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|                 |                                                                              |               |             |
|-----------------|------------------------------------------------------------------------------|---------------|-------------|
| Site Address:   | 141 Havant Road, Hayling Island, PO11 0LE                                    |               |             |
| Proposal:       | Erection of 1No. 4 bed detached green oak framed house with attached garage. |               |             |
| Application No: | APP/14/00636                                                                 | Expiry Date:  | 21/08/2014  |
| Applicant:      | Dr Shimbart                                                                  | Team:         | Team 2      |
| Agent:          | Mr Wordie                                                                    | Case Officer: | Tina Pickup |
|                 | Roderick James Architects LLP                                                |               |             |
| Ward:           | Hayling West                                                                 |               |             |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The application site is located to the south-west of the Havant Road and is accessed by a short track off the main road. The application site itself comprises a currently open parcel of land as the original bungalow on the site has already been demolished - there is a mound of debris in the approximate position of the former bungalow. The land has been left and is now unkempt and overgrown. File notes on other applications indicate that the original bungalow was probably demolished in September 2012.

No.139 to the east is a modest bungalow set close to the common boundary having an integral garage in its western corner and one window in the side gable at first floor/loft level looking into the site. The boundary treatment adjacent the bungalow of 139 comprises a 5' close boarded fence and there are some old shrubs adjacent the boundary. To the west is a chalet style dwelling which has recently had an extension added to its southern elevation. 5' close boarded fence provides the boundary treatment to this dwelling. There is no over-riding architectural style within the vicinity, the dwellings off the track are varied and not seen from the main Havant Road.

There is also a farm access track crossing the site, running parallel with No. 145's boundary, providing access to the fields and stables to the south. the southern boundary has a small band of native/hedgerow trees which are protected by a Group Tree Preservation Order. A ditch with water is also on this southern boundary.

## **2 Planning History**

06/56899/003 - Outline application for the erection of a single dwelling on land between 141 and 145 i.e. *only half current site* Refused 5/4/2006 1 highways reason Appeal dismissed on 2/11/2006.

APP/11/01500 - Demolition of existing 2 bed detached bungalow and construction of 1No. 4 bed detached house with detached double garage and associated landscaping. Withdrawn on 13/12/2011

12/00036 - Demolition of existing 2 bed detached bungalow and construction of 1No. 4 bed detached house with detached double garage and associated landscaping (Revised Application) Permitted 5/7/2012

12/0914 - Discharge of condition 9 of 12/00036 (trees) - agreed 17/9/2012

### **3 Proposal**

This is an application for the erection of a four bedroom detached oak framed dwelling with attached garage.

### **4 Policy Considerations**

#### National Policies

NPPF

#### Core Strategies 2011 forming part of the HBLDF

|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| 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)                                                          |
| DM13 | (Car and Cycle Parking on Residential Development)                                |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features)           |

#### Havant Borough Local Plan (Allocations) adopted July 2014

AL1 Presumption on favour of sustainable development  
AL2 Urban area boundaries with undeveloped gaps between settlements  
DM23 Sites for brent geese and waders  
DM24 Recreational disturbance to SPAs from Residential Development

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

Property Management (formerly County Estates Department) Hampshire County Council  
Arboriculturalist - No arboricultural concerns - condition method statement to ensure trees receive adequate protection during construction  
Hampshire Fire & Rescue - access & facilities for Fire Service Appliances should accord with B5 of Building Regs - appears that plans do not meet this; suitable compensatory feature such as Automatic Water Suppression should be agreed; Notes Timber Framed buildings particularly vulnerable to fire damage and fire spread during construction phase - refers to The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites'.  
Langstone Harbour Board - no objections  
Hampshire County Council - County Archaeologist - given small scale of development no archaeological issues

Building Control, (Fire Access Consultation) - No bin store shown (revised plans sought addressing this); fire authority vehicle access to comply with ADB Vol 1 sec B5  
Development Engineer - no adverse comments  
Landscape Team - Little impact on immediate public realm but wider landscape character and effect should be considered.

The site falls within LCA 30 - relevant extracts are at the end of this email-below:

Comments are as follows:

I would suggest that due to change in nature of site from open field to development, and

enlarged dwelling that soft landscaping be utilised to soften the effect within the wider landscape. A boundary treatment such as a native hedge would be suitable and create some defensive space from the access track. The current dwelling position so close to the track edge appears to limit this opportunity which is disappointing.

