
Site Address:	36 Havant Road, Hayling Island, PO11 0PX		
Proposal:	Erection of 1No. 3 bed chalet dwelling and detached garage.		
Application No:	APP/16/00587	Expiry Date:	16/08/2016
Applicant:	Mrs E Foster		
Agent:	Mr D McGregor	Case Officer:	David Eaves
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site lies to the eastern side of Havant Road within the non-urban area. The site is located in a small group of properties fronting Havant Road. These properties are mainly bungalows some with rooms within the roof. The site is isolated from significant employment and retail and social opportunities.
- 1.2 There are significant trees to the north of the site entrance (subject to a TPO) and on the frontage of the site.
- 1.3 The site is layed to grass with an existing gated access to Havant Road. The site is divided by a fence with a trailer and vehicle parked to the rear (east) at the time of my site visit.

2 Planning History

99/57904/002 - Outline application for one detached dwellinghouse, utilising existing access on to Havant Road, REF,23/07/1999

98/57904/001 - Change of use of the land for the parking of two vehicles, retention of concrete hardstanding to north east corner of site and erection of garden shed (revised application), PERM,29/01/1999

07/57904/003 - Construction of 1No. 2 bedroom chalet bungalow with integral garage., REF,16/08/2007

APP/14/01030 - Outline application for construction of 1No. 2 bed chalet style dwelling with all matters reserved., REF,05/12/2014

Subsequent Appeal Dismissed:

The appeal was dismissed only in relation to the non-payment of the SDMP contribution. The principle of development was therefore accepted by the Planning Inspector.

3 Proposal

Erection of 1No. 3 bed chalet dwelling and detached garage.

The application includes site layout and elevations which indicate that a chalet style building would be provided set back from Havant Road a similar distance to the adjoining properties.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy reluctantly has no objection to the proposed development, subject to agreeing the external facing and roofing materials, agreeing a scheme of tree planting on the rear boundary and safeguarding any tree on site during construction. Also that the council gives consideration to the making of a TPO on the tree at the front of the site, by the site access, to ensure its retention as a valued natural amenity feature in the wider landscape.

Officer comment: The tree to the front is not considered to be directly impacted by the development, subject to the imposition of suitable conditions regarding protective fencing during the construction phase. With regard to the making of a TPO, this matter has been referred as a separate enquiry to the Council Arboriculturalist.

Environment Agency

No comments received.

Estates

No comments received.

County Minerals

No comments received

Southern Water

Plan of local sewer crossing site. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.

Requirements for diversion provided.

Condition and Informative recommended.

No public water drainage sewers in the area to serve this development alternative surface water drainage means required.

Building Control

No comments received.

Crime Prevention -Minor Apps

No comments received.

Development Engineer (Highways)

The Highway Authority has no adverse comment on this application providing the parking and turning area shown on the submitted plan is conditioned to be constructed and retained.

Waste Services

No comments received

Public Spaces

No comments 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: 2

Number of site notices: 1_

Statutory advertisement: Not applicable.

Number of representations received: 0

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) Nature of the development
- (iii) Impact on character and appearance of the area
- (iv) Effect on residential amenity
- (v) Flood risk
- (vi) Highways matters
- (vii) Effect on protected species
- (viii) Developer contributions

(i) Principle of development

7.2 The site lies outside the built up area where new residential development is not normally acceptable. Policy CS17 relates to the need to concentrate new development (including housing) in the urban areas. The principle of residential development is therefore not normally considered to be acceptable in this location.

7.3 Notwithstanding this 'in principle' position, the proposal for a dwelling at the site has recently been tested on appeal under planning application reference APP/14/01030. In considering this outline planning application the Inspector concluded in November 2015:

Overall on this issue, I consider.....the principle of a dwelling on the site is acceptable and that there would be no harmful conflict with Local Plan Policies CS9 & CS17 and with Government policy in the Framework.

7.4 Given this very recent appeal decision and the position of the site within a larger group of dwellings on the eastern side of Havant Road it is considered that the proposed dwelling is acceptable in this location.

(ii) Nature of the development

7.5 The proposal is for a 'chalet type dwelling'. The plans show a dwelling with access from Havant Road sited back from the highway between existing dwellings, a rear garage and cycle store and the retention of an on site frontage tree. There is also parking and turning provided to the front of the site.

(iii) Impact on character and appearance of the area

7.6 The site is outside the built up area and has a semi-rural character with fields and boundary hedgerows and trees interspersed by small groups of dwellings, farms and harbourside industry. The landscape is relatively flat and the site is immediately adjacent to Chichester Harbour Area of Outstanding Natural Beauty. To the west beyond Havant Road is open farmland and to the east of the site is an open field leading to an inlet of Chichester Harbour.

