

Site Address: 1-3 Beech Grove, Hayling Island, PO11 9DP
 Proposal: Two storey front extension, proposed entrance canopy and replacement roof to kitchen (no increase in occupants).
 Application No: APP/21/01283 Expiry Date: 04/02/2022
 Applicant: Mr McGregor
 Pear Tree Care Ltd
 Agent: Ms S Roberts Case Officer: Graham Speller
 Critchley Architecture And
 Design (CAAD) Ltd
 Ward: Hayling East

1 Site Description

2 Planning History

increase the number of residents from 33 to 34. PERM,11/01/2018
 APP/18/00036 - 1618_432 (Construction Layout), UNK,
 APP/20/01014 - Single storey rear extension for 3 additional bedrooms, with an increase in residents from 34 to 36., PERM,06/10/2021
 APP/21/00672 - Variation of Condition 2 of planning permission APP/17/00394 to increase the height of the flat roof between the two front facing gables, to allow for the minimum Building Regulation heights to be achieved internally., PERM,05/08/2021

3 Proposal

- 3.1 Two storey front extension, proposed entrance canopy and replacement roof to kitchen (no increase in occupants).

4 Policy Considerations

National Planning Policy Framework 2021
 Havant Borough Council Borough Design Guide SPD December 2011
 Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM7	(Elderly and Specialist Housing Provision)

Havant Borough Local Plan (Allocations) July 2014

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

E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
E1*	(High quality design)
H1*	(High quality new homes)
H5*	(Retirement and specialist housing)
E16	(Solent Special Protection Areas)
EX1	(EX1 Water Quality impact on the Solent European Sites)

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East
 No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

No comments received.

Developer Services, Southern Water

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION SUBJECT TO SECURING MITIGATION

Natural England does not object to the proposal due to the suggested condition to ensure that no net increase of residents will occur and considers that the proposed development will not have significant adverse impacts on designated sites within the Solent.

However, Natural England would like to advise Havant Borough Council that it cannot use mitigation measures (including conditions/obligations) in the screening phase of the habitats regulation assessment (HRA) to rule out adverse effects on the integrity of sites (AEOI); per the legal precedent set by the 'People over Wind' CJEU ruling.

If Havant Borough Council grants planning permission, Natural England recommends continuing to the appropriate assessment (AA) phase and citing the proposed condition (limiting residents to 36) as a mitigation measure to ensure that the application aligns with the current legal precedent and Habitats and Species Regulations 2017 (as amended).

Natural England does not need to be re-consulted on this application if the HRA/AA is modified, as based on the information provided, we can advise that the AA could conclude no AEOI.

Natural England's further advice on the environment is set out below.

'People over Wind' CJEU ruling

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts.

On the basis of information provided, Natural England's advice is that this proposed development contains measures intended to avoid or reduce the likely harmful effects on a European sites which cannot be taken into account when determining whether or

not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (following the recent *People Over Wind* ruling by the Court of Justice of the European Union).

We advise any proposed measures need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). These measures, and any additional measures that can avoid or reduce any likely harmful effects, can be considered as part of the appropriate assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European sites.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of the *People Over Wind* ruling.

Please note that provided Havant Borough Council is satisfied that it fulfils its duty as the competent authority, then no further consultation with Natural England on this proposal is required.

European sites – Chichester and Langstone Harbour Special Area of Conservation, Special Protection Area and Ramsar site.

Based on the plans submitted and the proposed condition limiting the number of residents to 36, Natural England does not object to this proposal; Natural England considers that the development will not significantly affect the designated sites within the Solent.

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: 30

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of comment raising the following concerns:

- Builders vans, trucks, employee cars, deliveries all remain on the public highway causing mayhem to residents trying to get out of their drives
- If anymore building works were to continue all this should be contained within the curtilage of 1 – 3 Beech Grove
- Working hours should be sensible

7 Planning Considerations

Appropriate Assessment (AA)

- 7.1 As a proposal resulting in new residential accommodation, the Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that as the number of residents is not increasing there would be no increase in recreation on the coast and thus no significant effect is likely, and no additional mitigation is required and that there is also no likelihood of a significant effect from a water quality perspective
- 7.2 Following consultation with Natural England, an Appropriate Assessment was carried out.
- 7.3 In relation to recreational pressure, as noted above there would be no increase in residents in the care home as a result of the development. Currently there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of recreational pressure.
- 7.4 In relation to water quality, as noted above there would be no increase in residents in the care home as a result of the development. Currently, there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of water quality.
- 7.5 The HRA/AA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that if the HRA/AA was modified, as based on the information provided, the AA could conclude no adverse effects on the integrity of sites.
- 7.6 It is considered that as there would be no increase in residents in the care home as a result of the development and that a planning condition can be imposed restricting the number of residents to the currently approved number of 36 there would not be any likelihood of a significant effect on the integrity of the European sites.
- 7.7 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 character and appearance of the area
 - (iii) Impact upon residential amenity
 - (iv) Impact on ecology
 - (v) Impact on parking
 - (vi) Compliance with Habitats Regulations

(i) Principle of development

- 7.8 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.

