
Site Address:	19A Salterns Lane, Hayling Island, PO11 9PH		
Proposal:	Demolition of existing dwelling and construction of 1No. 3 bed detached house with rear balcony; re-roofing of existing garage.		
Application No:	APP/16/00368	Expiry Date:	13/09/2016
Applicant:	Mr & Mrs Paula Elsey		
Agent:	Mr S George	Case Officer:	Tina Pickup
	Invisible Studio		
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a substantial 1950's detached two storey dwelling that is in a poor state of repair. It has old crittall windows, is part red brick and part white painted brick beneath a hipped pantile roof. The site comprises a 'backland' position in that it is accessed via a single unmade track between the frontage dwellings of No 19 and 19b and as such has a frontage to the foreshore to the north, including a slipway.

The site is relatively flat, the garden unkempt with a significant tree adjacent the foreshore (but not TPO'd). Boundaries are mainly 1.8m close boarded fencing and to the west No 19 has retained an access to the foreshore in the form of a narrow strip of land. On the south side of the dwelling is an existing double garage with false pitch/flat roof, in the south western corner.

The site falls within Flood Zone 3, abuts the Chichester Harbour AONB, and the biodiversity sites of the Ramsar, SAC, SPA, and SSSI etc all about the site.

2 Planning History

APP/14/00198 - Construction of replacement sustainable dwelling following demolition of existing house - Withdrawn

APP/14/00366 - Demolition of existing dwelling and construction of 1No. two storey three bed house - Withdrawn

3 Proposal

The application seeks permission for a 1:1 replacement dwelling. The existing dwelling would be demolished and a contemporary 3 bed detached house having a 'T' shaped footprint would sit on approximately the same position within the site. The architectural style has been drawn from the coastal boathouses and would be simple and utilitarian. The main north-south two storey element would have a length of 16.5m and width of 5.5m, eaves height of 4.3m and ridge of 6.6m. The northern gable end would be largely fully glazed with first floor balcony. A single storey projection to the west would be 6.8m long and 4.7m wide having an a-symmetrical roof with eaves height of 2.4m and offset ridge of 4m high.

Proposed materials include a mix of brickwork, timber cladding, glass and tiled roof with powdered coated aluminium windows and doors. The garage to the front would be re-roofed with a traditional pitch with height of 4m. As part of the flood risk the dwelling would have a finished floor level of 4.6m AOD. No works are proposed to the northern foreshore/slipway boundary.

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))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
DM10	(Pollution)
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)

and Chichester Harbour AONB Management Plan 2014 - 2019

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency - no objection subject to condition that ffl no lower than 4.6m AOD & advice to sign up to EA's Flood Warning Service and create a Flood Evacuation and Emergency Plan; development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 for any proposed works within 16m of a tidal main river or the base of a sea defence.

Crime Prevention - None received

Development Engineer - no adverse comment

Waste Services Manager - no concerns

County Ecologist - original comments - no ecological information & risk of disturbance to bats & reptiles;

On ecological report - dwelling shown to support pipistrelle bats but no mitigation proposed;

On final report with mitigation - bat boxes and access tiles straightforward; development requires an EPS licence from Natural England and for that licence 3 tests; criteria of 3rd test met through survey & mitigation proposed; noise abatement measures to avoid over wintering disturbance to birds acceptable; condition recommended

Coastal Engineering - Eastern Solent Coastal Partnership has no objection; finished floor level of 4.6mAOD will keep property safe for lifetime as 1 in 200 flood level is 4.6m.

Natural England - site close to European designated sites protected under the Habitats Regulations where impacts must be assessed & site should be restored/maintained; Re SPA, Ramsar & SAC - No objections with conditions re over winter heavy works, use of non-reflective glass, Construction Environmental Management Plan required; Re SSSI - no objection with condition re contractors being advised of boundaries of SSSI and an offence to store, access or encroach; Re Protected species - use Standing Advice

Chichester Harbour Conservancy - This replacement dwelling is not adjudged to be harmful to the AONB landscape nor the purposes of its designation; amended plans have lengthened and widened the n-s element, its configuration on the plot is similar to that which the Conservancy gave PREAP advice on some time back. It has made the dwelling taller as a result at its highest point, but is generally lower and silhouette only increased by 0.7% overall. The footprint is in proportion to the plot size; The comparison of glazing diagram is useful to demonstrate only a modest increase, which is acceptable to the Conservancy. Whereas the balcony projects, the first floor glazing is slightly recessed; No objection subject to approval of external materials & tree protection;