One tree is shown proposed to the north - proximity to the building suggests this will be only small- medium tree - overall more planting in a native style could be instigated to help this development fit into the landscape - I will await proposals

Waste Services Manager - no waste collection issues

Crime Prevention -Minor Apps - No comments to make

Natural England Government Team -

### **Statutory nature conservation sites – no objection**

This application is in close proximity to the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI forms part of the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Chichester and Langstone Harbours Ramsar.

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Solent Maritime and Chichester and Langstone Harbours have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.<sup>1</sup> In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Langstone Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### **Protected species**

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

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

However, may I ask that you review Simon Thompsons comments regarding Bird sensitivity in his response dated 22<sup>nd</sup> November 2011 (planning reference APP/11/01500): as follows in italics:

*(□ Given the bird sensitivities in the area, the proposed construction will need to be timed and undertaken in a suitable way to minimise disturbance to over wintering and nesting birds, therefore it will be necessary to:*

*□ Ensure best practice is in place for operating machinery to reduce unnecessary noise;*

☐ *No percussive piling or works with heavy machinery occur within the waterfowl over-wintering period, 1 October to 31 March inclusive. Heavy machinery constitutes, for example, use of pneumatic drills, diggers, dumper trucks and lorries. )*

### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Impact Risk Zones for Sites of Special Scientific Interest**

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

Environment Agency - no bespoke comments

Hampshire County Council, Strategic Environmental Delivery Group

Hampshire Biodiversity Information Centre- notes site within 300m of Langstone Harbour SSSI

## **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: 9

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 2

**Summary:** No objection to property but raise same issues as 11/01500: access road a right of way easement on land between 141 & 145, this is unadopted & used regularly, sufficient space needed to be able to manoeuvre, be wide enough for 2 vehicles to pass & needs to be kept clear at all times; want assurance/request that west wing will not be converted to an annexe (due to highway reasons) or business use; no additional windows overlooking neighbours; pd rights withdrawn and TPO'd trees remain undisturbed. No local on-road parking so all traffic & parking must be accommodated on site.

**Comment:** these issues can be conditioned

## **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) Design and appearance
- (iii) Impact on neighbours

- (iv) Highway issues
- (v) Trees and other matters.
- (vi) CIL Liability

(i) Principle of development

The application site is located within a built up area as defined by the Core Strategy Proposals map (policy CS17), and as an urban area between settlements of the recently adopted Allocations Plan (policy AL2), but neither plan show the site as being subject to any specific planning constraints. The development proposes the erection of a new dwelling, which is technically a replacement for the previous bungalow at 141 which was demolished in 2012. Although there is a significant increase in size of dwelling, there are no "in principle" issues within either the Development Plan or the National Planning Policy Framework (NPPF) that would give rise to a refusal, subject to the development according with all other issues.

(ii) Design and appearance

The permission 12/0036 allowed a dwelling having a ridge height of 7.2 metres which was designed to take the appearance of a 1.5 storey building. The current proposal is for a timber oak framed 'barn style' dwelling having a ridge height of 7.4m. Although the main house has a two storey eaves height, this is set back with a significant forward gable projection providing the entrance which has lower eaves of 4m high and it is this that will provide the impact in street scene terms and the relationship to the bungalow at No 139 adjacent. The proposed materials include white render at ground floor level with vertical natural timber weatherboarding (natural western red cedar) at first floor and for the attached garage, under a natural slate roof with contrast plain clay ridge tile. It is acknowledged that the design features of this proposed building are different in style and form to the properties that are in the surrounding vicinity, however there is no overall dominant architectural style, and this rural 'barn' style is considered appropriate to the sites location. The use of render elements will provide a link and continuity with the adjacent houses No 139 and 145 which are both rendered.

The whole curtilage is within the defined built up area so raises no issues relating to an urban use of the site and the large plot relates well to the surrounding area. It is acknowledged that this is a significantly larger dwelling than the original bungalow on the site, but the plot can accommodate it. The siting of the proposed dwelling within the plot approximately follows the line set by No 139. A single storey side and rear projection ensures that the two storey element is separated from No 139 by some 5.2m which would provide sufficient visual space about the dwelling. The proposed dwelling has a footprint width of 16.4m at its widest, which extends right up to the access track and at its closest point, is some 7.2m from the corner of 145. However the articulation in elevations and mixed materials does not result in an overly dominant dwelling.

