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

#### Supplementary Planning Documents

Borough Design Guide

Residential Parking and Cycle provision

Listed Building Grade: Grade 2

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

#### Arboriculturalist

The submitted tree report is acceptable and should be conditioned to be adhered to.

#### Environment Agency

No response

#### Natural England

There is a requirement for a contribution to the Solent Recreation Mitigation Partnership. Natural England is satisfied that if the development is carried out in strict accordance with the submitted details then there will not be a harmful impact to the adjacent SSSI's and as such no conditions are requested to this regard.

#### Conservation Officer

The National Planning Policy Framework (NPPF) was published in March 2012 and sets down the policies that the Council must take into account when determining planning applications. This supersedes PPS 5, however, English Heritage (web-site 23 April 2012) advises that the Practice Guide (HEPPG) remains a valid and Government endorsed document pending Government's review of guidance supporting national planning policy as set out in its response to the select Committee.

#### **Assessment of heritage asset and significance**

Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require decision makers to having special regard both to the desirability of preserving listed buildings and their setting and the character or appearance of conservation areas.

In assessing this application the heritage assets to consider is 42 Sinah Lane (Saltings) which is Grade II listed. The listing description focuses on the architectural

elements of the building including its construction and its Corbusier influenced design. The plan of Saltings is also particularly significant due to its orientation in relation to the sun. Living areas have large areas of glazing to the south and west to maximise sunlight. The result is that the main living spaces look onto the driveway rather than the long private garden to the north.

### **Impact of the development on heritage assets**

The development proposal will result in the removal of some of the associated land, from the ownership of 42 Sinah Lane which is a Grade II listed dwelling. As a consequence the curtilage of the property will be permanently reduced. Historic England in their document Enabling Development and Conservation of Significant Places, provides guidance to local authorities on how to consider proposal to fragment listed buildings for their curtilage. The advice indicates that local authorities should take a firm line against granting consent for any development which could be considered detrimental not only to the asset or its setting but also to its long term viability.

However, in this particular instance it is considered that the proposed sub-division would not be detrimental to the architectural significance of the cottage or its setting. Although it is acknowledged that the setting of this building contributes to its significance, the new scheme allows for this setting to be substantially maintained given the size of the private garden to be retained. The proposed property does not appear to be overly bulky or of a size that would be out of keeping with the surrounding area. In fact the compact design will still allow good appreciation of views to the harbour from the roof terrace of the listed building. The location and orientation of the dwelling also means that the development would not have an adverse impact on the setting of the listed building. Its construction will also not over develop the plot or the setting in which it is set. In terms of design I feel the proposed dwelling should be commended. It is clear the design has been inspired by the design of Saltings and the local context of the area with the main façade located away from the existing house. The quality of materials will be an important part of this development to ensure that it harmonises with the surrounding area. I therefore would like a condition attached for samples to be submitted prior to development to ensure they are of appropriate quality.

Para 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the assets conservation.

The more important the asset, the greater the weight should be. As previously stated the setting of Saltings has high value in terms of its significance. However, this significance would not be harmed by the development as I have outlined above.

In accordance with Section 66 and 72 of the Act considerable importance and weight has been given to the desirability of preserving the setting of the heritage asset and its setting. It is therefore considered that the significance of the listed building is sustained. The following conditions should be submitted if permission is granted:

#### **Conditions**

1. Remove P.D rights
2. Materials - Details/Samples required
3. Full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.

#### **Historic England**

No comments

Langstone Harbour Board

No objection

Building Control

Current driveway access does not comply with requirement B5 for Fire Brigade access due to the length and no suitable turning circle. The surface of the driveway should also be suitable for Fire Brigade appliances. Alternatively a sprinkler system could be considered.

The location of the bin storage should also be clarified as it is not clear if this is the same location as the bin collection area (which would not comply with requirement H6).

**Comment** - The agent to the application has been made aware of this requirement and fire engine tracking has been submitted. This would not be a valid planning matter for refusal but a building control matter of which the agent has been informed.

Development Engineer

No objection, on site parking provision should be conditioned as per the submitted plan

Waste Services Manager

No objection

Landscape Team

No landscape objection to the above application.

Recommend conditions associated with hard landscape, soft landscape and boundary treatment.

Crime Prevention

No comments

Coastal Team

Reviewed the flood risk assessment and can confirm that we would have no objections on flood risk grounds. This is a very well presented flood risk assessment report commensurate with the level of detail required.

It was extremely clear in its assessment, conclusions and images presented to assist our review, a model of best practice for applications of this type and scale.

Traffic Management

The traffic team has no adverse comment to make on this application

**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: 5

Number of site notices: Not applicable.

Statutory advertisement: 06/05/2016

Number of representations received: 5

**Summary:** There have been five letters of representation received. Two are against the proposal, two in favour and one raising points of concern.

