
Site Address: 7 Eastoke Avenue, Hayling Island, PO11 9QW
Proposal: Outline application for construction of 1No. two bed bungalow with new vehicular access from Eastoke Avenue with all matters reserved.
Application No: APP/13/01205 Expiry Date: 27/01/2014
Applicant: Mr Cooper Team: Team 1
Agent: Mr P Walker Case Officer: David Eaves
Ward: Hayling East

Recommendation: **GRANT OUTLINE CONSENT**

1 Site Description

- 1.1 The site lies to the west of Eastoke Avenue and includes land to the rear of No.7 a bungalow with rear garage. To the north of the site are two bungalows (one in a backland position). To the south of the proposed access is another bungalow. Two storey and single storey houses front Southwood Road to the south and there is a chalet style dwelling to the west.
- 1.2 The area has a mixed residential character of mainly street frontage development but with examples of backland type development and re-development sites.

2 Planning History

03/57346/001 Outline application for new bungalow and garage with new vehicular access onto Eastoke Avenue. Refused March 2003 for the following reason:

The proposed bungalow and garage with its access would represent an over-intensive backland development and would have a seriously detrimental impact upon the amenities of the occupiers of the existing dwelling at 7 Eastoke Avenue. The application conflicts therefore with Policies VB3 and H11 of the Hampshire County Structure Plan 1996 - 2011 (Review), Policies H06 and GDD1 of the Havant Borough Local Plan 1994 and emerging Policies H3, D2 and D4 of the Revised Deposit of the Havant Borough District Wide Local Plan 1996 - 2011.

92/57346/000 New front garden wall and gate Refused June 1992

3 Proposal

Outline application for construction of 1No. two bed bungalow with new vehicular access from Eastoke Avenue with all matters reserved.

4 Policy Considerations

National Policies
National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF
CS11 (Protecting and Enhancing the Special Environment and Heritage of

	Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) Submission Version December 2013

AL1 Presumption in Favour of Sustainable Development

DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Havant Borough Design Guide Supplementary Planning Document 2011

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Access Comments:

The site is relatively flat, with parking shown close to the dwelling. As the application is in outline details of level access etc would be considered at the reserved matters stage if the application were permitted. The development should ensure compliance with part 'M' of the Building Regulations.

Building Control:

Width of driveway to be increased to 3.7m to satisfy Fire Brigade access requirements. Bin storage to be provided. No public sewer.

Comment:

Access width of 3.7m can be achieved. Bin storage condition recommended.

Development Engineer:

In principle this is acceptable subject to:

- two parking spaces and cycle facilities
- turning on site

Crime Prevention -Minor Apps:

The proposed dwelling is to the rear of the existing dwelling which reduces the natural surveillance of the dwelling and increases the vulnerability of the dwelling to crime. To reduce the opportunities for crime door and window recommendations provided. Should consent be granted consideration should be given to imposing a condition relating to security standards of the external doors and windows.

The proposal creates a private driveway to the rear of the existing dwelling. This access compromises the security of the adjoining dwellings. To provide for the security of the existing dwellings boundary treatments abutting the proposed access way should be of robust construction and at least six feet high. Any boundary

treatment not to this standard should improved to this standard.

An appropriate level of lighting should be provided along the access route.

Comment:

An informative is recommended in relation to door/window design.

Natural England:

Further Comments:

Confirmed that a financial contribution would remove the likelihood of a significant effect on the SPA.

Original Comments:

The Conservation of Habitats and Species Regulations 2010 (as amended)

The application site is within approximately 115m of habitats which form part of the Chichester Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Chichester and Langstone Harbours Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Recreational Disturbance

Following the South East Plan allocation of around 82,000 houses between 2006 and 2026, across the Solent, with many large allocations having been carried forward into adopted Local Authority LDFs, concerns were raised about the potential impact of recreational disturbance on bird populations in the three SPAs that cover the majority of the Solent coast. In response to this, the Solent Forum commissioned Footprint Ecology to undertake the Solent Mitigation and Disturbance Project (SDMP), to assess the current and future levels of recreational activity in the Solent and to model the predicted impacts on bird populations. Natural England is on the project Steering Group for this project and also has a statutory role in advising on the potential effects of development on the conservation of SPAs. In February 2012, Phase 2 of the SDMP, which specifically assessed and modelled bird disturbance and visitor data, was concluded and presented to the Solent Forum and Natural England.

In summary, this work concluded the following:

- There is a high number of current recreational visits to the three SPAs and modelled future increase in visits is also high.
- Lower bird densities were observed at sites that have greater recreational disturbance events.
- The model estimated a high percentage area of intertidal subject to recreational disturbance.
- There was a significant correlation between visitor numbers and housing numbers near the coast.
- In Southampton Water, the model suggested that current levels of disturbance had a depressing effect on the populations of four SPA species and that future housing scenarios would exacerbate this effect for two of these species.

