



### **3 Proposal**

- 3.1 The proposal seeks permission for the demolition of the existing 4 bed chalet bungalow, to be replaced with a 3-bed detached dwelling, with a balcony to the front elevation. The proposal would incorporate the existing two storey outbuilding to the rear, to be reduced in height by approximately 0.5m to form single storey accommodation only, with a cat slide roof to the west. A part integral 2 bay open fronted car port is proposed, with an existing access and turning area to the front.

### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Chichester Harbour AONB SPD

Havant Borough Local Plan (Core Strategy) March 2011

|      |   |
|------|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS12 | (Chichester Harbour Area of Outstanding Natural Beauty (AONB))                    |
| CS15 | (Flood and Coastal Erosion)   |
| 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)           |
| DM9  | (Development in the Coastal Zone)   |

Havant Borough Local Plan (Allocations) July 2014

|      |   |
|------|---|
| AL1  | (Presumption in Favour of Sustainable Development)  |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| DM23 | (Sites for Brent Geese and Waders)  |

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

IN3 - Transport and New development  
E1 - High Quality Design  
H1 High Quality New Homes.

E3 - Landscape and Settlement Boundaries  
E4 - Development on the Coast  
E19 - Managing Flood Risk in New Development  
E5 - Chichester Harbour AONB  
E22 - Amenity

The emerging Emsworth Neighbourhood Plan (ENP) has limited weight. The relevant policies in the emerging ENP are:

L1 General Housing Policy  
L4 Independent Living  
H1 Design & Heritage  
WF1 Public Enjoyment of the Waterfront  
D1-D7 + Design Checklist  
M4 - Cycle storage provision

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

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

### **Building Control**

- 1) Public Sewer cross rear of site and new development will go over the top of the sewer Consult with SWS.
- 2) Bedroom 3 has insufficient Means of Escape provisions as required by Approved Document B
- 3) Location of solid waste storage as required by Approved Document H has not been shown
- 4) Providing west elevation boundary is 1m or more from new dwelling unprotected area (windows) under Approved Document B will not be an issue
- 5) Building Regulation application will be required for this work

**Officer comment:** *The results of the Southern Water consultation are set out below. Other matters raised are for resolution under the separate Building Regulations application that will be required for the proposal.*

### **Chichester Harbour Conservancy**

No objection, provided:

(a) the council is satisfied that no part of the existing dwelling to be demolished is currently being used as a bat roost;

(b) that the council negotiates repositioning of the footprint backwards into the plot, to at least be no nearer the harbour than the existing chalet bungalow, with removal of the front rooflight window; and,

(c) and subject to the following planning conditions being imposed: -

- Agreement of a Construction Environment Management Plan, to ensure that the public right of way in front of the site is not obstructed during the build process;
- Samples of external facing and roofing materials to be agreed (with the Conservancy's preference of colour finishes of a dark hue); and,
- Consideration being given to the incorporation of bat or bird boxes into the fabric of the new dwelling, to achieve a net gain to biodiversity.

## **Community Infrastructure, Planning Policy & Urban Design**

CIL Liabale - we note CIL Form 7(1) has been submitted.

As this is a replacement dwelling the Solent Recreation Mitigation Strategy does not apply.

### **Council's Ecologist**

The dwelling is considered to offer negligible potential for supporting roosting bats and no further survey works are considered necessary. I am content that impacts to protected habitats and species within the site boundary are minimal.

The key issue here is the proximity of the site to Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC which are situated c20m from the site. There is clearly potential for construction-phase activities to result in impacts to these sensitive sites through noise and visual disturbance and airborne and waterborne pollution. These potential issues should be addressed primarily through the adoption of sound construction working methods including pollution prevention. If carried out during the overwintering bird season (October to March inclusive), there should be a restriction on percussive or other intensive noise events. Current Natural England advice is that noise levels at or below 67dB are acceptable.

If you are minded grant permission can I suggest that a Construction Environment Management Plan (CEMP) is secured by condition. This should include details of measures to avoid construction impacts to the adjacent designated sites arising from noise, visual disturbance, airborne and waterborne pollution.

### **Crime Prevention**

No comment.

### **Southern Water**

#### Initial Comment

Building over existing sewers on new development sites or re-development sites is not permitted. The 225mm diameter sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer. No soakage shall be located within metres of public sewers.

Southern Water requests that this application is not determined until such time as the applicant produces a suitable layout. The applicant shall investigate the below options, in order:

1. Amend the site layout to maintain the public sewer standoff distance of 3m.
2. It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
3. If all of the above options are not feasible, the applicant may wish to enquire with Southern Water if the construction over the sewer can be allowed (a formal Building Over Public Sewer application is required). In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

### Revised comments

The proposed construction is in accordance with details approved under Building Over and Close to Public Sewer application (our ref DS\_BOS-111137) is acceptable to Southern Water.