Building Control - bin storage required

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: 6

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary: None 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) Flood risk issues
- (iii) Environmental issues
- (iv) Impact on AONB/character of the area/Design
- (v) Impact on neighbours
- (vi) Developer contributions

(i) Principle of development

The application site is situated within an urban area and the development represents a 1 for 1 replacement dwelling of similar size. Subject to other criteria considered below and in particular to flood risk and environmental issues such a development is considered acceptable in principle.

(ii) Flood risk issues

The site lies within Flood Zone 3 and the Flood Risk Assessment submitted indicates that the finished floor level would be set at 4.6m AOD. The Environment Agency has raised no objection provided this finished floor level is undertaken and recommends other advisory information regarding signing up to EA's Flood Warning Service and creating a Flood Evacuation and Emergency Plan. These can be added as Informatives. On this basis the flood risk is considered acceptable.

(iii) Environmental issues

The site lies within a sensitive environmental location adjacent to the nationally and internationally designated nature conservation sites of the Ramsar, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The impacts to these designations are likely to be from pollution, littering, noise and dust and the revised ecological report includes mitigation measures indicating that no percussive or heavy machinery works would occur during the over wintering period 1 October to 31 March inclusive; noise levels and a screening fence. Natural England have raised no objection provided certain conditions and Informatives are added to protect from these potential issues.

With respect to bats the house has been confirmed as supporting two types of bats and as such appropriate mitigation has been proposed in the form of bat boxes on the new roof of the garage and some access tiles. This is appropriate and acceptable and can be implemented before the house is demolished. The County Ecologist raises no objection provided the implementation is in accordance with the mitigation strategy. A European Protected Species Mitigation Licence will also be required from Natural England. In order for an EPS licence to be granted 3 tests must be met as follows:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; (Regulation 53(2)(e)) - *It is considered that the existing dwelling is dated and in a poor state of repair. Its replacement represents an overriding public interest by providing a dwelling fit for habitation and improving the appearance of the area.*
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); - *It is considered that there is no satisfactory alternative to the demolition of the building and its replacement*
3. and the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)). *The County Ecologist has confirmed that the correct procedure has been followed to survey and identify bats, and proposes suitable mitigation measures to compensate for the lost habitat.*

With respect to other protected species the survey indicates the possibility of the presence of reptile (Lizard, grass snake, slow worm) aswell as nesting birds. Full translocation of reptiles is not considered necessary but protection and enhancement of the retained habitats along the eastern boundary and tussocky banks and the hand capture of any animals found and relocation to site boundaries. Furthermore, to avoid impacts of increased light spill a lighting strategy is also recommended.

(iv) Impact on AONB/character of the area/Design .

The siting of the proposed dwelling is similar to the existing and follows the pattern set by other backland dwellings at 15a and Salterns House. The separation to the rear of the frontage dwellings is some 26m and this meets the standards in the adopted Design Guide SPD.

The profile/silhouette, mass and bulk as seen from Chichester Harbour AONB has been assessed together with levels of glazing and reflective impacts. The existing dwelling has a bulky square footprint and the proposed contemporary design would lessen the bulk and silhouette when viewed from the north. The amount of glass is slightly increased but the first floor element would be slightly recessed giving a natural shade. Chichester Harbour Conservancy have raised no objection to the proposal.

In terms of design the more contemporary approach is considered reflective of the shoreside siting. The proposed materials include timber cladding, the colour of which can be controlled through condition to be an appropriate muted or natural shade. The NPPF at chapter 7 requires good design in terms of scale, density, massing, height, layout etc but states that decisions should not impose architectural styles or tastes and should not require conformity to certain styles. It is however appropriate to seek local distinctiveness, but given this dwelling has been inspired by coastal boat houses then it is considered appropriate to this foreshore location.

The amended block plans shows the refuse storage as existing, at a widening within the access track. This is considered acceptable.

