

Recommendation: **GRANT PERMISSION**

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
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)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

No comments.

County Archaeologist

Thank you for your consultation. The site is located in a small dispersed settlement that is known to be medieval in origin, while a possibly prehistoric hearth was recorded around 90 metres to the south east in the late 1960s. However, due to the fact that most of the site will have been previously disturbed during the construction of the currently existing house and the small scale of the ground works associated with the proposed development which would be unlikely to expose any meaningful archaeological features or deposits, I would not wish to raise an archaeological issue at this time.

Southern Water

Plan of the sewer records showing the approximate position of a public sewer within the site. Restrictions in relation to building in proximity to a sewer provided.

The applicant has not stated details of means of disposal of foul and surface water drainage from the site.

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

Informative requested.

Natural England

Statutory nature conservation sites – no objection

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

Protected species

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

Crime Prevention -Minor Apps

No comments received.

Waste Services Manager

No comments received.

Building Control, (Fire Access Consultation)

No comments received.

Development Engineer - Highways

The highway Authority has no adverse comment to the application subject to construction of new vehicular accesses as shown on the submitted plan 7013.14. 2.

I would suggest that the Planning Authority condition the provision of three parking spaces and cycle facilities.

County Ecologist

The application is accompanied by an Ecological Assessment (CC Ecology, November 2015) which provides a sound assessment of the site's current ecological value.

The main issue at this site is roosting bats, with a small roost of three mouse-eared bat species noted during the September 2015 evening survey. These bats were not identified to species level which is unfortunate but understandable (the various species are generally very hard to differentiate unless good quality calls are recorded). The report suggests that the bats are likely to be one of four species. Whilst it would be advantageous to have the individual species identification I am prepared to state that, in terms of overall mitigation, the four species are broadly similar and so the recommended measures are acceptable.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

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))

2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. 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)).

It is for the case officer to assess the proposals against the first two tests and you may wish to ask for further information from the applicant.

In order to assess the development against the third test, sufficient details must be available to show how killing/injury/disturbance of bats will be avoided and how any loss or damage to habitat will be compensated. Sufficient survey effort has been expended to gauge which species group is present (although not which individual species) and an assessment of roost type has been given. A licence from Natural England will be required. The proposed mitigation comprises the provision of bat boxes on nearby trees and the installation of bat access features within the new dwelling. It is highly advisable that woven breathable roofing membrane is not used:

Type 1 bitumen felt is sufficient and is compliant with building regulations.

In terms of other ecological issues, reptiles are likely absent from site and there is a small risk of terrestrial amphibians being impacted. Again, some sensible mitigation measures are recommended. The old orchard at the southern end of the site will be retained.

An ecological condition is recommended.

Officer Comment: The first two tests in relation to bats are considered in part 7 of this report. The third test is considered to be passed subject to the conditioning of the mitigation methods in the Ecological Report.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 4

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3 (several reps from adjoining neighbours)

Summary:

NE Hayling Residents Association:

Final Comment:

Our Concerns have been dealt with.

Final Comments from neighbours:

Ownership of land questioned

Trees incorrectly plotted - Condition requested re Root Protection Zones

Street Scene incorrect

Request materials conditioned.

Concerns over demolition - possible damage to garage and oil tank

Officer comment:

This is a civil matter between the parties.

Concern over correct scaffolding/netting

Officer Comment:

This is a matter outside of the planning process (HSE/Environmental Health/Building Control)

Due to separation distances there is a need for obscured glass in the upstairs bathroom windows.

Officer Comment:

Condition is recommended.

Drainage and sewage services

Officer Comment:

Condition re surface water drainage required and informative re sewage infrastructure

proposed.

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
- (iii) Impact upon residential amenity
- (iv) Impact on trees
- (v) Drainage issues
- (vi) Flood risk
- (vii) Ecology
- (viii) Developer Contributions

(i) Principle of development

The application site is located outside the built up area, however, the proposal is for a 1 for 1 replacement dwelling (with no additional dwellings created) and is considered acceptable in principle subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

The proposal would result in the replacement of a relatively modest dwelling (internal floorspace approximately 85sqm) with a larger replacement of approximate internal floorspace 291sqm. It is clear that this would be a more imposing building on the site. The proposed house would however be set back further into the site and it is set within a generous plot. The area whilst semi-rural in character does include a number of large detached dwellings some of which are more prominently sited in relation to the road than the proposed development.

It is considered that the design of the proposed house is articulated by the proposed front gable features which help to break up the apparent mass and bulk of the building from public views. On balance the proposed dwelling is considered to have an acceptable appearance subject to a condition requiring samples of proposed materials.

The proposals include a garage to the front of the site. This would be designed so that the roof would slope away from the frontage reducing its visual impact. A tree would be removed from the frontage and it is important to secure additional landscaping and planting to the front of the site to reduce the impact of the building. Subject to a landscaping condition the proposed garage is considered acceptable in terms of its impact on the streetscene.

(iii) Impact upon residential amenity

It is considered that the main impacts from the development would be to Eventyde to the east and North Wood to the west.

Eventyde is a substantial bungalow with rooms in the roof. The dwelling is set beyond an existing outbuilding. Eventyde has a main first floor bedroom dormer window facing the application site and two first floor rooflights. The existing dwelling at Cranbrook

Villa is set on the boundary, the proposed dwelling would be set 1.5m from the common boundary. There would be two first floor windows facing Eventyde in the proposed dwelling (serving a bathroom and en-suite), it is considered appropriate to ensure that these would be obscure glazed by condition.

There would be some additional impact from the mass and bulk of the proposed house which would project to the rear of Eventyde, however, given the set-off of the dwelling from the new house, this would be limited and is considered acceptable.