We would find unsatisfactory lack of proposals to amend the development site layout to maintain the public sewer statutory standoff distance of 3m.

No soakaways shall be located within 5 meters of public sewer.

### Final comments

Our current position is that we are accepting the development layout to be constructed in accordance with details approved under our process ref DS\_BOS-111137 due to the development layout being requested by the planning authority.

The clarifications provided by the applicant state that:

The proposed building was initially pushed southwards to achieve the 3m clearance, however the planning officer requested that the building must be pushed back northwards in order to retain the same building lines to the neighbouring properties and therefore meet the planning requirement. This means we have no other option but only to encroach the existing sewer which reduces the standoff distance to less than 3m and achieving approximately 1.6m standoff distance (see attached site layout).

I would like to highlight that the justifications provided indicate that in order to meet the requirements of Council's Design Supplementary Design Guide regarding the line of the building, the applicant was requested by the planning authority to move the building northwards, without any need to adjust possibly the scale of the building to maintain Southern Water statutory rights with regards to access to public sewer. This is not considered by Southern Water as desired approach when approving new structures in proximity of our public apparatus (which shall be considered as restriction on the development site).

***Officer comment:*** *Drainage issues are considered at Section 7(vi) of the Planning Considerations.*

### **Environment Agency**

No comment.

### **Hampshire Biodiversity Information Centre**

No comment.

### **Hampshire Highways**

As this is a replacement dwelling served by a private drive this application is covered by the Standard Advice on highway matters issued last year.

### **Hampshire Wildlife Trust**

No comment.

### **Natural England Government Team**

#### ***Noise disturbance***

To address the potential for disturbance to qualifying features of the Chichester and Langstone Harbours SPA during construction, the following condition is recommended:

Wherever possible, percussive piling or 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 (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service.

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

### ***Construction Environmental Management Plan***

Natural England also advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the local planning authority that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on designated sites, species and habitats. The CEMP should address the following impacts:

- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Noise/visual/vibrational impacts.

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.

### ***Chichester Harbour Area of Outstanding Natural Beauty***

The proposed development is close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the

Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### **Biodiversity and protected species**

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We encourage all developments to achieve a net gain in biodiversity. The attached Annex A includes opportunities for enhancement such as planting native species in gardens and landscaping, as well as the addition of bird and bat boxes. Net gain is also possible for small scale development where there are limited opportunities on-site as contributions can be taken for offsite projects to help enhance the wider biodiversity opportunities in the Borough.

For example, proportional contributions could be taken to plant new trees in the Borough, provide new bat and bird boxes, help manage the Borough's wildlife sites etc.

### **Planning Policy**

#### Policy Status

The Core Strategy and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the Borough. The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and must be afforded some weight.

The following policies in the adopted Local Plan are of particular relevance:

- CS11 Protecting and Enhancing the Special Environment and Heritage
- CS12 Chichester Harbour AONB
- C15 Flood and Erosion Risk
- CS16 High Quality Development
- CS17 / AL2 Development in the Urban Area
- DM8 Conservation, Protection and Enhancement of Existing Natural Features
- DM9 Development in the Coastal Zone
- DM13 and DM14 Car and Cycle Parking on Development

SPDs:

- Parking SPD
- Chichester Harbour AONB SPD

In the Pre-submission Plan the following policies are of particular relevance:

- IN3 Transport and Parking in New Development
- E1 High Quality Design
- E3 Landscape and Settlement Boundaries
- E5 Chichester Harbour AONB
- E16 Solent Special Protection Areas
- E19 Managing Flood Risk in New Development
- H1 High Quality New Homes

In addition, it should be noted that the Emsworth Neighbourhood Plan has reached an advanced stage of preparation. It was submitted to the Local Planning Authority in April 2019, and therefore must be afforded some weight in decision making. The following policies are of particular relevance to this proposal:

- L1 General Housing Policy
- L4 Independent Living
- H1 Design & Heritage
- WF1 Public Enjoyment of the Waterfront
- D1-D7 + Design Checklist

#### Principle of Development

This proposal is for a redevelopment of an existing residential plot - a brownfield site within the urban area. The principle of development is therefore accepted, and the determination will be based on the detail of the proposed scheme.

#### Flood Risk

The site lies on the waterfront. Neither the site nor the access road are in the current day flood zones, but are affected once climate change is taken into account.

A sequential test or full Flood Risk Assessment are not required for this application. However, given the future flood risk, the applicant should demonstrate in a Flood Risk Statement that the new dwelling will be safe for the lifetime of the development, and the development should incorporate site specific flood protection, resilience and resistance measures as appropriate.

