

to be a significant effect on recreational pressure and water quality on the Chichester and Langstone Harbours Special Protection Area (SPA).

The subsequent AA included a package of measures:

- As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation in respect of recreational pressure; and
- As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation.
- The applicant has agreed to enter into a legal agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients.

The AA has concluded that this is sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. This conclusion has been accepted by Natural England.

The applicant has agreed to enter into a legal-agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients.

To conclude, it is considered that the scheme is acceptable in planning terms and would contribute to the objective of boosting the supply of homes within the Borough on a sustainable site within the urban area in accordance with the adopted Local Plan and is therefore recommended for permission.

1 Site Description

- 1.1 The application site lies on the corner of Sea Front and Alexandra Avenue, in the southern part of Hayling Island. No.186 Sea Front is a detached two storey dwelling, sitting in a reasonably sized plot. The materials for the building are brown bricks and tiles, with the roof being hipped. There are two vehicular accesses off Alexandra Avenue, one of which serves a detached double garage to the rear.
- 1.2 The boundaries to the site comprise of brick walls, brick walls with metal fencing, together with close boarded wooden fencing.
- 1.3 To the west of the site is a two storey block of flats. To the north is a chalet bungalow. On the opposite side of Alexandra Avenue at the junction with Sea Front is a two storey dwelling. The area is mainly residential in nature, featuring differing designs and styles.
- 1.4 To the south of the site lies the Beachlands area of open space and coastline. The site falls within Flood Zone 1 and has an area of 0.1053 hectares.

2 Planning History

APP/21/00045 - Demolition of existing house and erection of 9No. unit apartment development. Withdrawn 10/09/2021.

3 Proposal

- 3.1 The application proposes the demolition of the existing house and double garage, to be replaced with 7no. 2 bedroom apartments (Use Class C3). The proposal would be 2 storeys in height, contemporary in design, with a flat roof. Small private gardens are proposed for apartments 1 and 2 on the ground floor, with balconies for apartments 4

and 5 at first floor, which are set back from the front (south) boundary of the site.

- 3.2 Two vehicular accesses are proposed off Alexandra Avenue; utilising one that is existing to the rear of the site and a new one close to the junction with Sea Front and Alexandra Avenue. Car parking is proposed off both of these accesses, which would be a total of 10 spaces, which would include a disabled space. Cycle storage for 14 cycles is proposed within the building, together with refuse storage, with access to this storage also from the north.
- 3.3 Landscaping would be provided along parts of the boundaries.
- 3.4 The proposal is a re-submission of an earlier application under reference APP/21/00045 for the development of the site following the demolition of the dwellinghouse and garage. This was initially proposed for 10 apartments, which was reduced to 9 during the life of the application. This earlier proposal was likewise contemporary in design, with a flat roof over three storeys. The application was withdrawn on 10/9/21 following discussions with officers regarding the potential overdevelopment of the site.
- 3.5 The current application is accompanied by a number of supporting documents including the following:

Accessibility Statement
Highways Supporting Statement
Preliminary Ecological Appraisal & Preliminary Roost Assessment Survey
Surface Water & Foul Drainage Assessment

- 3.6 Changes made to the proposal since its submission include:
- The provision of one additional car parking space, taking the total proposed up to 10; and
 - Changes to the fenestration on the north and east elevations.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Housing Delivery Position Statement March 2022

Havant Borough Local Plan (Core Strategy) March 2011

CS9 (Housing)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS20 (Transport and Access Strategy)
CS21 (Developer Requirements)
DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

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

5 Statutory and Non Statutory Consultations

Building Control

No comments.

Community Infrastructure, Planning Policy & Urban Design

CIL Liab: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Councillor Brenda Linger - Hayling West

No comment.

Councillor Clare Satchwell - Hayling West

I don't think this application has improved greatly and therefore I would like to flag it please (red flag for committee in case the council was minded to grant permission).

Former Councillor I Scott Hayling West

No comment.

County Archaeologist - No Objection

I confirm that I do not wish to raise any archaeological issues.