Concern has been raised in relation to the impact of demolition and construction on the outbuilding and gas store etc, however, this is a civil matter between the parties.

North Wood is a two storey house to the west of the site, set back from the proposed dwelling in relation to the road. A substantial gap would be retained between the proposed house and the flank wall of this dwelling. There are also trees and hedging along the common boundary. North Wood has an attached garage with room above set closest to the boundary. Two en-suite windows are proposed to face west and an obscure glazing condition is recommended. It is considered that the separation distance and screening would result in an acceptable relationship between dwellings.

Concern has been raised during the course of the application in relation to ownership issues and there appears to be a dispute in relation to where the legal ownership boundary lies. This has been raised with the agent and as a result the position of the garage has been moved from the area of disputed land. The red line has not been amended however, the Council does not have land ownership records and this is a matter for the parties to resolve. It is for the applicant to determine the accuracy of the submitted Certificate A. The physical development is now understood to be located outside the disputed area.

(iv) Impact on trees

The proposal would result in the loss of a heavily pollarded tree to the road frontage and some minor works to T1 an Oak on the western boundary. Subject to the provision of protective fencing, the provision of a replacement tree and landscaping it is considered that the development would have a limited and acceptable impact on trees.

(v) Drainage issues

Southern Water have stated that a public foul sewer crosses the site and an informative is recommended to ensure that this is taken into account in the proposed development.

A condition in relation to foul and surface water drainage is recommended.

(vi) Flood risk

The site is located in flood zone 1 and therefore flood risk is considered low.

(vii) Ecology

The site lies within close proximity to the SPA/SSSI within Chichester Harbour. Consultations have taken place with Natural England and the County Ecologist and an Ecological Assessment has taken place in relation to on-site impacts.

Natural England have raised no objection in relation to statutory nature conservation sites.

The County Ecologist confirms that the Ecological Assessment provides a sound assessment of the sites ecological value.

The main issue is roosting bats within the existing house and the Assessment states:

Based on the results of the dusk surveys, with no emerging bats recorded during the August survey and a small number of bats recorded during the September survey, it is considered likely that Cranbrook Villa supports a small day roost of this species group.

Due

to the time of year that the bats were recorded as being present it is most likely that this is a small transitional roost.

The County Ecologist concludes that *this development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.* A series of tests therefore need to be applied.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual bats and result in impacts to the favourable conservation status of bat species locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

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))

In terms of the first test, the proposal is to replace a deteriorating and currently uninhabitable dwelling with a new house. This is considered to represent an overriding public interest from a social and economic perspective removing a building that is unoccupied and deteriorating and providing a dwelling fit for habitation and improving the appearance of the area.

2. there must be 'no satisfactory alternative (Regulation 53(9)(a));

The proposed development results in the one-for one replacement of a dwelling on the site and there is no satisfactory alternative to the demolition of the building and its replacement.

3. 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 third test has been assessed by the County Ecologist

In order to assess the development against the third test, sufficient details must be available to show how killing/injury/disturbance of bats will be avoided and how any loss or damage to habitat will be compensated. Sufficient survey effort has been expended to gauge which species group is present (although not which individual species) and an assessment of roost type has been given. A licence from Natural England will be required. The proposed mitigation comprises the provision of bat boxes on nearby trees and the installation of bat access features within the new dwelling. It is highly advisable that woven breathable roofing membrane is not used: Type 1 bitumen felt is sufficient and is compliant with building regulations.

A planning condition in relation to securing the recommendations of the Ecological appraisal is recommended.

In terms of other ecological issues, reptiles are likely absent from site and there is a small risk of terrestrial amphibians being impacted. Again, some sensible mitigation measures are recommended. The old orchard at the southern end of the site will be retained.

An ecological condition is recommended.

(viii) Developer Contributions

As the proposal is for a replacement dwelling there is no requirement for a SRMP contribution to meet Habitat regulations.

The proposed development would be CIL liable and results in a floorspace increase in excess of 100sqm. The CIL requirement has been calculated to be £28,581.25.

8 Conclusion

In conclusion the development is considered acceptable in principle and the proposals would have an acceptable impact on the character and appearance of the area, neighbours amenities, trees and ecology. Drainage issues will be addressed by condition and developer contributions via CIL will be secured. The application can therefore be recommended for approval subject to the imposition of appropriate planning conditions.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/15/00378

(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 Compulsary Purchase Act 2004.

- 2 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of the residential amenities of adjoining residents having due regard to policy CS16 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.
- 3 No development shall take place until all trees 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 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 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.
- 5 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 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.

- 7 No development hereby permitted shall be commenced until a 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 landscaping shall include the provision of a replacement tree for the tree to be felled as a result of the development.

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 CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the dwelling hereby permitted the windows in the 1st floor on the east and west elevation 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.

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

- 10 Development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (CC Ecology, November 2015) unless agreed in writing by the Local Planning Authority. Any 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. A short written report detailing the results of the supervised roof strip shall be submitted to the Local Planning Authority at a date no later than two months after completion of the supervised roof strip.

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.

- 11 The car parking for three cars, 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.

- 12 The development hereby permitted shall not be occupied unless and until cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sustainable travel options are available to the occupants of the dwelling having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Site Plan, Garage Details, Street Scene Drawing No. 7013.14.50 received 17th Feb 2016

Location Plan Order Licence Ref: 01839495 received 17th Feb 2016

Arboricultural report Johnston Tree Consultancy March 2015

Proposed Floor Plans & Elevations Drawing No.7013.14.1

Sections Drawing No. 7013.14.3

Ecological Assessment CC Ecology dated November 2015

Reason: - To ensure provision of a satisfactory development.