
Site Address:	Fair Acre, Church Lane, Hayling Island, PO11 0SB		
Proposal:	Erection of 1No. 4 bed dwelling and detached garage.		
Application No:	APP/15/00480	Expiry Date:	01/07/2015
Applicant:	Mrs Dalton-Harrison	Team:	Team 1
Agent:	Mr Blakemore	Case Officer:	David Eaves
	Cadscapes Ltd		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located to the south side of Church Lane and to the east of Fair Acre a detached dwelling house. The site is outside of any built up area and the land is enclosed by hedges and has the appearance of a small field with a limited number of trees planted within it. There is also a small area on the western side which has fruit cages used for growing raspberries. There is an existing field entrance with a gate from Church Lane and a pedestrian gate into the garden of Fair Acre which lies to the west.

2 Planning History

None relevant to the site itself.

3 Proposal

Erection of 1No. 4 bed dwelling and detached garage.

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)
CS13	(Green Infrastructure)
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
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)
DM23	(Sites for Brent Geese and Waders)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough: Landscape Character Assessment (February 2007)

Northney & Tye Village Design Statement

Solent Waders and Brent Geese Strategy (2010)

Listed Building Grade: Not applicable.

Conservation Area: St Peters

5 Statutory and Non Statutory Consultations

Conservation Officer:

Discussed with Conservation Consultant - The site is outside but adjacent to Conservation Area. It is not considered that the proposal would have a significant impact on the character and appearance of the CA.

Arboriculturalist:

Discussed with Arb Officer, given that the most significant trees are on the periphery of the site the proposal subject to conditions would be likely to have a limited impact on significant trees.

Building Control

The proposed access/driveway does not comply with Requirement B5 of the Building Regulations 2010 (as amended). A sprinkler system may be required for this proposal. Bin storage details to be provided. No public sewer.

Development Engineer - Highways

No comments received.

Waste Services Manager

No comments received

Crime Prevention -Minor Apps

No comments received

County Ecologist

Application not accompanied by any ecological information, therefore I have undertaken a non-exhaustive desk based assessment using application documents, recent GIS mapping and online sources. Proposals entail works to existing small enclosed field containing grassland with associated trees and shrubs. Whilst the site itself is not likely to be of particular ecological value it may support legally-protected species such as common reptiles and nesting birds.

In addition, the site forms part of Site H59E in the Solent Waders & Brent Goose Strategy (SWBGS) and is therefore deemed to be of value to overwintering bird species associated with the nearby Chichester and Langstone Harbours Special Protection Area (SPA). The site is classified as 'Important' for waders (peak count of 130 curlew) and 'Uncertain' for brent geese (although a peak count of 370 geese has been made on site). Such uncertain sites are captured by Policy DM23 of the emerging Havant Borough Local Plan (Allocations) (December 2013) which sets out clearly what HBC expects from applicants in terms of the approach to SWBGS sites

in general:

'Where data on sites of 'important' or 'uncertain' value is limited or out of date, site surveys should be undertaken to determine their level of importance. The authority recommends that the survey methodology set out in the Solent Waders and Brent Geese Strategy (2010) is followed. Appropriate methodologies should be approved by a professional ecologist and prepared in consultation with Natural England. In all cases, three consecutive years of recent survey data should ideally be carried out across the overwintering seasons and a record of any sightings on or adjacent to the application site will be required. Existing records for Brent Geese and wading bird species in Langstone Harbour are held by the Hampshire Biodiversity Information Centre, and records for Chichester Harbour are held by the Chichester Harbour Conservancy.'

Therefore, it is for the applicant to provide sufficient detail to determine whether the proposals would result in impacts to SWBGS sites and, consequently, to features for which the SPA is designated. It may be that as the application site is a 'separate' field from the main arable land there is a much decreased likelihood of birds such as geese being present.

At present, I consider that there is insufficient information provided to determine that ecological issues are not a potential constraint and therefore would request that clarification is sought. I would recommend that the applicant commissions a Phase 1 ecological survey of the site which should include an assessment of the potential for the site to support protected species (to be provided by a qualified ecologist).

