie shared amongst the 4 flats with no subdivision/demarcation. The building is set within a linear stretch of other predominantly two storey residential buildings, being a mix of dwellings and flats. The majority have balconies facing the beach, which vary in sizes and degree of privacy screens.

The original rear facade of the site included ground floor patio doors and just windows at first floor. The applicant, at flat 90A, has changed the first floor windows to patio doors and Building Regulations required some safety rails. Initially scaffolding has been erected as a safety measure, pending the outcome of this application.

The site is located adjacent to the Solent and Dorset Coast Special Protection Area and the Solent Maritime Special Area of Conservation, as well as a Site of Importance for Nature Conservation (SINC). In particular it lies adjacent site C19 – a Primary Support Area for sanderling and ringed plover. The site is also within Flood Zone 2 and 3.

2 Planning History

None relevant

3 Proposal

Erection of purpose built balcony approx. 6m long by 2m wide, positioned 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)
CS15	(Flood and Coastal Erosion)

CS16 (High Quality Design)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

E22 (Amenity and pollution)
DR1 (Delivery of Sustainable Development)
E1* (High quality design)
E15 (Protected species)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

County Ecologist

The proposal is for a balcony on the southern elevation of a dwelling facing towards an area of wintering bird supporting habitat. The proposed works are c.30m north of Site C19, an area of shingle habitat used by significant numbers of roosting waders during high-tide periods.

Whilst the proposed works are highly localised and will presumably not extend for an especially long time period, there is a risk of noise disturbance if the works are carried out at times when roosting birds are present in Site C19. Natural England have requested that a Construction Environment Management Plan (CEMP) is submitted. This should provide details of how potential impacts to Site C19 will be avoided. The most straightforward avoidance measure will be to ensure that works are completed outside the period 1 October to 31 March, thereby avoiding any potential for impacts. If works will occur within this period then it will be necessary to explore any measures necessary to minimise potential disturbance from noise. I would imagine that the works would not require any plant or machinery likely to result in excessive noise disturbance but this should be demonstrated.

Natural England Government Team

No objection subject to mitigation

The site is located adjacent to the Solent and Dorset Coast Special Protection Area and the Solent Maritime Special Area of Conservation. The proposals have the potential to affect SPA functional land, which forms 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.

The site affected C19 is classed as a Primary Support Area and supports high numbers of sanderling and ringed plover

Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

The CEMP should ensure there is no percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Natural England Government Team - on subsequent CEMP & HRA AA

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 updated and appropriately secured in any planning permission given. Please find comments on the mitigation below.

No objection subject to mitigation

The site is located adjacent to the Solent and Dorset Coast Special Protection Area and the Solent Maritime Special Area of Conservation. The proposals have the potential to affect SPA functional land, which forms 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.

The site affected C19 is classed as a Primary Support Area and supports high numbers of sanderling and ringed plover. Natural England advises that the submitted Construction Environmental Management Plan (CEMP) should be amended to clarify and, if necessary, lay out mitigation measures to address the following issues.

The CEMP should be amended address the following impacts:

- Dust suppression
- Waste disposal

This detail should be included in the updated Appropriate Assessment.

Officer Note

The CEMP has subsequently been updated for the requested information and HRA AA also updated - see case file

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: Not applicable.

Number of representations received: 1 of support has been received:

Comment	Officer Comment
A balcony will not obstruct any views from my flat & indeed i feel it would enhance the look of the block & it would add value & make the flats easier to sell. Since these flats were built in 1979, there have been many more flats built in the area & all have balcony's, so it will be in keeping with the area, so am in full support.	Noted

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) Impact on Ecology and Compliance with Habitats Regulations

(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.

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

7.3 The proposed balcony would be a simple 1.25m high glass balustrade with stainless steel handrail supported on 4 galvanised steel posts. This contemporary design would be appropriate to the host building and similar to others in the area. It is therefore considered to 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

- 7.4 Because the building comprises flats the proposed balcony would sit alongside the window of the adjacent first floor flat 90, and above the patio doors of the ground floor flat 90C. The balcony would add some shade to the ground floor flat below, both outside and have some effect on the light to the room below. But facing due south the light loss would be minimal and arguably the provision of some shade welcome in the summer. It is understood that the applicant also owns this ground floor flat and no objection has been received.
- 7.5 The impact on the adjacent flat would be more direct. The balcony would extend out 2m up to the shared boundary and as a consequence the use of the balcony could enable views back into the adjacent room and have some impact from noise and disturbance. The applicant has agreed to obscure glaze the western panels to improve privacy and noted that the patio doors open outwards with hinge closest to the neighbour such that the door itself acts as a further barrier.
- 7.6 It is noted that the site is in a very public place with no real privacy to the existing south elevation and garden - passers by on the beach footpath have a direct line of sight into this area. It is also noted that there are many balconies in the vicinity and the standard of privacy screens between units varies enormously, ranging from high walls to none. The adjacent site, 92 has an existing balcony which would sit alongside the proposed, albeit separated by a couple of meters, and this has the side panel opaque/solid; but number 94 beyond that has a large projecting balcony of timber that has no screening.
- 7.7 Given that there has been no objection received and the obscuration of the western panels could be conditioned, then on balance it is considered that the additional loss of privacy in this very public area, would be minimal. Overall it is considered that the proposal will not appear overbearing and would have limited and acceptable impact on the properties immediately adjacent to the application site, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(v) Impact on Ecology and Compliance with Habitats Regulations

- 7.8 The site is located adjacent to the Solent and Dorset Coast SPA and the Solent Maritime SAC and notably a designated Primary Support Area for sanderling and ringed plover (site C19). This functional land forms part of a network terrestrial sites used for roosting and foraging. As such the potential for indirect harm, eg from noise and disturbance during construction, must be considered under the Habitats Regulations. Whilst the small scale of the proposal is noted, to mitigate against this a Construction Environmental Management Plan (CEMP) has been submitted, and an updated version provided following some feedback from NE, detailing in particular that construction of the balcony will take place outside the overwintering period of October to March inclusive and would largely be constructed off-site with the installation taking place within a single day and equipment would not exceed 69db.
- 7.9 A Habitats Regulations Assessment (HRA) and Screening Appropriate Assessment (AA) has been undertaken and can be found in the filed documents. This assessment concludes that the application will have a likely significant effect but these can be adequately mitigated for with compliance with the submitted revised CEMP. Natural England has been consulted on the HRA AA and concur that provided the measures outlined in the CEMP are secured through condition, then they have no further concerns.

8 **Conclusion**

- 8.1 The scale, siting and design of the proposal would have limited and acceptable impact on the neighbours and is therefore considered to be appropriate and recommended for approval.
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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00586 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:

1:1250 Location Plan

1:500 Block Plan

Floor and Elevations Plan, Drawing by Excel Fabrications dated 09:01:2021

Revised Construction Environmental Management Plan dated 25th August 2021

Reason: To ensure provision of a satisfactory development.

- 3 Construction of the hereby approved balcony shall take place in full accordance with the revised Construction Environmental Management Plan dated 25th August 2021 i.e. no construction shall take place between 1st October and 31st March and all the impact criteria mitigation shall be strictly adhered to.

Reason: To protect the functionality of the adjacent Solent and Dorset Coast Special Protection Area and the Solent Maritime Special Area of Conservation and site C19 Primary Support Area, having regard to policy CS11 of the Havant Borough Core Strategy 2011 and the requirements under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and the NPPF.

- 4 The western side panels of the hereby approved balcony shall be obscure glazed to no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be provided prior to the balcony first being brought into use and retained and maintained thereafter in accordance with the approved details.

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