#### Protected Sites

The site fronts onto the Chichester and Langstone Harbours Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation. Particular regard should be had to these designations both during the construction and the occupation phase. Natural England and/or the council's ecologist can advise further. A contribution to the Solent Recreation Mitigations Strategy will also be required.

#### Access to the Waterfront

Both the Local Plan and the emerging Emsworth Neighbourhood Plan seek to safeguard existing accesses to the waterfront. This proposal does not affect public access along Western Parade, and is therefore policy compliant in this regard.

#### Design Quality & Chichester Harbour AONB

Similar to CS16 in the adopted plan, Policy E1 of the new Local Plan seeks high quality design in all developments.

Crucially, the site lies within the Chichester Harbour Area of Outstanding Natural Beauty. Particular regard must therefore be had to the impact of the proposal on the qualities of the AONB. Detailed design guidance is contained within the Chichester Harbour AONB SPD, which should be taken into consideration in determining whether the detail of the proposal is acceptable.

In addition, the emerging Emsworth Neighbourhood Plan includes a suite of design policies, and a design checklist, which should be taken into consideration, if with limited weight.

L1 General Housing Policy  
L4 Independent Living  
H1 Design & Heritage  
WF! Public Enjoyment of the Waterfront  
D1-D7 + Design Checklist

#### Residential Standards

Under the emerging Local Plan, a number of new standards are expected in new residential development. This include internal space standards (Policy H1), low carbon design (Policy E12) and electric vehicle charging (IN3). The Emsworth Neighbourhood Plan similarly sets expectations for new residential development. Notably under Policy L4b 'Redevelopment of existing residential properties should include design measures to support independent living.'

These polices do not yet have full weight, but compliance with them should nevertheless be sought and weighed up in the determination of this application.

#### Conclusion

Being a replacement dwelling an existing residential plot, the principle of development is accepted. The determination of this application is down to consideration of the detail design, taking into account the proximity of the protected harbour, the AONB and the focus on design in the Emsworth Neighbourhood Plan, as well as flood risk and the residential standards in the emerging Local Plan.

#### **Royal Society for the Protection of Birds**

No comment.

#### **Waste Services Manager**

No comment.

## **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: 6

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 23

The following is a brief summary of Objections raised. Most of the issues are addressed below in Section 7. Where this is not the case, Officer's comments are set out below.

## 6.1 Objections:

### Character and appearance of the area

- Overdevelopment of the site.
- Scale, massing, bulk, height and width, excessive & disproportionate
- Design inappropriate
- Forward of building line
- Precedent
- Out of keeping
- Out of character
- Two storey across width of plot, reduction in size needed
- Other development refused when across width of plot
- Should be single storey to side
- Detrimental to visual amenities and spatial characteristics of street scene & Harbour
- Dark material unacceptable

### Overlooking/Overbearing

- Loss of privacy
- Loss of light
- Loss of outlook
- Overlooking to property and garden
- Too large
- Overbearing/oppressive to living environment

### Impact on light

- Loss of light
- Loss of sunshine
- Overshadowing
- Effect on daylight

### Views

- Loss of view
- Restrict views over Chichester Harbour

### Flooding

- Concerns over flood risks
- Displacement of surface water
- Raising of development

### Ecology

- Bats recorded in the locality

### AONB

- Adverse impact

### Policy

- Contrary to Policies CS12 and CS16 of the Local Plan
- Contrary to Emsworth Neighbourhood
- Contrary to Havant Design Guide
- Contrary to NPPF
- Lack of engagement with the community

### Ownership and rights

- Development outside of site

### Other Matters

- Inaccuracies in plan
- Additional surveys needed
- Improper placement of site notice
- Concerns how Council will determine applications
- Infrastructure concerns
- Layout of proposal, may provide an additional bedroom

**Officer comment:** *The majority of the issues raised are addressed in Section 7 below. It is considered that no further information is required to assess the proposal.*

*The determination of this application by the Development Management Committee at the discretion of the Director of Regeneration and Place is in accordance with the Council's adopted Constitution to ensure fairness to all.*

*If planning permission is granted, insofar as any development is involved outside of the applicant's ownership, then implementation of that development would be a private matter between the parties involved.*

## **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 and the AONB.
- (iii) Impact upon residential amenity
- (iv) Highways and parking
- (v) Ecology
- (vi) Flood risk, drainage & sewer line
- (vii) Community Infrastructure Levy (CIL) and developer contributions

- (i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. In this context the principle of a one for one replacement dwelling is acceptable.

7.3 The existing dwelling sits forward of the building line between Beach Road to the west

and Kings Road to the east. The building line in this block of residential development does not run in a straight line, as it has a degree of staggering from the site to the east. The application has been the subject of a number of amended plans, and the involvement of a Local Member who originally requested the proposal go to the Development Management Committee, but following amended plans, withdrew this request.

