DELEGATED OFFICER REPORT

PROPOSAL	**Application to determine whether Prior Approval would be required for the proposed demolition of an existing part two-storey Class C3 residential dwelling house at Sparkes Marina.**
LOCATION:	Marina House, 38 Wittering Road, Hayling Island, PO11 9SR
REFERENCE NO:	APP/26/00556
APPLICANT:	Mr Zander Ozelton
APPLICATION TYPE:	Prior notification: Demolition
CONSULTATION EXPIRY DATE:	22/10/2026
APPLICATION EXPIRY DATE:	26/08/2026
WARD:	Hayling East
CASE OFFICER	
SUMMARY RECOMMENDATION: GRANT PRIOR APPROVAL	

1. Site Description

1.1 The subject site relates to a working marina known as 'Sparkes Marina', which is located at 38 Wittering Road, upon Hayling Island. The Marina is located on the south-eastern end of Hayling Island and sits on an artificial promontory that extends out into Chichester Harbour. The Harbour is relatively small and maintains 140 berths with some being reserved for visitors.

1.2 The site is located within Chichester and Langstone Harbours Special Protection Area (SPA), the Solent Maritime Special Area of Conservation (SAC), Chichester Harbour Site of Special Scientific Interest (SSSI), is in a designated RAMSAR site and falls within the Chichester Harbour National Landscape. The site lies within Flood Zones 2 & 3.

2. Planning History

Planning Application - APP/21/01204
Engineering works to reinforce ground slab to facilitate launching of boats. Request to discharge condition 3 (received 26/05/2022). Approve with Conditions 22/02/2022
Planning Application - GEN/24/00932
MMO consultation for Quay Wall Replacement Details Required 31/07/2025

Planning Application - GEN/22/00872
Change of land use to facilitate relocation of dwellinghouse 23/01/2023
Planning Application - APP/20/00610
Replacement sheet piled quay wall with concrete capping beam (approved 26.2.21). Request to discharge condition 12 (14.4.21) Approve with Conditions 26/02/2021
Planning Application - APP/22/00568
Construction Environmental Management Plan (CEMP)
Planning Application - APP/25/00074
Full planning application for a replacement sheet piled quay wall with concrete capping beam (includes a request for an EIA Screening Opinion). Withdrawn 24/11/2025
Planning Application - APP/26/00556
Application to determine whether Prior Approval would be required for the proposed demolition of an existing part two-storey Class C3 residential dwelling house at Sparkes Marina.

3. Proposal

Application to determine whether Prior Approval would be required for the proposed demolition of an existing part two-storey Class C3 residential dwelling house at Sparkes Marina.

The application is submitted for demolition under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), ("GPDO") Schedule 2, Part 11 Class B - the relevant parts of which for this consideration state:

Class B – demolition of buildings

Permitted development

B. Any building operation consisting of the demolition of a building.

Conditions B.2 Development is permitted by Class B subject to the following conditions—

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition—

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;

(vii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

4. Prior Approval Assessment Framework

This application is assessed under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The matters reserved for prior approval are the method of demolition and any proposed restoration of the site. The National Planning Policy Framework 2026, the Development Plan and other material considerations identified in Section 7 are considered only insofar as they relate to those matters, without prejudice to the separate requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

Policy Considerations

National Planning Policy Framework August 2026

N2: Improving the natural environment
N4: Protected Landscapes
N6: Areas of particular importance for biodiversity and geodiversity
P2: Ground conditions
P3: Living conditions and pollution
P4: Impact of development on existing activities

Havant Borough Local Plan (Core Strategy) March 2011
CS16 High Quality Design
CS11 Protecting and Enhancing the Special Environment and Heritage of Havant

Borough
CS13 Green Infrastructure
CS16 High Quality Design
CS20 Transport and Access Strategy
DM10 Pollution
CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB, now National Landscape))
CS15 (Flood and Coastal Erosion)

Havant Borough Local Plan (Allocations) July 2014
AL1 Presumption in Favour of Sustainable Development
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Chichester Harbour Management Plan (2025-2030)

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, July 2017

Listed Building Grade: Not applicable
Conservation Area: Not applicable

5. Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

No response received

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of designated sites including:

- Chichester and Langstone Harbours SPA & Ramsar
- Solent Maritime SAC
- Chichester Harbour SSSI

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Construction Environmental Management Plan (CEMP):

- Natural England advises that the Construction Environmental Management Plan (CEMP) should be implemented to avoid or mitigate constructional impacts on species and habitats.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental

impacts and opportunities are fully considered and relevant local bodies are consulted. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Construction Environmental Management Plan (CEMP):

Natural England advises that the Construction Environmental Management Plan (CEMP) should be implemented to avoid or mitigate constructional impacts on species and habitats. The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority. Given the proximity to designated sites, Natural England would also recommend the following conditions as part of any license issued:

• Works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (October to March inclusive).