Unless the ecologist is able to conclude that there is no reasonable likelihood of protected species being present (due to negligible potential) or, that if present they are not to be impacted by the works, it is likely that further ecological survey work (Phase 2 survey) will be required prior to determination of the application. The results of any further surveys should be used to provide an assessment of the likely ecological impacts of the proposed works and to inform any mitigation measures.

Natural England

The Conservation of Habitats and Species Regulations 2010 (as amended) The Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Chichester and Langstone Harbours Special Protection Area (SPA) and the Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as the Chichester and Langstone Harbours Ramsar site and also notified at a national level as the Chichester Harbour Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or

project may have.

Objection/Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the 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. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

Natural England is concerned about the potential direct impacts to functional land of the aforementioned SPA, specifically the site being utilised as a high tide roost by the qualifying features of the SPA. From the information that we have available, the development site is classified as H59E: "important use" for waders and "uncertain use" for Brent geese as a high tide roost according to the Brent Goose and Waders Strategy, we therefore recommend that:

- Further survey work is undertaken to ascertain the level of use of the site, we advise that a minimum of three years of survey data (total) is likely to be required; alternatively
- An avoidance/compensation strategy is submitted setting out proposals for providing replacement habitat to avoid any loss of SPA supporting habitat.

SSSI – Objection due to lack of information

Our concerns regarding the potential impacts upon the Chichester Harbour SSSI coincide with our concerns regarding the potential impacts upon the Chichester and Langstone Harbours SPA/Ramsar, and are detailed above.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Standing advice applicable.

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: 7

Number of site notices: 2 (1 Departure)

Statutory advertisement: 22/05/2015

Number of representations received: 9

Summary:**(Objections 8 (12 names) including North East Hayling Residents Association)**

Design does not fit with the Northney & Tye Village Design Statement (NTVDS) and is not in keeping with existing properties within the local area.

The site adjoins a conservation area (CA).

Conflicts with NTVDS - Unacceptable height in relation to neighbouring properties, materials proposed and ultra modern style.

Not in keeping with 5 listed buildings within 100 yards and about 6 more recent houses in Church Lane, including Fair Acre itself.

As on edge of CA consideration of how well, or badly, this property will fit in with requirements of development in the CA.

Flood risk may lead to need to increase floor height and therefore be out of keeping with properties in the area.

Site on a field in the Local Development Plan marked as an important site for Brent Geese and Waders, not possible to replace this lost land and the development should be refused.

Construction noise and vehicle movements, narrow lane.

Contrary to Local Plan Policy.

We believe that the field proposed for the development site is rural/agricultural. It has never been used as a garden and there is no existing building on the plot.

Fails to meet tests for development.

Outside the existing residential area and as such, applications for development have been refused in the past.

Application should likewise be refused on principal to uphold boundaries.

Adjacent to CA and should respect the sensitive design issues of the area as set out in NTVDS.

Next to AONB

Access issues.

If approved would set unwelcome precedent

One of few unspoiled places in area.

Sewer in Church Lane a small private one - the head of which is on our land.

Planning Department have rejected other Planning Proposals in Northney in far less sensitive areas.

Area presently described as an arboretum but formerly a paddock in front of Fair Acre.

Site in or abounds SSSI and therefore should be left to nature and not built on.

Officer Comment:

The site is not in an SSSI and the SSSI lies approximately 530m to the east, the impact of the development on the SSSI is considered in part 7 below.

Impact on view.

Officer Comment:

The right to a view is not a material planning consideration.

(Support 1)

No objection in principle to the erection of dwelling house, and particularly not on the proposed location on the plot.

Have long felt it would be appropriate to have another building on this land.

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 and the St Peters Conservation Area
- (iii) Ecological Impacts
- (iv) Impact upon residential amenity
- (v) Flood Risk Issues
- (vi) Highway matters
- (vii) Impact on trees
- (viii) Developer Contributions

(i) Principle of development

The site is located in the non-urban area outside of any designated urban area. Policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 requires that development is concentrated within the Urban Areas. Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy. The development would not comply with national or local policy in principle. It would also lead to the extension of the residential development to the south side of Church Lane further east into the open countryside detracting from the character and appearance of this sensitive area close to Chichester Harbour.