Taking into account this evidence, Natural England's advice is that an increase in the number of dwellings (within the 5.6km zone as defined by the SDMP) would be likely to have a significant effect.

Natura 2000 site – Likely Significant Effect

It appears that this development would increase the number of dwellings within the 5.6km zone. No information appears to have been put forward by the applicant to assess or guard against there being a significant effect on the SPA(s). Thus our advice at this stage is that it is likely to have a significant effect on the SPA(s). If your authority accepts this advice, then other than in the exceptional circumstances prescribed by the Habitats Regulations¹, it is obliged before granting permission to either:

- ☐ undertake an Appropriate Assessment and ascertain that there will not be an Adverse Effect on the Integrity of the aforementioned designated site(s);
- ☐ put in place measures which remove the likelihood of significant effect.

A strategic impact avoidance scheme

Natural England has advised the planning authorities around the Solent that it would be possible to establish a scheme of access management measures that would prevent an increase in the population close to the SPA from having any significant effect on the SPA. It should be possible to introduce such a scheme in a phased way such that an interim suite of measures could be made certain within a small number of months. We are hopeful that this will provide a streamlined approach by which permissions for development proposals, such as this, can proceed.

Protected species

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

Chichester Harbour Conservancy

This site, although some way outside the Chichester Harbour AONB boundary is close to the Ramsar and SSSI CS11 boundary in the DM9 Coastal zone and was visited on 10.1.2014.

The plot proposed is landlocked by surrounding residential properties and if developed would be difficult to perceive from the harbour/creek and from across the creek.

Whilst some plot sub-division has occurred nearby with frontage to the harbour edge (17 Eastoke Avenue which had a much larger plot) and tandem development adjoins (11 Eastoke Avenue), the speculative application made is considered to be a retrograde proposition, likely to harm the character of the area. It is also noted that previous applications have sought this form of development and have been rejected, the last in 2003. The proposals in essence do not constitute high quality design under CS16.

Whereas better use of urban land for new housing is supported in the Council's core strategy, the proposed development would not positively contribute towards the regeneration of Hayling Island under CS6. The plot is too small and those occupying it would not have any reasonable degree of privacy, being overlooked on all sides.

The proposals represent an undesirable overdevelopment of the site and harmful to the spatial character of the area and wider setting of the AONB. Whereas mitigation could be secured from the additional recreational disturbance that would be likely to result (DM24), this would not outweigh the general harm to the character of the area.

RECOMMENDATION

Objection is raised.

Havant Biodiversity Information Centre:

Within 50m:

- Protected/Notable Species - Early Meadow Grass

Within 100m

- SSSI - Chichester Harbour
- Priority Habitat - Intertidal Mudflats
- Protected/Notable Species - Perennial Glasswort

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: 10

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary:

Imposing effect of new building
 Smaller rear garden adjacent to us with potential for more frequent and increased noise levels
 Pooling water/drainage issues exacerbated
 Size of bungalow shown questioned
 Extreme case of infill development
 Inadequate plot size/Overdevelopment
 Not enough room along side of existing bungalow for safe access of vehicles (private or emergency)
 Potential noise and emissions from vehicles
 Loss of privacy
 Currently not overlooked No's 9 & 11 always 2 properties
 Noise from builders, occupants, pets and additional vehicles
 Smells and fumes - what covenants would be put in place to ensure no noxious smells or fumes from already crowded development
 Precedent - resulting in further additional traffic to detriment of safety of the residents
 Previous planning refusal reason still germane to this application
 Infrastructure constraints

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 the area/nearby AONB
- (iii) Effect on neighbouring properties
- (iv) Residential amenities of proposed dwelling
- (v) Effect on protected species/SPA
- (vi) Highway Implications
- (vii) Flood risk
- (viii) CIL/S106 requirements

(i) Principle of development

- 7.2 The site lies within the built up area where there is a presumption in favour of residential development subject to the consideration of other relevant development control criteria.