7.4 The changes to the original scheme have included:

- Setting the proposal back into the site to be more in line with the building line of Nos 9 and 11 - it will lie approximately 4.8m from the edge of the porch of the existing property, or 2.7m from the front facade of the existing property.
- Removed the pitched roof element to the front porch and redesign of the open porch element, which traverses the front of the property;
- Stepped part of the balcony back on the west side of the proposal, which now runs across the front of the property;
- Replaced the originally proposed two-storey pergola with a single storey pergola on the east elevation;
- Reduced the double storey element originally proposed to a single storey on the east elevation, with a mono pitched roof;
- Removed a first-floor window on the east elevation;
- Raising the ground floor level of the development by approximately 0.5 m to address future flood risk; and
- Reduction in floor space by approximately 50 sqm.

7.5 During the application process, it was claimed that part of the proposal over hung the property to the east (No. 9) and access issues were raised. This was found to be the case with the cladding (to be replaced with rendering) and guttering overhanging the boundary of No. 9 Western Parade. As required, a Certificate B was sought and subsequently served on the owner. Any possible access issues would be purely a private matter between the parties involved.

7.6 A number of objections have been received to the original proposal and to the amended schemes, a summary of which has been set out above. Due regard has been given to all material planning considerations raised by third parties and negotiations have taken place to seek to resolve some of the issues raised.

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

#### Building Line

7.7 The existing dwelling sits forward of the building line between Beach Road to the west and Kings Road to the east. The existing building line in this block of residential development does not in itself run in a straight line, due to the design and siting of the properties, which including the existing dwelling, and those to the east.

7.8 The proposal has been moved back into the site by approximately 2.7m from the front elevation of the original dwelling or approximately 4.8m from the front of the porch (this excludes the proposed balcony). The balcony, which is staggered in size, is set back from the original front elevation by approximately 0.9m at its widest point; at its narrowest by approximately 1.6m. The proposed balcony would be forward of the front projection of No.9 Western Parade by approximately 0.2m, with the front wall of the proposal in line with the remainder of this property. As to No. 11 Western Parade the front flank wall would be forward of this property by approximately 0.3m, with the balcony, which would be shorter in depth at this end, projecting out by approximately 0.5m. The position of the property would be in keeping with the building line to the east which as stated above is not straight but slightly staggered. Therefore, as regards the existing building line, the proposal, on balance, is considered to be acceptable, and in general conformity with the

guidance in the Design Guide SPD and adopted and emerging policy.

### Design

- 7.9 Policy CS16 of the HBLP (and policies in the emerging local plan, Emsworth Neighbourhood Plan and national advice) requires that development is of a high standard and amongst other requirements states: "Uses the characteristics of the locality to help to inform the design of the new developments including heights, massing, existing building lines, plot width and depths, materials and proportions of windows and doors." This reflects the advice in the NPPF.
- 7.10 Being a foreshore property, the site is highly visible from the Chichester AONB and in a prominent public position. The existing chalet bungalow, which from a street scene perspective is 'read' with the two-storey rear outbuilding on the eastern boundary, has no particular redeeming design features, forming a weak element to other dwellings along Western Parade. Attached to the existing bungalow on the west boundary is a single storey unattractive flat roof extension, which abuts the western boundary with No. 11 Western Parade.
- 7.11 The proposal would be colonial in style, which would be two storeys across most of the width of the plot, with the main element of the pitched roof running north to south with gable ends, which reflect other development within this part of the Parade. The proposal would incorporate the existing two-storey annexe to the rear, converted to single storey, which abuts the eastern boundary. With the exception of No. 11 to the west, there are larger spaces between the houses along this row of development provided by garages or single storey extensions.
- 7.12 Concerns have been raised over the design, which is different from other properties within this row of development, or the wider locality. However, within the locality and the wider area, residential development is mixed with a variety of house styles and materials. The proposal would add to this mix in style, design and materials and would reflect the varied nature of the area, which would not create a precedent for further development, as each application is determined on its individual merits. As to the original dark materials for the cladding, which was supported by the Chichester Harbour Conservancy (CHC), considerable objections were raised to this colour. The material for the cladding has been amended to a light grey, with slate roof tiles and powder coated aluminium glazing, which would be more in keeping with the street scene and long-distance views. As to the other comments of the CHC, the roof light to the front has not been removed, as it is considered to be in keeping with the design. If permission is forthcoming, then a condition requiring material samples to be submitted is recommended, as is a bat box to seek to secure net biodiversity gain.
- 7.13 Having regard to the mixed nature of residential development within the immediate and wider locality, it is considered that the proposal, on balance, would not detract from the character and appearance of the area, and would add to the diversity of design and styles that prevails in the locality.