Council's Ecologist – No Objection

The application is accompanied by a Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, January 2022). The application site comprises a large detached modern residential dwelling and small garage set within a plot containing areas of hardstanding, well-managed lawns and ornamental plantings. I am content that the site is of limited ecological value overall and that no further ecological surveys are necessary.

I am content with the proposed ecological avoidance, mitigation and enhancement measures although I would request that two integral or wall-mounted nest boxes for Common Swift are included within the new building: these should be secured by condition.

If you are minded to grant permission, can I suggest that all ecological mitigation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed within the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, January 2022), and to include a minimum of two integral or wall-mounted nest boxes for Common Swift, unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation and enhancement measures shall be implemented as per ecologist's instructions and be retained in perpetuity. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer Comment: *If permission is granted the ecological condition is recommended.*

Developer Services, Southern Water - No Objection

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Officer Comment: *If permission is granted, the above information would be provided by way of an informative on the decision notice.*

Hampshire Constabulary, Tasking & Co-Ordination Directorate

No comment.

Hampshire County Council Education Department, Strategic Planning Unit

No comment.

Hampshire Fire and Rescue Service, Business Fire Safety

General fire safety comments provided.

Officer Comment: *The comments of the Fire and Rescue Service are advisory and if permission is granted their comments would be provided by way of an informative.*

Policy and Urban Design

No comment.

HCC - Children's Services Department, Services for Young Children (SfYC)

No comment.

Highways Development Planning, Strategic Transport, Economy, Transport and Environment Department

Final Comment - No Objection

Thank you for your re-consultation on the above planning application. Since our previous response dated 30th March 2022 the Highway Authority have been made aware that this is a re-submission of a previous application (APP/21/00045) where the

Highway Authority previously provided no objections to.

The applicant is not required to provide speed surveys to justify the visibility splay for the southern access, they are considered acceptable. Having regard to the above, the Highway Authority provide no objections to the above planning application subject to the following condition:

ACCESS CONSTRUCTION PROVISION

No development shall start on site until the site access shall be constructed and lines of sight in accordance with the approved plans (Drawing AMA/20898/SK/005.2). The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

CONSTRUCTION METHOD STATEMENT REQUIRED

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality

Officer Comment: *If permission is granted the above conditions are recommended.*

Initial comments

To support this planning application, the applicant has submitted a Highway Supporting Statement and outline Construction Management Plan which the Highway Authority have reviewed and have the following comments to make.

Highways Supporting Statement

Sustainable Access:

Footways surround the site and the local highway network providing pedestrian connections to the local facilities within West Town, South Hayling and further residential areas. The site is located circa 1.0km south of South Hayling town centre where the majority of local facilities are located. This is within the maximum walking and cycling distance as laid out within CIHT (2000) 'Providing for Journeys on Foot' guidance and is thus considered acceptable.

Six bus stops served by the 30 and 31 bus service are located circa 400m away from the proposed development. The 30 and 31 bus provides regular bus services providing connections to Havant Bus Station and beyond.

Proposed Development:

The southern access is to be relocated further south along the eastern boundary of the site providing access to four car parking spaces. The northern access is to be

retained providing access to further parking spaces as well as access to the refuse and cycle store.

The applicant is aware that subject to any planning permission granted by Havant Borough Council, they will be required to apply for a separate dropped kerb license to undertake works on the highway. If the existing access is no longer required, then a full height kerb should also be provided.

Visibility splays are considered acceptable for the northern site access however, the proposed visibility splays for the southern access are not in accordance with HCC TG3 guidance for a 30mph speed design speed. Before confirmation can be provided on the suitability of the arrangement, it is requested that a speed survey is provided to justify this reduced visibility splay.

Servicing of the site will take place as per existing arrangements with bins being moved within a short distance of the adopted highway on collection days by the site management company. This should be within the 30.0m walking distance as laid out within paragraph 6.8.9 of Manual for Streets.

Parking:

The applicant is proposing a total of 9 car parking spaces and 14 cycle parking spaces. Agreement for parking provision will be for Havant Borough Council to comment on as the Local Parking Authority. The Highway Authority will be satisfied subject to suitable provision in accordance with the standards provided.