(ii) Effect on character and appearance of the area/nearby AONB

- 7.3 The site lies to the west side of Eastoke Avenue and would be accessed via a new access and driveway to the south of the existing bungalow No.7 Eastoke Avenue. The site is very enclosed and the proposal is for a bungalow, there are no details of the design as this is an outline application with all matters reserved. The building would be obscured from wider public view by existing bungalows and houses.
- 7.4 In terms of the pattern of development in the vicinity of the site, the proposal would result in backland development. It is noted in this regard that the site immediately to the north of the site has been redeveloped with a new unit on the street frontage (No.9) and a new bungalow has been provided to the rear of No.9. Further to the north to the rear of No.19 there has been a more comprehensive redevelopment with three new bungalows provided. It is therefore considered that the pattern of development locally does include the provision of new dwellings without their own street frontages. The proposal does not therefore conflict with the established pattern of development in the vicinity of the site.
- 7.5 In 2003 a previous planning application was refused as it was considered to represent an over-intensive backland development and to have a seriously detrimental impact on the amenities of the occupiers of No.7 (impact on No.7 considered separately below). It is noted that this planning decision was taken 11 years ago and the outline application included a new building with a larger footprint and garage. The current development when combined with the frontage unit would result in a density of 22 dwellings/ha. This is a relatively low density of development and is close to the established existing density of approximately 20 dwellings/ha. It is not considered that a refusal based on over intensive use could be substantiated in this case.
- 7.6 Subject to appropriate design which will be a matter to be considered in the Reserved Matters planning application, it is considered that a two bedroom bungalow could be provided to the rear of No.7 without harm to the established character and pattern of development of the area.
- 7.7 With regard to the proposals impact on the AONB it is noted that an objection has been received from Chichester Harbour Conservancy. As mentioned above the development would have very little impact from public vantage points and would be located approximately 480m from the closest point of the AONB and be surrounded by existing residential development. It is closer to the creek to the north of the site although still beyond other dwellings, however the Harbour Conservancy confirm that *'The plot proposed is landlocked by surrounding residential properties and if developed would be difficult to perceive from the harbour/creek and from across the creek'*. It is not considered that there would be any direct impact on the visual amenities of the AONB from this development. The effect of the development in terms of recreational impact on the AONB/SPA are considered separately below.

(iii) Effect on neighbouring properties

- 7.8 The proposed site is surrounded by other residential properties and the most significant impacts are considered to be to No's.5, 7, 11 Eastoke Avenue and 69c, 75, 77 and 79 Southwood Road.
- 7.9 No.7 is the existing dwelling on the site. This property would need to be altered in order to accommodate the new access by removing an existing side porch and side extension. A plan has been provided to show how this would be achieved. The existing bungalow would retain a small but acceptable external amenity space with a rear garden of approximately 9m depth and front and side car parking. There would be an impact from the use of the proposed access in terms of vehicular movements/disturbance, however, on balance and given the limited use of the proposed access associated with one dwelling to the rear it is not considered that a refusal of planning permission based on this additional impact could be sustained.
- 7.10 No.5 is set off the boundary of the application site with a driveway set closest to the proposal. The common boundary is marked by a 1.8m fence. There are side windows facing the application site. It is not considered that the proposed access drive would have an unacceptable impact on the occupiers of this property.
- 7.11 No.11 is itself set to the rear of a property fronting Eastoke Avenue. It is a bungalow with rear conservatory. There is a substantial wall along the northern boundary of approximately 2m height dropping to about 1.6m. The car parking for the new dwelling is shown on the indicative plan to be adjacent to the tall section of wall as is the indicative siting of the new dwelling. It is considered that a new dwelling could be sited and designed to have an acceptable and limited impact on No.11.
- 7.12 To the west of the site No.69c Southwood Road is a two storey house but with a catslide type roof facing the site and includes 3No. rooflights in the elevation facing the proposed development. The proposed bungalow would not result in significant overlooking to this property and subject to satisfactory final design would have an acceptable impact on residential amenities.
- 7.13 No's 75 (bungalow) and 77 and 79 Southwood Road (two storey semi-detached) back onto the application site. They are set approximately 19.5m off the common boundary and benefit from substantial rear gardens. There would be a degree of overlooking to the new bungalow (considered below), however the new bungalow would be single storey and would not result in significant overlooking to these properties. Whilst there would be an increase in activity resulting from the proposal, this is not considered sufficient to warrant a refusal of planning permission.

(iv) Residential amenities of proposed dwelling

- 7.14 The details of the proposed dwelling design would be considered at the Reserved Matters stage, however the indicative layout shows how the site could be laid out and includes two parking spaces. A rear garden of 10m depth could be provided with other private amenity space to the side of the bungalow - this would meet the guidance for garden sizes associated with new residential development set out in the Borough Design Guide. Whilst the property would be subject to a degree of overlooking, this is to be expected in a built up area and would nevertheless provide a reasonable level of private amenity. Subject to suitable detailing in the reserved matters application the development of the site by the provision of a modest bungalow is considered acceptable in terms of the amenities of future residents.