### Size, massing and height

- 7.14 Concerns have been raised regarding the size, massing and height of the development and the potential adverse impact the proposal would have on the locality and neighbouring properties. Following negotiations, the overall scale has been reduced by changes to the south and east elevations, which include the replacement of the two storey element on the east elevation to single storey, and the removal of the pitched roof from the front porch, the redesigning of the front open porch and a reduction in the overall floor space. These changes to the design have reduced the overall scale and massing of the development, whilst its prominence in the street scene has also been reduced by

the setting back of the development into the site from the existing front wall by approximately 2.7 m.

- 7.15 The proposal would result in a colonial style two storey replacement dwelling, with the main part of the development being approximately 14.7m x 11.7m x 6.3m in size. The maximum roof height has increased by approximately 0.2m from that of the original dwelling, albeit it is very different in design to the original roof. Overall, the development would be slightly lower than the properties to the west and east, with two gables facing south and north. The single storey element would be approximately 6.9m x 8.2m x 5.m in size, a reduction in height of approximately 0.5m. The overall internal floor area, following negotiations, would be approximately 270 sqm, which is an increase of 41 sqm over the original dwelling. As to the size of properties within this row of housing, they tend to be large detached properties - this is reflected in the development, which would not be out of keeping with the diversity of house styles within the locality or the character and appearance of the area.
- 7.16 As to space about the building, it is accepted this would be reduced by the proposal, as the existing single storey extension to the west would be replaced with a two storey element, set further into the site, and the vehicular access to the east would be developed in part by a single storey pergola and single storey element. The proposal's width would be more in keeping with the immediate property to the west (No. 11), which goes across the site, than other developments within this row of properties. The space about the building within the site would be approximately 1.3 m to the west (currently the single storey directly abuts this boundary) and 0.3m to the east within the site (width currently approximately 2.7m, except in the case of the existing two storey outbuilding which directly adjoins the boundary). With regard to the development on the east elevation, this has been reduced to a part single storey pergola, part single storey element with a catslide roof (reduced from two storey) and a single storey rear extension, reduced from its current two storey form. This profile would help break up the eastern facade (and southern facade) creating greater skyline and reducing the mass when viewed from the south and north.
- 7.17 As to the western boundary, the main part of the roof runs south to north, so the roof, which is shallow, is hipped away from No. 11 (as it is to No.9). Due to the separation of 3.25m between the two properties, it is considered that the proposal would not be over-bearing or dominant to the neighbouring property or the street scene.
- 7.18 Turning to the representations received in connection with the proposals, as to any existing sea views from Warblington Road over the applicant's land, this is not a material planning consideration and does not form part of the consideration for this proposal. As to how applications were negotiated/determined before along this row of properties by the Local Planning Authority, this would have been on the merits of the proposals at the time of their determination. As to the two refusals referred to (references 07/71371/002 and 08/72956/000), whilst they refer to the building bulk and the impact on residential amenity, they were not refused on the grounds of loss of space around the proposal. The current proposal has to be determined on its individual merits, having regard to all material planning considerations. On balance, the size, massing and height of the proposal as amended would not be overly visually prominent or dominant in the street scene or in respect of neighbouring properties and therefore would not be at odds with the guidance in the Design Guide SPD and adopted and emerging policy.

#### AONB

- 7.19 Section 85 of the Countryside and Rights of Way Act places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. Natural England and the Chichester Harbour Conservancy have raised no objection to the proposal, and have not

argued that it would fail to conserve or enhance the natural beauty of the AONB.

7.20 In summary, the proposal would replace an existing dwelling, which has little in the way of architectural merits. In replacing this with a modern dwelling of attractive colonial design, it is considered that the proposal would overall improve the appearance of the site, and would conserve the special quality of the Chichester Harbour AONB in terms of its natural beauty, in accordance with Policy CS12 of the HBLP (Core Strategy), emerging policy and the advice in the NPPF.

(iii) Daylight/sunlight/impact on neighbours' amenities

7.21 The principal properties directly impacted by the replacement dwelling are Nos.11 and 9 Western Parade, as well as the Warblington Road properties to the rear. As assessment of the impact of the development on each of these follows.

No. 11 Western Parade

7.22 The existing dwelling faces south. No 11 lies to the west. Amongst other representations made in respect of the impact of the development on No.11, the separation distances between No. 11 and the proposal have been challenged. This has been raised with the applicant's agent, resulting in dimensions being shown on the Block Plan, which is also scaled. It is understood that the separation between the two properties was agreed between the parties involved, before the submission of the Block Plan. Notwithstanding this, the submitted Block Plan shows the overall measurements between the two properties as 3.25m, whereas it is claimed that the distance is between 1.5m - 1.7m from the boundary, which overall would be a separation of between approximately 2.75m to approximately 3m. To avoid any misunderstanding and to ensure compliance with the details on the Block Plan, if permission is forthcoming a condition is recommended stipulating that the separation between the proposal at No. 10 and the western elevation of No. 11 Western Parade should be a minimum of 3.25m. Subject to this, the revised details submitted have addressed issues raised concerning inconsistencies with the plans and No. 11 previously submitted.

