
Site Address:	59 Sandy Point Road, Hayling Island, PO11 9RR		
Proposal:	Demolition of existing dwelling and erection of 1no. 4 bed dwelling.		
Application No:	APP/21/00429	Expiry Date:	28/07/2021
Applicant:	Mr O'Malley		
Agent:	Mr Walker	Case Officer:	Lesley Wells
	Parkers Design		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a vacant, old small red brick bungalow located on the north side of Sandy Point Road, Hayling Island, with a vehicular access point taken in the eastern corner. The plot is very long, having a length of between 82m and 85m and width of 15m. The existing bungalow has a ridge height of 6m and eaves of 2.6m and is sited fronting the highway set back by about 10m - 11m, with an old pre-fab garage set back behind the bungalow on the eastern boundary. The site is flat, and bounded by a mix of hedges with some gaps filled with chicken wire. The front boundary is also hedged.

The site is located within a predominantly residential area, with a bungalow, No 61, immediately to the east. This bungalow is set further back within its plot and therefore behind the existing application bungalow. No 61 has an attached store extending the depth of the bungalow and sited right up to the shared boundary, with a large conservatory across the rear elevation. The 'plot' immediately to the west has no residential development but is a gas canister storage facility, which is understood to be in the ownership and run by the owner/occupiers of No 55 to the west. This dwelling is a more substantial two storey dwelling with a single storey rear addition. The properties in Bosmere Road that back onto the eastern side boundary are generally bungalows.

The site falls within Flood Zone 2 & 3

2 Planning History

APP/17/01000 - Erection of 1No. 5 bed detached dwelling (following demolition of existing)., REF,15/11/2017
APP/21/00176 - Demolition of existing dwelling and erection of 1no. 4 bed dwelling., UNK,

3 Proposal

Demolition of existing dwelling and erection of 1no. 4 bed dwelling. The proposal would also necessitate the removal of a single storey garage along the eastern boundary. The front part of the proposal is stepped in and lower than the main dwelling, with a front porch. There would be two dormers either side together with roof lights, with a pitched roof, with gables walls to the front. To the rear is a balcony, which following discussions, the roof has been extended out further.

Planning permission was refused under reference APP/17/01000 for the 'Erection of 1No. 5 bed detached dwelling (following demolition of existing).' for the following reasons:

"The proposed development, by reason of its siting forward of No 61 Sandy Point Road and excessive depth, poor design and use of extensive crown top roof would result in a development with bulky flank elevations that would be overbearing and dominant, representing an incongruous feature within the streetscene as viewed from the east, adversely impacting the visual amenities of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012.

The proposed development, by reason of its siting forward of No 61 Sandy Point Road and excessive depth, poor design and use of extensive crown top roof would result in a development with bulky flank elevations that would be overbearing and dominant being detrimental to the visual outlook and amenities of the occupiers of No 61 Sandy Point Road. Furthermore, by virtue of its orientation, first floor side window, the excessive height and length of the eastern side elevation would result in a loss of light, privacy and overshadowing to the property to the east, harmful to the amenities of No 61 Sandy Point Road. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD 2011 and the National Planning Policy Framework 2012."

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

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

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)
E20	(Drainage infrastructure in new development)
E2	(Health and wellbeing)
E1*	(High quality design)
H1*	(High quality new homes)
E3	(Landscape and settlement boundaries)
E12	(Low carbon design)
E12	(Low carbon design)
E16	(Solent Special Protection Areas)
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

No comment.

Community Infrastructure

CIL Liable. The full proposed floor area is chargeable as the building has not been occupied for its lawful use for 6 continuous months of the 36 previous months so no credit can be given for any demolition :

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

Not SRMS liable as the application is for a replacement dwelling.

Councillor Leah Turner - Hayling East

No comment.

Councillor M Wilson - Hayling West Ward

No comment.

Councillor R Raines - Hayling East

No comment.

Crime Prevention -Minor Apps

No comment.

Environment Agency

We have no objection to the proposal as submitted and request that the following condition be attached to any planning permission granted.

The replacement dwelling shows a betterment compared to the current dwelling with sleeping accommodation now up on the first floor which results in safe refuge for the occupants. Some flood mitigation measures are proposed in the Flood Risk Assessment (FRA) for the new development which will reduce the risk of flooding to people and the property.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition, as detailed in the Flood Risk Assessment (undertaken by lilleyarchitecture) submitted with this application, are implemented and secured by way of planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (undertaken by lilleyarchitecture *FLOOD_RISK_ASSESSMENT-1482167*) and the following mitigation measures detailed within:

1. Provision of compensatory flood storage: As stated in section 3 of the FRA, a sub floor void will be included into the design build, allowing the sub floor to flood during an event.
2. Finished floor levels: As stated in section 3 of the FRA, FFL must be set no lower than 650mm above the external ground levels. Finished floor levels will therefore be set 300mm above the existing finished floor levels.
3. Sleeping accommodation: As stated in section 3 of the FRA and the Proposed Plans (drawing number 385 PL05), all sleeping accommodation must be restricted to the first floor or above. There must be no ground floor sleeping accommodation.
4. Building Construction: As stated in section 3 of the FRA, the building must be built of flood resilient materials.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.