(v) Effect on protected species/SPA

- 7.15 The site is located relatively close to Chichester Harbour SPA SSSI and Ramsar sites and within the Natural England Consultation Zone. Natural England have advised that an increase in the number of dwellings (within the 5.6km zone as defined in the Solent Disturbance and Mitigation Project) would be likely to have a significant effect on the SPA.
- 7.16 This being the case the Habitats Regulations require that the LPA before granting planning permission either:
- undertake an Appropriate Assessment and ascertain that there will not be an Adverse Effect on the Integrity of the aforementioned designated site(s);
 - put in place measures which remove the likelihood of significant effect.
- 7.17 In this case a financial contribution has been achieved in relation to mitigating the additional impact of the development on the SPA. Natural England have confirmed that a financial contribution would remove the likelihood of a significant effect on the SPA. The development would therefore provide appropriate mitigation measures for any increase in recreational pressure on the SPA.

(vi) Highway Implications

- 7.18 The development would result in a new access onto Eastoke Avenue. The indicative layout includes on site parking and turning for the new dwelling and parking for the existing dwelling could be retained to the front and northern side of the existing bungalow. Cycle parking can be provided for the new dwelling. The access has been amended to provide a width of 3.7m for fire brigade access. Subject to appropriate conditions and final details the proposals are considered to be acceptable in terms of highways issues.

(vii) Flood risk

- 7.19 In relation to flood risk, the site is located in Flood Zone 1 (the lowest category) and there are therefore no in principle objections to residential development in terms of flood risk.

(viii) CIL/S106 Requirements

- 7.20 The development of a new dwelling would result in the need for a CIL contribution. The level of contribution is dependent on the proposed floorspace which at this stage is not known and will be established by the Reserved Matters application. At this stage it is appropriate to ensure that the need for a CIL contribution is included on the Decision Notice.
- 7.21 A S106 Agreement has been negotiated in relation to SPA requirements for a payment of £170 as discussed above.

8 Conclusion

- 8.1 In conclusion the development is considered to be acceptable in principle. Subject to design details a two bed bungalow could be provided on the site such that it has an acceptable impact on the character and appearance of the area and on the AONB.

The dwelling could be provided such that it would have an acceptable impact on the amenities of neighbouring residents and to provide appropriate residential amenities for the future occupants. Mitigation has been provided in relation to potential impacts on the SPA. The proposals would subject to conditions and details have an acceptable impact on highways and the site is not subject to unacceptable flood risk. CIL contributions would be required at the Reserved Matters stage and a S106 agreement is in place in relation to a financial contribution to mitigate impacts on the SPA. It is therefore considered that planning permission can be recommended in this case.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT OUTLINE CONSENT** for application APP/13/01205 subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same (**hereinafter called "the reserved matters"**) have been submitted to and approved in writing by the Local Planning Authority.
 - (a) The layout of the development and the means of access thereto from an existing or proposed highway;
 - (b) The scale and appearance of all buildings (including details of the colour and texture of external materials to be used); and
 - (c) Landscaping including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels.**Reason:** In the interests of the character and visual amenities of the area and to ensure a satisfactory layout of development and means of access thereto, and having due regard to policies CS11, CS16, CS20, DM8 and DM13 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning

Policy Framework 2012.

- 4 The dwelling hereby permitted shall be a single storey design with a pitched roof and no dormers or other windows shall be constructed within the roof.
Reason: In the interests of the amenities of nearby properties and to preserve the character of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code for Sustainable Homes, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 22.
- 6 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floor of the proposed building and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
Reason: To ensure a satisfactory relationship between the proposed dwelling and neighbouring properties in the interests of the residential amenities of nearby residents having due regard to policy CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 7 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
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 2012.
- 8 No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the occupation of the dwelling hereby permitted has been submitted to and

approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 which form part of the Local Development Framework.

- 9 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

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 2012.

- 10 The dwelling shall not be occupied until space for the loading, unloading, turning and parking of vehicles has been provided within the site, surfaced and marked out in accordance with details to be agreed in writing with the Local Planning Authority. Such areas shall thereafter be retained and used solely for those purposes.

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 2012.

- 11 The dwelling hereby permitted shall not be occupied unless and until secure, covered cycle parking has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be maintained on site in accordance with the approved details.

Reason: In order to encourage non car based travel options are available to future occupants in the interests of sustainability and having due regard to policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 12 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 13 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/B/C/D and E of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and the amenities of neighbouring residents having due regard to the restricted nature of the site and policy CS16 of Havant Borough Local Plan (Core

Strategy) 2011 together with the National Planning Policy Framework 2012.

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

Location Plan Reference O1649467

Block Plan Reference O1649468 Received 17.01.14

Proposed side elevation (Existing Bungalow) Received 17.01.14

Proposed floor plan (Existing Bungalow) Received 17.01.14

Reason: - To ensure provision of a satisfactory development.