It is acknowledged that this is a significantly larger dwelling than the original bungalow on this site, but the plot can accommodate it. The proposed dwelling has a footprint width of 16.4m at its widest, which extends right up to the access track and at its closest point, is some 7.2m from the corner of 145. However the articulation in elevations and mixed materials does not result in an overly dominant dwelling. There is a 'light-weight' link to an attached double garage, gym and boot room to the west. This would also have timber weatherboarding elevations a standing seam metal roof with fully glazed elevation to the garden side, and appear as a suitably subservient

outbuilding to the main dwelling. Overall, in street scene terms the design and appearance of the proposed dwelling is considered visually acceptable.

(iii) Impact on neighbours

With respect to number 139 to the east, there is a single storey rear extension that would extend back 2m beyond the rear facade of No 139. This provides the living room and would have a pitched roof with eaves height of 2.5m and ridge of 4.6m. It is located between 1.2m and 1.6m from the boundary with No 139. The impact of this rear projection had been a concern at pre-application stage, but has now been reduced to minimise the overshadowing and overbearing/sense of enclosure effect to the neighbours. There are no first floor windows in the east elevation facing No 139, although the roof of the single storey rear projection does have openable rooflights - within the roof void to the room below which, due to the internal heights, would make it impossible to gain views out of these windows. It is considered that the submission will now not unduly result in any significant loss of amenity to the occupiers of No 139.

In terms of No. 145, it is acknowledged that the new property will be brought closer, and therefore there is some impact on daylight and outlook. However, given the intervening space (7.2m at its closest), it is considered that the impact is not so severe as to warrant refusal. The western elevation does include 2 first floor windows - designed as long 'slit' windows and they provide a design feature. The orientation of these windows would be towards the rear garden of No 145 and could provide a sense of being overlooked. To overcome this it is recommended that they be obscure glazed.

It is recommended that permitted development rights are withdrawn for extensions, roof extensions and, in the enlarged part of the curtilage, outbuildings which would otherwise be visible in the public domain and from no.145. This is primarily due to ensuring that control remains over future alterations to the property to ensure that neighbouring amenity remains at an acceptable level and in the interests of wider visual amenity.

The site is generally level and it is unlikely that changes (especially increases) in levels would be needed, which might otherwise affect the appearance and impact of development. The drawings do not show the raising of floor levels above a normal damp course/screed level. Accordingly a planning condition regarding levels is unnecessary here.

(iv) Highway issues

The highway officer raises no objections. Although the access to Havant Road is not ideal, it is cited that as this is a one-for-one replacement the increase in trips generated is not substantial and therefore in this case the proposal is acceptable in highway terms. The access track within the site provides a right of way for other users to access the surrounding fields. The proposed layout does keep this track clear and although access to the garage may lead to temporary blocking of the access whilst garage doors are opened. It is possible to condition the keeping clear of the track to avoid the parking of vehicles outside the garage blocking the access track.

As a 4 bedroom house there are ample on site car parking spaces provided by the double garage and two surface spaces by the front door.

(v) Trees and other matters

An Arboricultural Method Statement has been submitted with this application due to the Woodland TPO. The Council's Arborist has been consulted on this application, and raised no concerns, subject to compliance with the method statement and adequate protection fencing during construction.

An Ecological Survey was also undertaken and submitted with the application - revealing that no evidence of rare plants/ badgers/dormice/bats etc although due to some ditch water there is the possibility of amphibians - mitigation measures were suggested and these can be conditioned. Natural England have also commented on the control necessary to safeguard protected species, and in particular recommend no construction in the winter months to protect over-wintering birds. A planning condition can be used in addition to an informative drawing attention to the wider Wildlife and Countryside and CROW Act responsibilities.

(vi) CIL Liability

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20<sup>th</sup> February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new floorspace (measured as gross internal area) in the Hayling area.

It is considered that there is a CIL liability for this site. As a replacement dwelling, a credit can be given for the existing floorspace of the dwelling within the site and therefore only the additional floorspace is CIL liable. The agent completed the CIL planning form and subsequently provided figures which confirm that the net additional gross internal floor space will be 174.24 sqm and as such this will require a CIL payment of £17,424. 00. The applicant has been advised of this sum accordingly and has completed the self build extension claim form, If accepted CIL will only become payable if the dwelling is sold within 3 years of completion of the development proposed (or if the requisite commencement notice is not submitted prior to the commencement of development).