Advice to the LPA / Applicant 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.

- We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

- Ensure flood risk mitigation measures for the lifetime of the development up to the 2125 epoch 0.5% AEP flood level of 4.44m AOD are adequate and resilient
- For safe access and egress, an adequate flood evacuation plan needs to be developed and any future resident/site users made aware of the plan
- We would recommend the occupants sign up to the Environment Agency's free Flood Warning System before occupancy of the site

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.

Officer Comment: *If permission is granted, the above condition is recommended, together with an informative setting out the EA's advice.*

Waste Services Manager

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: 12

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Suggest changes to layout so that there is better access to ensuite facilities.	Noted.

Object to rear balcony and windows on east elevation	See Section 7 below.
Adverse impact on privacy and use of rear garden	
Loss of daylight to kitchen	
Loss of privacy	
Overlook rear conservatory	

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 character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking
- (v) Flooding
- (vi) Drainage
- (vii) CIL/Developer Contributions

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal is for a replacement dwelling, on a large long plot.

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

The front part of the proposal is stepped in and lower than the main dwelling, coupled with a pitched roof front porch. There would be two dormers either side together with roof lights in a pitched roof, with gable walls to the front. To the rear would be a balcony, which following discussions, the roof has been extended out further, to reduce overlooking.

The proposal seeks to replace an existing modest detached 2 bedroom chalet bungalow of substandard quality, with a 4 bedroom detached chalet bungalow. The floor space would increase from 116 sqm to 312, sqm. The width of the proposal would be similar to that it replaces (i.e. 10.5m instead of 10m), with additional floor space to the rear of the existing dwelling.

The design of the proposal is materially different to that refused. The crown roof top previously promoted, has changed to a pitched roof running south to north, with the roof height dropped down at the front, with a height of approximately 7m, rising to approximately 7.7m for the rest of the roof. Two relatively small dormers replace the two storey element on the west and east elevations, positioned below the ridge line of the roof. The length of the main part of the chalet bungalow has not been reduced, but the design of the proposal has removed the bulky flank elevations, with dormers that do not dominate the roof scape, which would not be overbearing and dominant in the streetscene when viewed from the east, (or from Sandy Point Road) or adversely impact on the visual amenities of the area. The proposal has addressed reason 1 for refusal in respect of application reference APP/17/01000.

The scale of the development, which would sit comfortably within the plot, would not adversely impact on the character and appearance of the area, in accordance with Policy CS16 of the HBLPCS and Policy E1 of the Submission Local Plan.

(iii) Impact upon residential amenity

The property most likely to be impacted by the development is 61 Sandy Point Road, as it is understood from the planning history and a general check that to the west the site (ie 57) is used as a storage facility.

As to properties to the rear, due to a minimum separation distance of approximately 57m, the proposal would not materially impact on the residential amenities of the occupiers of these dwellings. As to the dwellings in Bosmere Road, due to a minimum separation distance of approximately 31m, the proposal would not adversely impact on the residential amenity of the occupiers of these properties.

As to 61 Sandy Point Road one small window currently overlooks the front garden of this property from the existing bungalow, which is currently set back slightly further into the site. This overlooks an area, with seating in it, which is south facing. On the east elevation the proposal has five windows on the ground floor; with there currently being three, which would be obscured by vegetation along the boundary. At first floor there would be a dormer with two windows which would service a bedroom. On the east elevation, the plan is annotated "all first floor side elevation widows to be bottom obscured and top opening", which would be conditioned accordingly, to protect the privacy of the occupiers of No. 61. There would also be three rooflights, set approximately 2.1m above the first floor, on the east side, which due to their height would not lead to overlooking or loss of privacy of No. 61.

The proposal would be located approximately 3m from the boundary with No. 61, which would partly face onto the flank wall of No. 61, which includes a conservatory. Due to the design of the development and a material reduction in bulk from that refused, it would not be significantly overbearing, dominant, or result in a material loss of daylight, sunlight or privacy to No 61, or to its garden.

As to the balcony to the rear, this is included within the roof. Following amended plans, the roof has been extended slightly further out, to reduce overlooking and loss of privacy. The use of the balcony as proposed in this residential area would be acceptable.