(v) Impact on neighbours

The proposal is for a replacement of lesser bulk. The separation is similar to existing and the internal layout has main habitable rooms facing north to make the most of the views. The existing dwelling has a now enclosed former first floor balcony and the proposal includes a first floor balcony. The siting, separation and screening to adjacent dwellings is such that the use of this balcony is not considered to materially affect residential amenity - afterall the gardens abutting the foreshore are open to and visible from the water and as such less private than enclosed gardens.

As a replacement dwelling the comings and goings to the site and use of the driveway between frontage dwellings would not be increased. The proposal is not considered to be detrimental to neighbouring amenity. Therefore the proposal is considered compliant with policy CS16.

(vi) Developer contributions

The proposal is subject to the Community Infrastructure Levy and following discussions about the floorspace calculation, revised forms have been submitted indicating the agreed net additional gross internal floorspace to be only 4sqm. Therefore the chargeable development requires a CIL payment of £480.36. The

applicants have claimed the Self-Build exemption and the appropriate Draft Liability Notice has been issued. The required Assumption of Liability Notice form has been returned.

As a replacement dwelling there will be no net increase in the number of dwellings within the 5.6km zone of the Solent SPA so there would be no additional recreational pressure on the Solent SPA. Therefore in this instance Policy DM24 is not relevant and no SDMP contribution is necessary.

8 **Conclusion**

The proposed contemporary replacement dwelling results in a less bulky dwelling adjacent the Chichester Harbour AONB. Its design is considered appropriate to the foreshore context and would be appropriate to the character and appearance of the area and neighbours amenities. With sufficient conditions to protect the bats known to be at the site, and other nature conservation impacts, then permission is recommended. The application is CIL liable.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00368

(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 / 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. The glazing details shall incorporate non-reflexive glass to avoid bird strike. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development has a satisfactory appearance and in the interests of ecology having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The finished floor levels of the hereby permitted dwelling shall be set no lower than 4.6m above Ordnance datum (AOD). The development shall be retained as such in perpetuity.
Reason: To ensure no increased flood risk having due regard to policy CS15 of the Havant Borough Core Strategy, 2011 and the National Planning Policy Framework.

- 4 Development shall proceed in strict accordance with the ecological mitigation and enhancement measures detailed within the Ecological Appraisal, Bat Survey Report and Mitigation Strategy (CC Ecology, Final Amended August 2016) unless otherwise agreed in writing by the Local Planning Authority. All such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.
- 5 Before the existing dwelling is demolished the garage shall be re-roofed with all bat mitigation measures fully completed in accordance with the hereby approved plans and details, including the Ecological Appraisal, Bat Survey Report and Mitigation Strategy (CC Ecology, Final Amended August 2016).
Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.
- 6 No development shall take place until the oak tree on the northern boundary with the foreshore is 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.
- 7 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) shall be undertaken on site within the bird overwintering period, 1st October to 31st March inclusive.
Reason: To protect the habitats of the adjacent SPA, Ramsar and SAC in accordance with the Habitats Regulations, National Planning Policy Framework, and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.
- 8 Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, in liaison with Natural England. The Construction Environmental Management Plan shall identify the steps and procedures that will avoid or mitigate impacts on the designated sites. Such measures shall include, amongst other things:
a) A screen fencing along the northern boundary to both avoid visual disturbance to birds and to prevent construction storage close to the waters edge;
b) All contractors working on site should be provided with a map that clearly shows the boundaries of the Chichester Harbours SSSI in relation to the development site.

Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the habitats of the adjacent SPA, Ramsar and SAC in accordance with the Habitats Regulations, National Planning Policy Framework, and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) March 2011.

- 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 brought into use 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 policies CS11, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 No external lighting shall be installed either on the hereby approved buildings or anywhere within the site unless a detailed external lighting strategy is first submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be maintained as approved.

Reason: To avoid light spillage and disturbance to bats and protected species having due regard to policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

OS Map Drawing No P01 rev A

Existing Plans & Elevations

Proposed Site Plan Drawing No P01 rev A showing bin store

Proposed Block Plan Drawing No P02 rev B

Proposed Elevations Drawing No P15 rev H

Proposed Plans Drawing No P13 rev H

Existing + Proposed Garage Drawing No P08

Comparative Glass Elevations 20.1sqm : 29sqm

Flood Risk Assessment dated 5 October 2010

Ecological Appraisal, Bat Survey Report and Mitigation Strategy - Final (Amended) August 2016 by CC Ecology

Reason: - To ensure provision of a satisfactory development.