- (a) This house might be almost invisible from the water since it appears to be largely hidden behind the oak trees on the shoreline. This additional waterfront proposal is an outstanding example of what can be achieved with good design and careful restraint.
- b) Location of new access would cause danger to users of the highway - *the Development Engineer has been consulted on this proposal and raises no concerns*
- c) Loss of privacy to owners of No.40
- d) This site previously had planning permission refused for a new dwelling *Each application must be considered on its own merits*
- e) The footprint of the new building is disproportionately large in relation to the host dwelling
- f) The development should be reduced in size to prevent impact on the coastal zone
- g) Object to the inappropriate and misleading description of uses along the foreshore as a justification for the new development *Noted, the application will be considered on its merits*
- h) There is an outstanding enforcement breach regarding the listed building and the deliberate non-compliance with the enforcement order should be grounds to reject the application *this would not be a material planning consideration for this application*
- i) Question the credibility of the parking plan
- j) Will have a negative impact on the listed building
- k) concerned that it will set a precedent for larger new development and will lead to further applications *Each application must be considered on its own merits*
- l) Conditions should be applied to any consent to restrict increase in height or footprint of building *Permitted development rights should be removed to ensure that any future proposals can be considered through the planning process*
- m) Further mature planting along the shared boundary with No.40 is required
- n) Proximity of new access to boundary wall of No.40 may cause issues. Should be moved 1.5m
- o) road surfacing needs to create least noise possible as it will run adjacent to two bedroom windows
- p) request height cap on hedges to western boundary of 40 to 50% of current height *the existing hedge is not relevant to the considerations of this application unless it was required to be retained for screening purposes*
- q) red line boundary encroaches on neighbouring land *a revised red line has been submitted and the neighbour reconsulted to this regard*

## **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) Effect on character and appearance of area.
- (iii) Impact of the development on heritage assets
- (iv) Highway and parking implications
- (v) Effect on residential amenity
- (vi) Flood risk issues
- (vii) Effect on sensitive areas and ecology

(viii) Developer Contributions and Other Matters

(i) Principle of development

The plot already contains a residential unit and is within the identified urban area. The principle of an additional dwelling is therefore acceptable subject to meeting the normal development control requirements detailed below.

ii) Effect on character and appearance of area.

Sinah Lane contains a mixture of property styles from the predominately two storey dwellings forming a liner frontage along the street to the existing bungalow/chalet bungalows to the rear of a number of the frontage dwellings. The proposed property does not appear to be overly bulky or of a size that would be out of keeping with the surrounding area. It is considered that it has been demonstrated that proposal has been sensitively designed so that it could sit comfortably without detrimental impact to the setting of listed building or the character of the immediate area/coastal zone. I consider that the location of the new dwelling would accord with the staggered pattern of development to the

east of the site, and that it is to this established pattern of development to which the site most readily relates and not the more liner backland development to the west.

It is considered that the design would be in keeping with the nature of the streetscene and is in accordance with Core strategy policy CS16 and the requirements of the Borough Design Guide and the NPPF.

(iii) Impact of the development on heritage assets

It is considered that this proposal is appropriate to the setting of the listed building and that it accords with national and local planning policy. Although the development proposal will result in the removal of some of the associated land from the ownership of 42 Sinah Lane, the new scheme allows for the setting of the listed building to be substantially maintained given the size of the private garden to be retained.

Furthermore, the compact design will still allow good appreciation of views to the harbour from the roof terrace of the listed building. The Conservation Officer's comments are positive with regard to the location and orientation of the dwelling, such that he considers that there would not be an adverse impact on the setting of the listed building.

However, there could be an impact of the access road on both the setting of the listed building and the amenities of the occupiers of this dwelling. Therefore, the boundary treatment must be appropriate and sufficiently robust to provide screening to the windows within the eastern elevation of the listed building whilst not being a detriment to it's setting. A mature hedge would most probably be the most appropriate form of screening to

this boundary as suggested on the submitted plans. The final detail, species and height of this hedge should be conditioned.

The existing flat roofed out building to the rear of the listed building is not of any important architectural merit and the conservation officer has no concerns with regard to the demolition.

Overall, the design and construction of the proposed new dwelling and associated access takes inspiration from the host listed building and accord with the provisions of

policies CS11 and CS16 to this regard.

(iv) Highway and parking implications

The proposal includes sufficient space for parking cars and therefore there are not considered to be any parking implications from the proposal. The Development Engineer has raised no concerns with regard to the provision of the new access and highway safety and requests a condition is attached to a permission that requires parking provision in accordance with the approved plans.

(v) Effect on residential amenity

The proposed dwelling is over 25m from the closest adjacent neighbouring dwelling, No.40 (east), over 90m from No.44(west) and 75m from the host dwelling. Given such generous separation distances and the orientation of the main rooms of the proposed dwelling to the north it is not considered that there will be any undue impact in terms of overlooking to the amenities of the occupiers of these dwellings.

No.40 is located 13m (approx) from the shared boundary with the application site and as such should not be impacted to a significantly detrimental extent by the introduction of a new access drive the proposed dwelling, that would warrant a refusal of the application. The access road cannot be moved 1.5m west as proposed in the letter of representation as it would impact negatively on the setting of the listed building.

