

Recommendation: **GRANT PERMISSION**

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No trees will be affected by this proposal therefore I have no objection.

Chichester Harbour Conservancy

Firstly, apologies for the delay in replying. I have principally regard to policies CS12 and CS16 of the Local Plan, as well as paragraph 176 of the July 2021 NPPF.

APP/21/00521 - Demolition of conservatory and erection of single storey rear and side extension, with enlargement of front elevation dormer 24 Havant Road, Hayling Island, PO11 0PX

Fully delegated Officer decision from Chichester Harbour Conservancy

Recommendation – No objection, subject implementation with specified external materials with exception of the new rooflights within the flat-roofed area which ought to be substituted with lanternlights with clear glazed side panels but solid upper roofing.

Officer reasoned justification

History – None on line.

Detached dwelling outside 'urban area', but within a run of dwellings. This is a relatively tranquil part of the AONB.

Plot is outside but immediately adjoining AONB to rear, but no real public visibility of rear of plot, certainly not from the Harbour.

Main impact therefore to setting of the AONB resulting from front dormer enlargement. A fair proportion of the roof would still be read and the dormer would continue to line up centrally over the front door.

Side extension somewhat awkward with a flat roof, but set back from front build line with reasonable front parapet treatment/detailing.

Less happy by the introduction of large rooflights which would be contrary to the Conservancy's dark skies agenda. If lantern lights could instead be negotiated with clear glazed side panels but solid upper roofing, this would be preferred.

Case Officer comment : Rooflights have subsequently been removed from the plans

Councillor Brenda Linger

No comment

Councillor Clare Satchwell - Hayling East

No comment

Councillor I Scott Hayling West

No comment

County Ecologist

The application is not accompanied by any ecological information and I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. Whilst of limited scale, the proposals would result in construction activity within close proximity to sites listed in the Solent Waders & Brent Goose Strategy (SWBGS): these sites form supporting habitat for the nearby Solent Special Protection Areas (SPA). SWBGS sites H49D and H49F are situated within c.30m of the site. It is well-established that novel construction noise can result in disturbance of bird species up to distances of 2-300m. With respect to SWBGS sites there is potential for disturbance impacts only during the overwintering season which extends between 1 October and 31 March.

In common with advice from Natural England, it is necessary for further information to be provided. Havant Borough Council, as the 'competent authority' with respect to the Habitats Regulations, should screen this proposal for potential likely significant effect on SPA supporting habitat. I would echo NE's comments that any necessary mitigating measures can be contained within a Construction Environment Management Plan (CEMP). This should, where impacts are identified, include details of measures to avoid/minimise noise and visual disturbance.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

Case Officer comment : *Further comments received by County Ecology following the submission of a CEMP report :*

Thank you for your re-consultation that is supported by a CEMP report (July 2021). I can confirm that this justifies and mitigates my colleagues concerns regarding construction impacts to the nearby SPA supporting habitat. If you were minded to grant permission I would recommend that section 4 of the CEMP (July 2021) is conditioned.

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water.

Please note:

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No new development or new tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following

link: southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations:

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing,

West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Natural England Government Team

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on protected sites within the Solent, including the Chichester and Langstone Harbours Special Protection Area (SPA).

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment (HRA) considering the potential impacts to the nearby SPA supportive habitat .

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been considered by your authority, i.e. the Page 2 of 5 consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. In addition, Natural England would advise on the following issues.

Construction impacts

Noise and visual disturbance - SPA functionally linked land (Chichester and Langstone Harbours SPA, Solent and Southampton Water SPA).

The proposals have the potential to affect SPA functional land via noise and visual disturbance, 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.

This proposed development site is approximately 25m east of the Solent Waders and Brent Goose Strategy (SWBGS) Site 'H49D', classified as a secondary support area. SWBGS Site H49F is located approximately 30m to the southwest of the proposed development, also a secondary support area. These sites support significant numbers of dark-bellied brent geese in addition to some curlew and lapwing.

It is advised percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dB_{Amax} – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

The above measures could be included within a Construction Environment Management Plan (CEMP), please see below:

Construction Environment Management Plan (CEMP)

Natural England recommend best practice is employed during the construction phase to avoid impacts on species and habitats. For example, a Construction Environmental Management Plan (CEMP) can be submitted to and approved in writing by the council's ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats.

The CEMP should include the following impacts:

- • Storage of construction materials/chemicals and equipment;
- • Dust suppression
- • Chemical and/or fuel run-off from construction into nearby watercourse(s)
- • Waste disposal
- • Noise/visual/vibrational impacts

The approved CEMP can be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Case Officer comment : *Further comments from Natural England following submission of the HRA.*

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

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.