7.23 The existing property has a single storey extension that abuts part of the western boundary, with the remainder of the property staggered further back into the site. The distance between the existing dwelling and No. 11 to the west, at its closest point is approximately 2m. The location of the existing property, due to its proximity, would result in the loss of some sunlight during the morning to the ground floor eastern windows at No.11. As the sun moves to the west, No. 11 would create its own overshadowing and loss of light to these windows. There are four windows on the east elevation of No 11. Three at ground floor, which service a toilet and kitchen area, the latter of which is part of an open plan dining/lounge area, with windows to the south, north and east. The window at first floor services a bathroom. The windows on No. 11 that are likely to be affected by the existing property to varying degrees is the closest southern window at ground floor, and the three ground floor windows on the eastern elevation. Therefore, the existing dwelling causes a degree of loss of daylight/sunlight to the windows on the east elevation of No. 11, which is material to the determination of this application.

7.24 The proposal would introduce a two storey element with a separation distance of 3.25m from No. 11. On balance it is considered that, having regard to the existing overshadowing and light from other windows into the ground floor open plan area at No. 11, the proposal would not materially impact in daylight and overshadowing terms to No. 11. Concerning the bathroom at first floor this is not primary accommodation. Therefore coupled with the separation distance of 3.25m, which is considered to be appropriate, little weight may be given to overshadowing or loss of light caused by the proposal to this room.

- 7.25 The existing two storey outbuilding to the rear has windows on the ground and first floor, the latter of which overlooks the garden of No. 11. This element would be reduced in height by approximately 0.5m, with the roof on the western side lowered to create a pergola. The reduction in height of this building would remove the windows at first floor level. Glazed doors would replace the windows at ground floor level. Due to a wall along the western boundary, which is approximately 1.6m in height, the reduction in height of the two storey outbuilding would remove the overlooking currently being experienced by the occupiers of No. 11.
- 7.26 Dimensions show that in relation to the existing bungalow on the application site, the proposal has been set back approx. 4.8m from the front of the porch and 2.7m from the front of the existing property. The 45-degree test set out in the Borough Design Guide SPD has been satisfied with regard to the closest south facing windows on No. 11. The balcony at first floor has been stepped back to reduce overlooking into the of No.11, and if permission is forthcoming a condition is recommended that screens are provided on the west and east side of the balcony, to remove the potential of overlooking into neighbours' bedrooms.
- 7.27 Two long, narrow windows are proposed at ground floor on the western elevation of the proposal. There is a wall approximately 1.8 high along the western boundary. Due to the existing wall, there would be no overlooking into the three ground floor windows of No. 11.

#### No 9 Western Parade

- 7.28 No. 9 lies to the east and has recently been constructed. When planning permission was granted for this property, the ground floor level of the property was raised by 0.5m, which is in line with the current proposal for No.10, which has also been raised by 0.5m from that existing. However, the overall height of the replacement dwelling at No.10 would still be in line with the ridge heights to No. 11 and No. 9 and would not dominate the street scene or neighbouring properties.
- 7.29 Concerning the development on the east elevation, this would incorporate the existing two storey outbuilding with a pitched roof which abuts the eastern boundary. This would be reduced in height by approximately 0.5m. This outbuilding's existing and proposed guttering would overhang No.9. Notice has accordingly been served on No. 9 as required by planning regulations and any access issue would be purely a private matter between the parties involved.
- 7.30 The two-storey element originally proposed on the eastern side on the proposal has been replaced with a single storey pergola and a single storey element, which would reduce the bulk on this elevation from a street scene perspective and on No. 9. Originally there were two windows at first floor on the revised elevation; one servicing a bedroom, the other a bathroom. The former has been moved to the rear to avoid overlooking, tucked behind the catslide roof of the single storey element; the latter would be the subject of a condition, if permission is forthcoming, that would require it to be obscurely glazed and top opening only, in the interest of residential amenity. No windows are proposed on the ground floor of this elevation, with roof windows in the roofs, so there would be no overlooking of No. 9 from this elevation. The open pergola element on the eastern boundary and the reduction in height of the two storey elements would help add to a sense of space around the building.
- 7.31 No. 9 is in the final stages of being replaced with a new dwelling. On the west side of No. 9 is an access to a garage to the rear, with an open single storey covered area attached to the side of the main house. There are three windows on this elevation: two on the ground floor and one at first floor. Due to the single storey covered area, one of the ground floor windows, which services a utility room, is shaded by this structure. The other

window at ground floor services a shower/WC room which is not primary accommodation and little weight would be given to any impact the proposal would have on this window. As to the window at first floor this service a living/dining and kitchen area, which benefits from other windows to the north and south. Between the two properties is a fence approximately 1.6m in height, partly trellised. Due to the separation between the two properties, which would be approximately 6m, the proposal would not cause significant harm to the amenities of the occupiers of this property.