• Contractors adhere to pollution prevention best practice guidelines including the use of materials that are not toxic to the marine environment, use of accelerants in concrete to ensure fast setting, and measures to ensure no leakage of materials (e.g. concrete) into the marine environment. The CEMP should be approved in writing by yourselves as competent authority. Should these additional measures be secured, Natural England do not require reconsultation on this aspect of the proposals. Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Officer Comment: *Annex A may be viewed on the Council's website.*

Environment Agency

We have no objection to the proposal as submitted.

Please note our comments below.

Advice to applicant Environmental permit – Flood risk activities The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

• erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
• altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
• building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
• dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed

• diverting or impounding the flow of water or changing the level of water in a main river
• quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

• any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
• any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
• any activity within 16 metres of a sea defence structure
• activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Officer Comment*: If prior approval is granted the EH's comments would be an informative on the decision notice.*

Environmental Health

Whilst the submitted Demolition Phase Plan does not fully incorporate all dust mitigation measures requested by Environmental Health, it contains a range of proportionate dust and noise controls, including water suppression, stockpile management, visual dust monitoring, complaints management procedures, site contact information and adherence to Best Practicable Means. Having regard to the site's location within a predominantly marina and estuarine setting, the separation distance to the nearest sensitive residential receptors (approximately 95 m), and the relatively low likelihood of significant off-site dust impacts, the submitted measures are considered sufficient to minimise the risk of statutory nuisance. On this basis, Environmental Health has no objection to approval of the Demolition Phase Plan.

Councillor Netty Shepherd

No comment received

Councillor Michael Rennie

No comment received

Councillor Mark Coates

No comment received

Ecologist

Thank you for consulting me on this application, which is now accompanied by a Preliminary Ecological Appraisal (EcoSupport, June 2025) and a Preliminary Roost Assessment & Phase II Bat Survey (EcoSupport, August 2025). These reports were commissioned in the context of a previous planning proposal for the erection of dwellings, but provide sufficient information for the current prior notice submission.

The site was subject to ecological survey andwithin the footprint of the proposed demolition worksfound to contain hard surfacing, a vegetated overgrown garden, and the dwelling. I am content that overall, the application site is of limited biodiversity value. The dwelling was found to offer low potential for supporting roosting bats and therefore a single evening emergence surveys was carried out in late July. No bats were observed emerging from the dwelling and it is concluded that roosting bats are not currently present.

No further ecological survey information is required. If you are minded to grant permission, can I suggest that ecological avoidance and mitigation measures are secured by condition. Suggested wording is as follows:

Development shall proceed in accordance with the ecological impact avoidance and mitigation measures as detailed in the Preliminary Roost Assessment & Phase II Bat Survey (EcoSupport, August 2025) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to avoid or mitigate potential impact pathways affecting the adjacent Chichester & Langstone Harbours Special Protection Area (SPA) and Chichester Harbour Site of Special Scientific Interest (SSSI) and should include roles, responsibilities, and methods. Reason: to protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Thank you for consulting me on this application, which is now accompanied by a Construction Environment Management Plan (MDL Marinas, August 2026). This document includes proposals for the avoidance/reduction of the potential impacts of noise, and airborne and waterborne contaminants on the nearby Chichester & Langstone Harbours Special Protection Area.

The proposed development should proceed in strict accordance with the submitted CEMP.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site notice	Requirement	27.07.2026	August 2026	Requirement

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 5

Number of representations received: 0

Material planning considerations are addressed in Section 7.

7 Planning Considerations

7.1 Having regard to Schedule 2, Part 11, Class B of the GPDO and the separate requirements of the Habitats Regulations, the main issues arising from this application are:

(i) Principle of development
(ii) Method of demolition and proposed restoration of the site
(iii) Habitat Regulations

Principle of development

7.2 The GPDO grants a general permission for the demolition of buildings, with only the method of demolition and any proposed restoration of the site reserved for further consideration via the 'prior approval' process.

7.3 On 26th August 2026, following initial consideration of representations and consultation responses received, it was confirmed that Prior Approval was required in respect of the method of demolition and any proposed restoration of the site. This report therefore goes on to assess the application proposals in this respect.

(ii) Method of demolition and proposed restoration of the site

Residential amenity

7.4 There are residential properties located to the south of the site. The process of demolition has the potential to adversely affect the amenity of these properties by reason of dust, noise and general disturbance.

7.5 The applicant has submitted a Demolition Phase Plan and Method Statement with this application . These contain details such as use of a dust suppression unit in order to reduce impact from dust pollution while demolition works are taking place. The site supervisor will monitor noise levels on a weekly basis (demolition is expected to take 4 weeks total) or during particularly potentially noisy activities.

7.6 The Environmental Health officer has been consulted in this regard and has reviewed the mitigation measures suggested by the applicant in the Demolition Method Statement. They have made the following comments:

Having regard to the site's location within a predominantly marina and estuarine setting, the separation distance to the nearest sensitive residential receptors (approximately 95 m), and the relatively low likelihood of significant off-site dust impacts, the submitted measures are considered sufficient to minimise the risk of statutory nuisance. On this basis, Environmental Health has no objection to approval of the Demolition Phase Plan.

7.7 The impact on residential receptors is therefore considered to be acceptable and in accordance with policy DM10 of the Havant Borough Local Plan.