It is considered that the impact on residential amenity is acceptable in planning terms and as such that the proposal accords with the requirements of policy CS16 of the Core Strategy and the NPPF.

(vi) Flood risk issues

This site is currently located within a flood zone 1. However, Map Set 1E of the PUS Strategic Flood Risk Assessment (*Document Reference: 5049258/72/DG/048\_Havant Page 1 of 14*), identifies the site as one being vulnerable to climate change and, although the land does not currently lie in a flood zone, it is predicted that by 2085 the northern end of the site will be in Flood Zone 3.

To address this the application was accompanied by a flood risk assessment which has been accepted by our Coastal Engineers and should be conditioned as part of a planning permission. Each application must be considered on its merits and, although in the very long term there is a risk of flood at this site, the access will remain out of the flood zone thus ensuring safe access and egress from the new dwelling. This in association with acceptable floor levels and the long term nature of the risk make development on this site acceptable

(vii) Effect on sensitive areas and ecology

There are protected habitats adjacent to the site, however, as a dwelling already exists within the plot with all the associated activity that can currently take place within the garden area; and that any potential habitat is outside of the redline of the site it is not considered reasonable to impose any conditions other than the standard overwintering bird condition. The ecological mitigation statement submitted with this application suggests the erection of hoarding, however it is still considered appropriate

in this sensitive area to require that there be no heavy machinery used on site during the over wintering bird period.

The ecological report confirms that there has been no evidence of there being protected species within the site. The Council's Consultant Ecologist was consulted with regard to this scheme at pre-application stage and noted that the obvious potential issue is the site's proximity to the adjacent Chichester & Langstone Harbours SPA/Ramsar, Solent Maritime SAC and Langstone Harbour SSSI. Potential for impacts may occur via construction activities. It is considered that the proposed hording and standard condition will effectively mitigate from any potential impacts arising from noise and visual disturbance.

(viii) Developer Contributions and Other Matters

The proposal is subject to financial contributions relating to the Community Infrastructure Levy (CIL) and the Solent Recreation Mitigation Project (SRMP). A self build exemption form for CIL has been completed by the applicant and an appropriate SRMP Deed and Payment has been completed and paid.

## 8 Conclusion

The proposal will result in a modern building close to Langstone Harbour. There is a mixture of styles in the road and it is considered that the proposal will be acceptable in terms of its design and impact on the street and shore side scenes. The proposal is also considered acceptable in terms of highway, flood risk and neighbour impact - subject to the conditions imposed.

The proposal is liable to CIL but the applicant has completed the CIL exemption certificate as it is a self build.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00383 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 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 No part of the development hereby permitted shall be first occupied until details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the new hedge that is proposed to define the boundary of the existing dwelling. The planting shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 No part of the development hereby permitted shall be occupied until details of 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 and 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 CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, outbuildings, means of enclosure, windows or doors shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

**Reason:** To ensure the appearance of the development is satisfactory and in the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 No above ground construction works shall take place until full details of all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and in the interests of the amenities of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and

the National Planning Policy Framework.

- 8 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 during the bird overwintering period October to March inclusive.

**Reason:** This is required in order to protect the adjacent SPA supporting habitat and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011; the National Planning Policy Framework 2012; Regulation 61 (3) of The Conservation of Habitats and Species Regulations (as amended) and Section 28(l) of the Wildlife and Countryside Act 1981 (as amended).

Note: 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 beach 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.

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

Location Plan drwg.no PL\_01\_Rev P1 received 8 June 2016  
Proposed Block Plan drwg.no PL\_03\_Rev P1 received 8 June 2016  
Existing and Proposed Site Section drwg.no PL\_04 received 22 April 2016  
Proposed Ground Floor Plan drwg.no PL\_05 received 22 April 2016  
Proposed Roof Plan drwg.no PL\_06 received 22 April 2016  
Existing and Proposed Levels Plan received 22 April 2016  
Proposed Elevations South, Garage and House drwg.no PL\_07 received 22 April 2016  
Proposed Elevations East, Garage and House drwg.no PL\_08 received 22 April 2016  
Proposed Elevations North, External and Courtyard drwg.no PL\_09 received 22 April 2016  
Proposed Elevations West.no PL\_10 received 22 April 2016  
Proposed Elevations South Courtyard drwg.no PL\_11 received 22 April 2016  
Proposed Section looking East drwg.no PL\_12 received 22 April 2016  
Arboricultural Report and Tree Constraints Plan compiled by Tim Pike submitted 22 April 2016  
Ecology Report ref EcIA/JF/PD submitted 22 April 2016  
Ecology Mitigation Statement ref 16.0284 submitted 22 April 2016  
Flood Risk Assessment submitted 22 April 2016  
Design and Access Statement Submitted 22 April 2016

**Reason:** - To ensure provision of a satisfactory development.