#### Properties in Warblington Road to rear

- 7.32 The main part of the dwelling has been set back further into the site, by approximately 2.7m, due to concerns regarding the building line, the street scene and overshadowing of the southern window to the property to the west. This has moved the proposal closer to the rear boundary. A degree of overlooking would be experienced from the existing property to properties in Warblington Road, which benefits from a 1.8 m fence and vegetation to the rear. The proposal would not materially change the position, with a separation distance to the rear fence of approximately 23m, with this distance more than doubled to the property to the rear, which would exceed that required by the Borough Design Guide SPD (ie 20 m.).
- 7.33 As to the impact of overlooking from windows at first floor to the rear on neighbouring properties, this would be of an oblique nature, and similar to those of neighbouring properties and to be expected within a residential area.
- 7.34 As to any existing sea views from Warblington Road over the applicant's land, as stated above, this is not a material planning consideration and does not form part of the consideration for this proposal.
- 7.35 In the overall planning balance and having due regard to all material planning considerations, it is considered that the proposal would not appear overbearing or lead to significant overlooking or loss of light and would have a limited and acceptable impact on the properties immediately adjacent to the application site and the properties to the rear in terms of residential amenity, meeting the requirements of Policy CS16 of the HBLP (Core Strategy) and emerging policies. However, to bring under control any future extensions to the proposal, it is recommended that permitted development rights be removed.

#### (iv) Highways and parking

- 7.36 Access to the site is via an unmade single width road, but as a proposal for a replacement dwelling the scheme does not alter the access arrangements which continue to be acceptable. Two on site parking spaces are shown together with an area to turn at the front. The proposal replaces a 4-bedroom house and annexe with a 3 bedroom dwelling, albeit it has been suggested in representations received that the potential would be to convert one of the room to a 4th bedroom at a later date. Notwithstanding that this would only result in the number of bed spaces at the site being equivalent to that already existing, this representation is not directly material to the determination of the proposal, as it may only be considered on its individual merits, not what may or may not happen in the future. The two parking spaces meet the requirements of Havant's Parking Supplementary Planning Document and Policy DM13 of the Local Plan and emerging policy.

#### (v) Ecology

- 7.37 The proposal is a for a one to one replacement dwelling, with a reduction in bedrooms from 4 to 3. This proposal would not result in any increase in the number of dwellings within 5.6km of the Solent SPAs, nor any increase in overnight accommodation which

might affect water quality in the SPAs. As such the proposal would not result in any likely significant effects on the SPAs by reason of either recreational disturbance or water quality, and no mitigation measures are required.

- 7.38 The issue of bats being observed within the locality has however been raised in representations, and in accordance with the Conservation of Habitats and Species Regulations 2017, a survey has been submitted, which has been considered by the Council's Ecologist.
- 7.39 The Council's Ecologist who raised no objection, found *"The dwelling is considered to offer negligible potential for supporting roosting bats and no further survey works are considered necessary. I am content that impacts to protected habitats and species within the site boundary are minimal."*
- 7.40 The Council's Ecologist did however raise concerns about the *"...proximity of the site to Chichester & Langstone Harbours SPA/Ramsar and Solent Maritime SAC which are situated c20m from the site" and the "...potential for construction-phase activities to result in impacts to these sensitive sites through noise and visual disturbance and airborne and waterborne pollution" and the need for "...sound construction working methods including pollution prevention. If carried out during the overwintering bird season (October to March inclusive), there should be a restriction on percussive or other intensive noise events."*
- 7.41 These concerns echo the consultation response of Natural England and a condition requiring the submission of a Construction Environmental Management Plan is recommended, if permission is granted, together with a condition for a bat box to be installed on the proposal.