As to 57 Sandy Point Road, this is a commercial property, which is currently overlooked from the first floor of the existing building. The dormer on the west elevation would have two windows which would service a bathroom and bedroom, the former of which would be obscurely glazed, with three rooflights, set approximately 2.1m above the first floor. Any overlooking would also be mainly limited to the front area of this commercial site.

The proposal would have a minimum garden depth of 52m, which far exceeds that required by Havant's Design Guide SPD (ie 10m) and is considered to be more than appropriate for this family property.

The proposal has addressed the second reason for refusal and would accord with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local, the Borough Design Guide SPD 2011 and the National Planning Policy Framework.

(iv) Flooding

The site lies within Flood Zones 2 and 3 where there is a high risk of flooding and new development is classified as 'more vulnerable'. Accordingly, dwellings on the site would be subject to the sequential test and there are better sites at less risk of flooding elsewhere on Hayling Island. Previous pre-application enquires have advised of this position and advice given that additional dwellings on the site would not be supported.

However, as a one for one replacement the sequential test need only apply to the application site itself. Since the whole site is in flood zones 2 and 3 then there is no better position within the site for a replacement dwelling. Additionally, a replacement dwelling offers the opportunity to improve and reduce the flood risk for future occupiers. The submitted FRA sets out a number of mitigation measures, which would be a betterment over the existing dwelling, with all the bedrooms on the first floor. Further, the FRA has demonstrated that the lifetime of the development would be safe, without increasing flood risk elsewhere.

The EA was consulted over the proposal and raised no objection to the proposal. The points raised by the EA, would be included as an informative if permission is granted, together with a condition that the development shall proceed in accordance with the submitted Flood Risk Assessment.

Subject to a condition requiring the development to accord with the FRA the proposal accords with Policy CS15 of the HBLPCS and Policy E19 of the Submission Havant Borough Local Plan.

(v) Parking & Access

The intention is to use an existing access off Sandy Point Road, to the front of the property.

Three car parking spaces are shown to the front of the property (with cycle and bin stores) within the site, in accordance with Havant's Car Parking SPD and policy DM 13 of the HBLPCS and policy IN3 of the Submission Local Plan.

(vi) Drainage

The applicant has advised that the foul and surface water would be piped into an existing main sewer, negating the need for a drainage condition. Further, this matter will be dealt with by Building Control.

(viii) CIL

As a replacement dwelling the development does not trigger the Recreational Disturbance to SPA's contribution, or mitigation for nitrogen neutral development, but would be CIL liable. The appropriate CIL forms have been completed. The building has not been occupied since June 2017, which is confirmed in the applicant's CIL Form 1. Therefore, the total new sqm floor area is liable for CIL. The replacement dwelling would be 312sqm, with a total CIL charge of £46,382.14. Self build exemption is not being sought.

8 Conclusion

The proposal addresses the previous reasons for refusal of planning permission for a replacement dwelling on the site, due to a reduction in size, and bulk of the development resolving the adverse impact on No. 61 Sandy Point Road. The development would not adversely impact on the appearance of the area or residential amenity and is acceptable in highway terms. The recommendation is conditional planning permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00429 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:

Location plan - drawing No. P107 received 12 November 2021

Block plan with cycle rack & bin store - drawing No. P106 V5 received 12 November 2021

Proposed ground floor plan - drawing No. P100 received 12 November 2021

Proposed first floor plan - drawing No. P101 received 12 November 2021

Parking plan - drawing No. P102 received 12 November 2021

East & west elevations plan - drawing No. P104 received 12 November 2021

North & south elevations plan - drawing No. P103 received 12 November 2021

Flood Risk Assessment by Lilley Architecture received 4/5/2021

Reason: To ensure provision of a satisfactory development.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (undertaken by lilleyarchitecture *FLOOD_RISK_ASSESSMENT-1482167*) and the following mitigation measures detailed within:

1. Provision of compensatory flood storage: As stated in section 3 of the FRA, a sub floor void will be included into the design build, allowing the sub floor to flood during an event.
2. Finished floor levels: As stated in section 3 of the FRA, FFL must be set no lower than 650mm above the external ground levels. Finished floor levels will therefore be set 300mm above the existing finished floor levels.
3. Sleeping accommodation: As stated in section 3 of the FRA and the Proposed Plans (drawing number 385 PL05), all sleeping accommodation must be restricted to the first floor or above. There must be no ground floor sleeping accommodation.
4. Building Construction: As stated in section 3 of the FRA, the building must be built of flood resilient materials.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E19 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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

- 5 A minimum of three car parking spaces (and cycle and bin provision) 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, Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the dormer on the east elevation shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

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, policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 7 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E12 and E14 of the Pre-Submission Havant Borough Local Plan.

- 8 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E12 and E14 of the Pre-Submission Havant Borough Local Plan.