- 7.7 The application site itself is located in a small group of 8 dwellings with similarly sized plots on the eastern side of Havant Road. The plot has an open undeveloped aspect when viewed from Havant Road and whilst it is appreciated that there are existing dwellings either side of the plot when viewed from Havant Road, the development of the site would lead to an intensification of the existing residential development.
- 7.8 Within such areas new residential development without specific justification (for example a farm workers dwelling) is normally refused. The provision of a chalet style bungalow would consolidate development on the east side of the road and lead to an intensification of residential development. Notwithstanding these concerns the Inspector in relation to the recent appeal concluded:

my own assessment is that the existing enclave has a cohesive and separate identity as a linear development with more of a suburban than rural character. No. 38 at the north western end of the row and adjoining the appeal site has a somewhat complex and visually dominant roof, and this together with the prominent garage to the rear and other outbuildings occupies the full width of the site. As such, the dwelling forms a visually clear termination point for the more developed character of this part of Havant Road, and when read with No. 38 and the more modestly sized dwellings to the south east the appeal site fits within that context as an infill site.

This is emphasised by the site's semi-developed nature, with a long concrete driveway and hardstanding used for the stationing of large vehicles pursuant to a 1999 permission; a garden shed; a maintained grassed area, and an open aspect above low level close boarded fencing to the dwellings on either side. Having regard to all these factors I consider that a dwelling of similar scale and appearance would have little or no impact on the character and appearance of the rural area and the AONB.

- 7.9 It is concluded that given this clear assessment from the appeal Inspector that an objection based on the impact on the character and appearance of the area/AONB could not be substantiated.

(iv) Effect on residential amenity

- 7.10 The main impacts from the proposed development are considered to be to No.34 and No.38 Havant Road. The proposed dwelling is chalet style with first floor accommodation and side dormers and rooflights. The dormers would serve a bathroom and staircase and there should be no direct overlooking from these windows. The rooflights would serve bedrooms and an en-suite, these windows are shown as high level. Conditions to ensure that windows do not cause overlooking are recommended.

(v) Flood risk

- 7.11 The site is located mainly within flood zone 1 with a small part of the rear of the site (beyond the siting of the building) shown within Flood Zone 2. The EA in relation to the previous application recommended that consideration be given to flood proofing measures. Finished floor levels are not provided at present and the FRA states that floor levels will be above flood risk levels. The Coastal Engineer in relation to the previous application also requested further information in relation to flood risk. In this case it is considered that as the building itself would be sited in FZ1, a condition is recommended to ensure that the measures outlined in the FRA are implemented.

(vi) Highways matters

- 7.12 The proposed access is in the position of an existing dropped kerb and adequate car parking can be provided on site. The Development Engineer has raised no objection to the proposed development.

(vii) Effect on protected species

- 7.13 The site is located adjacent to SINC's and close to the international and national designations of Chichester Harbour (SSSI, RAMSAR, SPA etc) and adjacent to Brent Goose strategy sites. Subject to the imposition of conditions and SPA disturbance mitigation requirements the proposal would have an acceptable impact on nature conservation interests.

(viii) Developer contributions

- 7.14 The development would be liable for CIL contributions charged at £100/sqm of floorspace plus indexation. A CIL liability form has been submitted.
- 7.15 In addition, the development would require a contribution of £176 (plus monitoring and admin fee) to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Disturbance Mitigation Partnership (SDMP). A contribution has been received.

8 Conclusion

- 8.0 In conclusion, and taking into account the planning history and in particular recent appeal decision, it is considered that the proposed development is acceptable in principle. The impact on the character and appearance of the area is acceptable. Flood risk can be suitably mitigated and there is no highway objection. The impact on protected species can be mitigated. Planning permission is therefore recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00587

(A) 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 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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.

- 3 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the dormer windows in the first floor on the north and south facing elevations 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 and the National Planning Policy Framework.

- 4 The first floor rooflights in the south and north facing elevations of the building hereby permitted shall have a minimum sill height of 1.7m from finished floor level.

Reason: To accord with the terms of the application and to prevent overlooking to adjoining residential properties having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 5 The dwelling hereby permitted shall be constructed and occupied in accordance with the flood mitigation and flood risk management recommendations contained within the Flood Risk Assessment by Dan McGregor Associates dated May 2016.

Reason: To ensure that the development mitigates the impact of flood risk having due regard to policy CS15 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 6 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). In this instance the field to the rear of the application site which is identified within the Solent Brent Goose and Waders Strategy and could be impacted by this proposal.

Reason: In order to prevent disturbance to protected species and the Solent SPA having due regard to policies CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and DM24 of the Havant Borough Local Plan (Allocations) 2014 together with the National Planning Policy Framework.

- 7 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such 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 policies CS12 and CS16, of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be commenced until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 The development hereby permitted shall not be commenced unless and until details of any works required to existing drainage infrastructure have been submitted to and agreed in writing by the local planning authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that existing drainage infrastructure is maintained and protected having due regard to policy CS19 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 11 No development shall take place until all trees and hedgerows that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to

design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Location Plan Serial No. 00416000

Site Layout Drawing No. 1623-01b

Floor Plans Drawing No. 1623-02

Proposed Elevations Drawing No. 1623-03a

Proposed Roof Plan Drawing No. 1623-04

Proposed Garage Drawing No. 1623-05

Site Elevation Drawing No. 1623-06a

Design and Access Statement Dan McGregor Associates April 2016

Flood risk Assessment Dan McGregor Associates May 2016

Reason: - To ensure provision of a satisfactory development.