The site is remote from facilities such as shops, schools, employment opportunities and public transport. As a result the development would be highly reliant on the private car and is considered to be located in an unsustainable location.

(ii) Impact upon the character and appearance of the area and the St Peters Conservation Area

The areas of Havant Borough have been assessed in terms of their Landscape Character in Havant Borough: Landscape Character Assessment (February 2007) (LCA). This part of Hayling Island falls within LCA29 North Hayling. Amongst other intrinsic qualities the assessment emphasises the agricultural character of the area, the domination by the two harbours (Chichester and Langstone), distinctive vegetation cover and pattern, environmental protection areas, good sense of local tranquility, 88% rural, Open Landscape with low levels of screening from local vegetation, Coastal areas are very visible from the opposite coastline and the harbours, potentially high wider visibility (from taller Structures). Of particular importance to this application is the comment that *'More than any other LCA, LCA29 retains much of its authentic rural settlement pattern and character.'*

In considering the landscape strategy to conserve and enhance the local character the LCA states under *'Built form and development'* that we should:

'Avoid development and infill within small fields around the settlement edge of North Hayling so to maintain a vegetated boundary character and also to maintain indented form of settlement'

It is noted that the NTVDS considers in detail the character of the area and emphasises for example under Design Considerations:

- The authentic rural and linear settlement pattern.
- The open characteristics of the settlement edges with views of agricultural land

and the harbour environs.

It is considered that the current proposal for a large two storey House would detract from the character and appearance of this attractive flat and relatively open landscape and would extend residential development beyond its current extent into this visually sensitive and vulnerable landscape.

The site is also adjacent to the St Peters Conservation Area. Whilst the building itself is of modern design which contrasts with many buildings in the Conservation Area, it is not considered that the design of building itself would be harmful to the Conservation Area. Of more significance is considered to be the extension of the pattern of development into the open countryside and the visual harm that would result from this incursion.

(iii) Ecological Impacts _

The site is located within a Natural England Consultation Zone which reflects its location close to internationally and nationally designated ecological sites.

The site is in close proximity to a European designated site (Natura 2000 sites) and has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is in close proximity to Chichester and Langstone Harbours SPA and the Solent Maritime SAC which are European Sites. The sites are also listed as the Chichester and Langstone Harbours Ramsar site and notified at a national level as the Chichester Harbour SSSI.

The Local Planning Authority (LPA) as a competent authority under the provisions of the Habitat Regulations should have regard for any potential impacts the proposed development would have. The submitted application has not been supported by any ecological information. Natural England have advised that the proposal is not necessary for the management of the European site. The lack of information in relation to impacts on the protected sites means that the LPA has been unable to determine whether the proposal is likely to have a significant effect on any European site.

In order to assess this impact there would be a need for further ecological information/surveys to be provided with the application. In particular in relation to:

The potential direct impacts to functional land of the aforementioned SPA, specifically the site being utilised as a high tide roost by the qualifying features of the SPA. From the information available, the development site is classified as H59E: "important use" for waders and "uncertain use" for Brent geese as a high tide roost according to the Brent Goose and Waders Strategy, Natural England therefore recommend that:

- Further survey work is undertaken to ascertain the level of use of the site, we advise that a minimum of three years of survey data (total) is likely to be required; alternatively
- An avoidance/compensation strategy is submitted setting out proposals for providing replacement habitat to avoid any loss of SPA supporting habitat.

In the absence of such information, NE and the LPA cannot be satisfied that the proposed development would not be harmful to the protected European sites, or the designation of these areas as an SSSI.

In relation to protected species the County Ecologist has commented that whilst the site itself is not likely to be of particular ecological value it may support legally-protected species such as common reptiles and nesting birds. The Ecologist also provides further information regarding the sites designation as part of Site H59E in the Solent Waders & Brent Goose Strategy, which deems the site to be of value to overwintering bird species associated with the nearby Harbours SPA. It is for the applicant to provide sufficient detail to determine whether the proposals would result in impacts on the sites designation.

In the absence of ecological assessments in relation to the development it cannot be concluded that the development would not be harmful to protected species or the European and National designations outlined above. In addition all new residential developments are required to make a financial contribution to the Solent Recreation Mitigation Project in order to help to mitigate any increase in recreational pressure on the Harbours. Such a contribution has not been secured in relation to this development.