## 8 Conclusion

The application proposes a high quality design bespoke dwelling that is considered appropriate to its site and would not cause any detrimental harm. With appropriate conditions the proposal will not unduly impact on neighbouring amenity. Highway safety will not be impaired, and landscaping and trees can be accommodated satisfactorily.

The application is recommended for **APPROVAL**.

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## 9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00636

(A)

(B) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.  
**Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Construction of the dwelling hereby permitted shall be in accordance with the materials indicated on the planning application forms and approved plans. Any variation to this shall first be agreed in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.  
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 3 Notwithstanding any information contained in the current application, the windows in the first floor of the west elevation of the building shall:-
  - (i) either be fixed and unopenable or consist of at least two lights divided horizontally with only the top light capable of being opened at a height of at least 1.7m above internal floor level, and shall be maintained in that condition at all times;
  - ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.  
**Reason:** In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows, doors or other openings shall be constructed in the east or west elevations of the dwelling hereby permitted at first floor level or above or in any east or west-facing roofslope without the prior written approval of the Local Planning Authority.  
**Reason:** In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 5 The development shall not be brought into use until the 4 parking spaces shown on the hereby permitted plans have been provided within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 6 The double garage hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation without the prior written approval of the Local Planning Authority.

**Reason:** To ensure the retention of adequate on-site car parking in accordance with the standards adopted in the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and to discourage parking on the adjoining highway in the interests of highway safety / local amenity and having due regard to policy DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order 1995 (or of any subsequent Order revoking or re-enacting that Order), no extension, building or structure permitted by Part 1, Classes A, B or E of the Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

**Reason:** The specific circumstances of this site warrant the Local Planning Authority having control over any subsequent development in accordance with Policy CS16 of the Havant Borough Core Strategy and the National Planning Policy Framework, March 2012.

- 8 No development including site clearance shall commence on the site until all trees and shrubs have been protected by fencing along the line shown on hereby permitted Drawing No Shimbart/1/PL02 rev D, in accordance with the Arboricultural Method Statement ref SPH/AS/5837-01/21.08 . Such fencing shall conform to the following specification in accordance with BS5837 2012.

Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.

Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.

**Reason:** To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for the site and the western boundary adjacent the access track, has been submitted to and approved in writing by the Local

Planning Authority. Such scheme shall specify the distribution, species and planting sizes of trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. Furthermore the submitted scheme shall include details of the mitigation measures recommended as enhancements by the Ecological Appraisal dated May 2014 - including 4 nest boxes, a sparrow terrace and 2 bat boxes.

The implementation of all such approved landscaping and bird and bat box installation shall be completed in full accordance with such approved details and 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 CS11.1, CS11.2, CS11.4, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 The access track to the north-west of the hereby permitted garage and dwelling shall be kept clear at all times. It shall not be used for the parking of vehicles or blocked in any way.

**Reason** - To maintain free movement and unrestricted access by other road users entitled to use this private access, in the interests of highway safety, in accordance with policy CS16 and DM13 of Havant Borough Core Strategy, 2011.

- 11 No percussive piling or works with heavy machinery shall occur within the waterfowl over-wintering period, 1 October to 31 March inclusive. Heavy machinery constitutes, for example, use of pneumatic drills, diggers, dumper trucks and lorries.

**Reason:** In order to accommodate protected species and in accordance with Policy DM8 of the Havant Borough Core Strategy and the National Planning Policy Framework 2012

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

Site location plan Drawing number Shimbart/1/SLP revision B

Block Plan Drawing number Shimbart/1/BP revision B

Proposed Site (roof) plan Drawing number Shimbart/PL/02 revision D

Proposed ground floor plan Drawing number Shimbart/PL/03 revision D

Proposed first floor plan Drawing number Shimbart/PL/04 revision C

Proposed roof plan Drawing number Shimbart/PL/05 revision C

Proposed north and south elevations Drawing number Shimbart/PL/06 revision C

Proposed east and west elevations Drawing number Shimbart/PL/07 revision C

Proposed sections Drawing number Shimbart/PL/08 revision B

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