Proposed restoration of the site

7.8 Following demolition the ground will be made level with plant and equipment to be removed from the site. Further details are provided in the submitted management plan. As such it is considered that these details are acceptable with regard to the method of demolition and the proposed restoration of the site, in the terms laid out for permitted development.

(iii) Habitat Regulations

7.9 The proposed development is adjacent to the Chichester and Langstone Harbours SPA site/ RAMSAR .

7.10 The proposals have the potential to affect SPA functional land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. The site affected (H30) is classed as a 'Primary Support Area' and supports Solent Waders and Brent Geese.

7.11 Given the site's proximity to internationally designated habitats, Havant's Ecologist was consulted on the proposal. An Ecological Report submitted in support of the application concluded that the site has limited biodiversity value. The dwelling was identified as having low potential to support roosting bats and, consequently, a single evening emergence survey was undertaken in July 2025. No bats were observed emerging from the dwelling and the report concluded that roosting bats are not present. On this basis, no further ecological survey work was considered necessary.

7.12 Notwithstanding the above, Havant's Ecologist advised that ecological mitigation would be required during construction and requested the submission of a Construction Environmental Management Plan (CEMP). The Ecologist also recommended that the mitigation measures identified within the *Preliminary Roost Assessment and Phase II Bat Survey (EcoSupport, August 2025)* be implemented as part of the development.

7.13 The applicant subsequently submitted a CEMP, which has been reviewed and accepted by Havant's Ecologist. Natural England was re-consulted on the additional information and has raised no objection to the proposal, subject to the implementation of the measures contained within the CEMP.

7.14 To concluded both Havant's Ecologist and Natural England advise that the development should be carried out in accordance with the approved CEMP, with the Ecologist advising that the development should be carried out in accordance with the ecological mitigation measures identified within the *Preliminary Roost Assessment and*

Phase II Bat Survey. Natural England's advice regarding the use of heavy machinery relates to the overwintering bird period (October to March inclusive) rather than the bird nesting season. Whilst the prior approval process under Class B does not provide a general power to impose additional discretionary conditions, paragraph B.2(b)(viii)(aa) of Schedule 2, Part 11 requires the development to be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The CEMP and ecological mitigation documents therefore form part of the approved details and must be adhered to throughout the development. In addition, paragraph B.2(b)(ix)(aa) requires the development to be carried out within five years of the date of this approval.

8 Conclusion

8.1 The GPDO grants a general permission for the demolition of buildings, with only the method of demolition and any proposed restoration of the site reserved for further consideration via the 'prior approval' process.

8.2 Following the submission of additional information and re-consultation with key consultees, it is considered that the proposals now incorporate appropriate levels of control and mitigation, and it is considered that Prior Approval can be granted. The works will need to be carried out in accordance with the approved details

---

9. RECOMMENDATION:

That the **Head of Planning and Growth** be authorised to **GRANT PRIOR APPROVAL** for application APP/26/00556 subject to the following conditions:

Conditions:

1 The development must be carried out within a period of 5 years from the date on which this approval is given.
Reason: To comply with Part 11 paragraph B.2 (ix) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and other details:

Photograph of site notice posted by agent uploaded on the 29.07.2026
Building location plan uploaded on the 29.07.2026
Demolition Method Statement uploaded 20.10.2026
Construction And Environmental Management Plan REV 001 dated 27.08.2026
Demolition phase plan uploaded on the 20.10.2026
Demolition covering letter dated 28.07.2026
Preliminary Ecological Appraisal ECOsupport Ltd August 2025
Preliminary Roost Assessment and Phase II Bat Surveys ECOsupport Ltd August 2025

Reason: To comply with Part 11 paragraph B.2 (viii) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Informatives:

1 Works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (October to March inclusive).

2 Contractors adhere to pollution prevention best practice guidelines including the use of materials that are not toxic to the marine environment, use of accelerants in concrete to ensure fast setting, and measures to ensure no leakage of materials (e.g. concrete) into the marine environment.

3 Environment Agency

Environmental permit – Flood risk activities The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any of the following activities:

- erecting any temporary or permanent structure in, over or under a main river, such as a culvert, outfall, weir, dam, pipe crossing, erosion protection, scaffolding or bridge
- altering, repairing or maintaining any temporary or permanent structure in, over or under a main river, where the work could affect the flow of water in the river or affect any drainage work
- building or altering any permanent or temporary structure designed to contain or divert flood waters from a main river
- dredging, raising or removing any material from a main river, including when you are intending to improve flow in the river or use the materials removed
- diverting or impounding the flow of water or changing the level of water in a main river
- quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river
- any activity within 8 metres of any flood defence structure or culvert on a main river, or 16 metres on a tidal river
- any activity within 16 metres of a sea defence structure
- activities carried out on the floodplain of a main river, more than 8 metres from the river bank, culvert or flood defence structure (or 16 metres if it is a tidal main river), if you do not have planning permission (you do not need permission to build agricultural hay stacks, straw stacks or manure clamps in these places)

For further guidance please visit Flood risk activities: environmental permits - GOV.UK or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.