(iv) Impact upon residential amenity

The site is located to the east of Fair Acre, Sunnyfields and 1 Myrtle Cottage and is relatively well screened by existing trees and other vegetation. The proposed plot is large and the new dwelling and garage would be set off the common boundaries of these properties. Whilst there would be first floor windows in the proposed property facing west serving a Kitchen/Breakfast area, living area and dining area (beyond void to entrance hall below), given the separation distances between proposed and existing dwellings and the intervening screening it is considered that the proposals would have a limited and acceptable impact on these neighbours residential amenities.

To the north are properties on the other side of Church Lane, it is considered that the use of the access to serve one dwelling is unlikely to have a significant impact on these properties. The dwelling and garage are set a long way back from the road such that there would be no overlooking.

Overall, the impact of the development on neighbours residential amenities is considered to be limited and acceptable.

(v) Flood Risk Issues

In relation to flood risk the site is within flood zone 1 (lowest flood risk) and it is not therefore considered that raised floor levels would be required.

(vi) Highway matters

It is considered that the site could be accessed without significant impacts on highway safety. Parking and cycle parking could also be provided to the required standard. The additional use of the narrow Church Lane for one additional dwelling is not considered to be likely to result in unacceptable impacts from the marginal additional use.

(vii) Impact on trees

The application has been submitted with an Arboricultural Assessment. This indicates that most of the significant trees are located around the periphery of the site and will be retained. 1 tree will be removed and one re-positioned. Fallen trees would be replanted to part of the western boundary. It is considered that subject to suitable

conditions the development could take place without significant harm to existing trees and enhancements could be achieved via a landscaping condition.

(viii) Developer Contributions

The proposal would require a CIL contribution of £34,000. An informative is to be added to the decision notice. The proposal would also require an SRMP contribution of £200 including Administration and Monitoring Costs. This contribution has not been received and therefore the recreational disturbance by future residents on the harbour has not at this stage been mitigated in relation to the proposals.

8 Conclusion

In conclusion, the development outside the built up area and extending into the open landscape is considered to be unacceptable in principle. The development would be harmful to the landscape, character and visual amenities of the area. Ecological impacts on internationally and nationally protected areas have not been assessed in the application and therefore potential harmful impacts cannot be ruled out. Appropriate contributions to address recreational pressure on the SPA from future residents have not been secured.

For these reasons planning permission should be refused.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00480

(A) for the following reasons

- 1 The proposal represents the undesirable addition of a dwelling in an area outside the built up area for which there is no overriding justification. The dwelling would be located in an unsustainable location remote from services, education facilities, leisure and employment opportunities where the occupiers would be heavily reliant on the use of the private car. The proposal therefore conflicts with policies CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.
- 2 This part of Hayling Island has been assessed in Havant Borough: Landscape Character in Havant Borough: Landscape Character Assessment (February 2007) as more than any other Landscape Character Area in the Borough retaining much of its authentic rural settlement pattern and character. The proposed development of this small field with a two storey house beyond the strong vegetated edge of the existing settlement (formed by existing garden boundaries) would result in the encroachment of built form extending the existing settlement pattern into the open countryside. This would erode and harm the character and appearance of this sensitive relatively flat and open landscape close to Chichester Harbour. The proposal would therefore conflict with policies CS11, CS16 and CS17 of the Havant Borough Local Plan (Core

Strategy) 2011, policy AL2 of Havant Borough Local Plan (Allocations) 2014, Northney and Tye Village Design Statement and the National Planning Policy Framework 2012.

- 3 The proposed development site is located close to important areas of nature conservation including Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and Langstone Harbour Site of Special Scientific Interest (SSSI). On the basis of the information available the application fails to satisfactorily demonstrate that the proposals would not have a harmful effect on the interest features of the SPA site or the SSSI. The proposal also fails to demonstrate that the development would not be harmful to feeding and roosting sites used by Brent Geese and Waterfowl. The proposal therefore conflicts with policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM23 of Havant Borough Local Plan (Allocations) July 2014 and the National Planning Policy Statement 2012.
- 4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to policies CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012