(vi) Flood Risk and Sewer Line

- 7.42 The Environment Agency, whilst consulted, has not commented on the proposal. The Environment Agency's flood plans have been rechecked and all of the site falls within Flood Zone 1 and as such a one to one replacement dwelling is not considered to be a vulnerable development and a Flood Risk Assessment is not required, as it should not increase flooding on the site or elsewhere. As to Flood Zone 3, this is the foreshore to the front of the property, on the other side of the road. In fronting this foreshore, clearly the site adjoins the tidal harbour and overtopping at high tides is a maximum event risk. To mitigate any flooding risk of this nature the proposed finished floor level would be set at 0.5m above ground level. With regard to the implications of raising the access to the garage and the development, a pre-commencement drainage condition is recommended which would require details to show that run off from the access and the development would not go onto neighbouring properties, but would be appropriately drained within the site. Such a condition has been agreed with the applicant's agent.
- 7.43 To the rear of the property is an existing public sewer, and due to the setting back of the proposal compared to the existing dwelling, it would fall within 2.7m of the sewer, as opposed to 3m which is normally required by Southern Water. The agent has produced a letter dated 8 August 2019 that states that subject to various conditions, Southern Water is prepared to grant conditional approval to build over or near the public sewer at the rear. This information has subsequently been confirmed by Southern Water. Therefore, there is no objection from Southern Water to locate the proposal within 3m of an existing sewer, subject to a condition requiring the submission and implementation of measures to protect the sewer during construction works prior to development commencing. The applicant has agreed to such a condition.

(vii) Community Infrastructure Levy (CIL) and developer contributions

- 7.44 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 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's 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 (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.
- 7.45 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 92 sqm, which would be £12,855.36. The applicant is claiming Self Build Exemption.

## 8 Conclusion

- 8.1 The proposal would result in a replacement dwelling on the site in lieu of the existing. Following detailed negotiations, it is considered that the proposal would be an appropriate response to a replacement dwelling in this location. Moreover, the development would not be harmful to the AONB or residential amenity. In highways, parking and flood risk terms the proposal is acceptable, and matters raised by consultees can be appropriately addressed by conditions and/or informatives. Therefore, the proposal is considered to be appropriate and recommended for approval.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00421 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Block and Location Plan - Drawing No. 18065-PL-001C  
Dimensions on block Plan - Drawing No. 18065-PL-101  
Indicative Proposed Street Scene - Drawing No. 18065-PL-011C  
Proposed Roof Plan - Drawing No. 18065-PL-008D  
Proposed Elevations, North & South - Drawing No. 18065-PL-009C  
Proposed Elevations, West & East - Drawing No. 18065-PL-010D  
Proposed Ground Floor Plan - Drawing No. 18065-PL-006B  
Proposed First Floor Plan - Drawing No. 18065-PL-007D  
Existing Elevations, North & South - Drawing No. 18065-PL-004B  
Existing Elevations, West & East - Drawing No. 18065-PL-005B  
Existing Ground Floor Plan - Drawing No. 18065-PL-002B  
Existing First Floor Plan - Drawing No. 18065-PL-003B  
Drainage Survey - Project No. 005858

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

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or 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.
- 4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions, building alterations or side windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.  
**Reason:** In the interests of neighbouring residential amenity and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.
- 5 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, prior to first occupation of the building hereby permitted the windows in the first floor on the east elevation facing No. 9 Western Parade 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.
- 6 The car parking 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.
- 7 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 drainage measures to prevent any flooding on surrounding properties, following the raising of the development by 0.5m and 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.
- 8 Prior to the commencement of development, including any works or demolition, until a Construction Environmental Management Plan has been submitted to

and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- (i) Arrangements for the storage of construction materials/chemicals and equipment;
- (ii) Measures to minimise creation and impact of dust;
- (iii) Arrangements for the routing/ turning of lorries and details for construction traffic access to the site;
- (iv) Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). This shall include details of noise monitoring of the construction and demolition work at sensitive locations;
- (v) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat - high tide roost sites) shall not be undertaken during the bird overwintering period (i.e. October to March inclusive);
- (vi) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;
- (vii) Measures for waste disposal;
- (viii) Measures for the protection of pedestrian routes during construction;
- (ix) No burning on-site; and
- (x) Scheme of work detailing the extent and type of piling proposed.

**Reason:** To provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

- 9 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer to the rear of the site during the course of demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard the public sewer 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.

- 10 Prior to occupation of the replacement dwelling hereby approved, details of the screens to be erected at each end of the balcony shall be submitted to, and approved in writing by the Local Planning Authority. The approved screens shall be erected in full accordance with the approved details before the occupation of the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring residential amenity and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 Prior to occupation of the replacement dwelling hereby approved, details of a bat box to be installed on the building shall be submitted to, and approved in writing by the Local Planning Authority. The approved bat box shall be installed in full accordance with the approved details before the occupation of the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The development hereby approved, shall be built with a minimum separation distance of 3.25 metres between number 10 Western Parade and number 11 Western Parade in accordance with the dimensions on the approved Block Plan number 18065-PL-101.

**Reason:** In the interests of residential amenity of number 11 Western Parade and in accordance with Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

### **Appendices**

- (A) Location & Block Plans
- (B) Proposed Front & Rear Elevations (South & North)
- (C) Proposed Side Elevations (West & East)
- (D) Existing Front & Rear Elevations (South & North)
- (E) Existing Side Elevations (West & East)
- (F) Indicative Street Scenes (Existing & Proposed)