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

- 7.9 The planning history outlined above shows that proposed development for this site has been in a piecemeal manner and incrementality the building is expanding, albeit not all the development proposals have been carried out.
- 7.10 The submitted plans for the current proposal also shows the previously approved developments yet to be carried out. However, it would be possible to carry out the current proposal independently albeit that is unlikely.
- 7.11 If all the development was carried out it would result in a more balanced frontage by introducing some symmetry to the appearance of the building in relation to its frontage. This would be a visual improvement over the current appearance and would result in a positive contribution to the visual amenities of the street scene.
- 7.12 Whilst a previous report (APP/20/01014) commented that further additional extensions would unlikely be supported, the current proposal is not considered to result in overdevelopment of the site and would, for the reasons cited above, consolidate the appearance of the frontage should all the approved development take place.
- 7.13 It is considered that there would be no adverse impact on the character of the area as a result of the development.

(iii) Impact upon residential amenity

- 7.14 It is considered that there would be no adverse impacts on the amenities of adjacent properties by reason of loss of light or appearing overbearing.

(iv) Impact on ecology

- 7.15 The works are relatively minor, and it is not considered that there would be any adverse impacts on protected species as a result of the development.

(v) Impact on parking

- 7.16 There would be no increase in occupants or staff as a result of the proposed development. At present there is a small strip of planting/gravelled area some of which would be lost as a result of the proposed development. However, the applicant states that there would be no loss of the existing parking provision.

(vi) Compliance with Habitats Regulations

- 7.17 As a proposal resulting in new residential accommodation, the Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that as the number of residents is not increasing there would be no increase in recreation on the coast and thus no significant effect is likely,

and no additional mitigation is required and that there is also no likelihood of a significant effect from a water quality perspective

- 7.18 Following consultation with Natural England, an Appropriate Assessment was carried out.
- 7.19 In relation to recreational pressure, as noted above there would be no increase in residents in the care home as a result of the development. Currently there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of recreational pressure.
- 7.20 In relation to water quality, as noted above there would be no increase in residents in the care home as a result of the development. Currently, there is planning permission for a maximum of 36 residents. In order to ensure that the number of residents does not increase without the prior approval of the local planning authority a planning condition restricting the number of residents to 36 will be imposed as a mitigation measure to ensure that the application aligns with the current legal precedent (People over Wind CJEU ruling) and Habitats and Species Regulations 2017 (as amended). This would rule out adverse effects on the integrity of sites in terms of water quality.
- 7.21 The HRA/AA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that if the HRA/AA was modified, as based on the information provided, the AA could conclude no adverse effects on the integrity of site.
- 7.22 It is considered that as there would be no increase in residents in the care home as a result of the development and that a planning condition can be imposed restricting the number of residents to the currently approved number of 36 there would not be any likelihood of a significant effect on the integrity of the European sites.

8 Conclusion

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

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01283 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:

1618-149B - LOCATION AND BLOCK PLAN

1618-450B - PROPOSED / APPROVED GROUND FLOOR PLAN

1618-451B - PROPOSED / APPROVED FIRST FLOOR PLAN

1618-452B - PROPOSED / APPROVED ROOF PLAN

1618-552B - EXISTING AND PROPOSED EAST ELEVATION

1618-553B - EXISTING AND PROPOSED NORTH ELEVATION

1618-551A - EXISTING AND PROPOSED SOUTH ELEVATION

1618-550B - EXISTING AND PROPOSED WEST ELEVATION

Reason: - To ensure provision of a satisfactory development.

- 3 The development shall not be erected other than in the following materials or such other materials as have been approved in writing by the borough council:

Walls: white render and mushroom coloured fibre cement cladding

Roof: concrete tiles to match existing

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 The accommodation to be provided by the care home following the implementation of the extensions hereby permitted shall be limited to only 36 residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and having due regard to Policy DM7 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework 2021.

- 5 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light, and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby residential properties from light disturbance /pollution.