Southern Gas Networks - stage 1

Please find an extract from our mains records for your proposed work area, any SGN assets are described in the map legend. **On some occasions blank maps may be sent to you, this is due to your proposed work being in a no gas area but within our operational boundaries.**

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf.

Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

If you require any further information please do not hesitate to contact us.

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
No comments 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
- (ii) Appropriateness of design and impact on the character of the area and the AONB .
- (iii) Effect on neighbouring properties
- (iv) Ecology
- (v) Parking

(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 and the AONB .

- 7.3 This proposal comprises a flat roof, wrap around extension following the demolition of the existing conservatory and in the same siting. The extension would project beyond the existing side elevation wall by approximately 3 metres and would be set back slightly behind the front elevation, with a depth spanning that of the main property and an additional 3 metres beyond the rear elevation wall of the main dwelling where the extension would wrap around the rear forming an L shaped side and rear extension, spanning the entire rear elevation. The extension would have a flat roof with a height of approximately 3.4 metres . This space would form a bedroom to the side served by windows to the front and side elevations and then an open plan kitchen/living area towards the rear with a window and bi-fold doors and a utility room with a window to the rear and door to the side elevation. Other elements of the proposal include a rooflight to the rear elevation and the enlargement of the existing front elevation dormer which would be increased in width by approximately 1 metre. An additional first floor window would also be introduced at first floor level to the side (north west) elevation which would serve a new bathroom. Proposed materials comprise of render and brickwork detailing.
- 7.4 The proposed extension would not increase the footprint of the property considerably more than existing - whilst the flat roof would add slight bulk to the appearance, the extension would only be partially visible from the public realm, with most of the extension located towards the rear. The proposed enlargement of the front dormer is not judged to be visually harmful, it would still be centrally sited and subservient within the roof slope. Overall the proposed additions are not considered to result in detriment to the character of the host property nor the surrounding area.
- 7.5 The site is located immediately adjacent to the Chichester Harbour AONB, which borders the rear of the site. Due to the close proximity of the site to the AONB , the Chichester Harbour Conservancy have been consulted on this application. The Chichester Harbour Conservancy expressed concern in regards to the rear flat roof rooflights - following this, these have now been removed from the scheme.
- 7.6 The design and appearance of the proposal is deemed appropriate in context to the main building and 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

- 7.7 To the north of the application site is no 22 Havant Road. The proposals would not result in a wholly different impact on no 22 than the existing layout. A door would be proposed to this side serving the utility room however this is not judged to result in harmful disturbance to no 22 and this is also set off the shared side boundary. The first floor window proposed would not offer any new views which are not already offered by the existing landing area window.
- 7.8 To the south east of the application site is no 20- there is a large separation distance between these properties and the proposal is not deemed to result in any harm to the amenity of no 20.

- 7.9 Consequently, it is considered that the proposal will not appear overbearing or lead to overlooking and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted no letters of objection were received with respect to the scheme.

(iv) Ecology

- 7.10 To the west of the site, on the opposite side of Havant Road is a secondary support area and further north up Havant Road is a core area site, both listed in the Solent Waders & Brent Goose Strategy (SWBGS). The site could also have potential significant effects on protected sites within the Solent, including the Chichester and Langstone Harbours Special Protection Area (SPA). Following consultee responses from both the County Ecologist and Natural England, a CEMP report has been provided by the applicant. A HRA has also been undertaken by Havant Council and both Natural England and the County Ecologist have been re-consulted on these documents.
- 7.11 Regarding construction impacts, a CEMP was submitted on 22nd of July and having considered this and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Ecology and Natural England have advised that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given - a condition is proposed to this effect.
- 7.12 Natural England advises that the appropriate assessment concludes that the LPA is able to ascertain that the proposal will not result in adverse effects on the integrity of the site in question. That being the case, permission is able to be recommended under the Habitats Regulations.

(v) Parking

- 7.13 The proposal would result in 3 bedrooms - this would be an increase of 1 bedroom which does not require additional on site parking allocation as specified in the Havant Parking SPD.

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/21/00521 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:

01A REV B Amended existing and proposed plans
C165 Construction Environmental Management Plan uploaded on the 22.07.2021
Block plan uploaded on the 25.05.2021
Location plan uploaded on the 25.05.2021

Reason: To ensure provision of a satisfactory development.

- 3 Development activities shall proceed in strict accordance with the submitted Construction Environmental Management Plan (CEMP) reference C165 uploaded on the 22nd July 2021.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 The external materials used shall be as indicated on the submitted forms and hereby approved plans, or shall match, in type, colour and texture, those of the existing building so far as practicable.

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.