PIA data:

The applicant has reviewed PIA data for a 5-year period from 2016 to 2020. The Highway Authority note that this is not the most recent 5-year period and it is not clear which data set this had been gathered from.

Notwithstanding the above, the Highway Authority have undertaken their own independent study of accident data and are satisfied that accidents that occurred were isolated which are unlikely to be exacerbated by the development.

Traffic Generation:

There is no narrative regarding where the applicant has generated their proposed trip rates from. As such the Highway Authority have undertaken their own robust trip generation using the TRICS database and are minded to agree with the proposed trip rates which are as follows:

	AM Peak (8:00-09:00)		PM Peak (17:00-18:00)	
	Arrivals	Departures	Arrivals	Departures
Trip Rate	0.2	0.6	0.6	0.2
Trip Generation	2	5	5	2

Outline Construction Management Plan

The applicant has submitted an outline construction management plan. The Highway Authority below provide comments on the current information provided. A full Construction Management Plan will be secured through condition.

7.1.1. Construction Phase Traffic:

A Traffic Management Plan will be developed including the following information:

- Co-ordination of car parking for construction personnel;
- Implementation 'just in time' contract plant hire;
- Restriction of unnecessary vehicle movements during the day; and
- Co-ordination of deliveries to arrive outside of peak times where appropriate

The measures proposed to be included are considered acceptable.

Restrictions on working hours are as follows:

- Monday to Friday 08:00-18:00 (deliveries between 9:30-14:30)
- Saturday 08:00-13:00 (deliveries between 8:00-12:00)
- No works on Sundays or Bank Holidays without permission

This is considered acceptable as no deliveries are to be made within the network peak hours (Weekday AM 08:00-09:00; Weekday PM 17:00-18:00; Saturday peak 12:00-13:00). The traffic management plan should include narrative as to how deliveries are to be carried out.

The traffic management plan is also required to include proposed routing for construction traffic.

7.4.2 Wheel wash:

Jet wash facilities will be available for all construction traffic. These should be located as close to the site exit as possible to minimise vehicles picking up any debris upon leaving the site. The applicant should also have access to a road sweeper if necessary.

Narrative should also be provided regarding sheeting of construction vehicles collecting/delivering dusty materials to prevent dust spreading onto the highway.

Having regard to the above, the Highway Authority require the following further information before a formal recommendation can be made:

- A speed survey to justify the reduction in visibility splay at the southern access.

National Highways

No comment.

Housing Needs Manager, Havant Borough Council - No Objection

This proposal would need to comply with Core Strategy policy CS9.

The applicants confirm within their Planning Statement, para. 5.28:

'Policy CS9 includes the Borough's affordable housing requirement. On small schemes of between 5 and 14 dwellings an average of 30 – 40% affordable housing provision is required by contribution or on-site provision.

It is considered appropriate in this instance, given the proposed apartment scheme includes a number of shared, communal areas, that any affordable requirement would be best dealt with via an off-site contribution. The applicant will engage with the Council during the application process in relation to the affordable housing requirement.

I would appreciate clarity as to whether the applicants intend to deliver affordable units on another site or provide Havant Borough Council with a financial contribution in-lieu of actual units. If the latter is confirmed then this will be calculated by means of the

methodology contained within the Havant Borough Council SPD at Annex A.

Demand for affordable housing remains consistently high in the Havant borough with significant waiting time running into several years; currently there are 1771 households registered on Hampshire Home Choice seeking accommodation in our area. Of these 782 are waiting for a one- bedroom home whilst a further 571 are waiting for two bedrooms and 348 for three bedrooms. In addition, 70 households are waiting for a larger family home with 4 bedrooms or more.

Principle of development agreed as it could provide additional units, or alternatively a financial contribution that will help enable much needed affordable housing in the borough.

Officer Comment: *Affordable housing provision/contributions would only fall due for developments of 10 or more units. So affordable housing/contributions cannot be secured as part of this development for 7 units.*

Landscape Team – No Objection

Final Comment

From a landscape perspective we have no adverse comments in relation to the amendments to the proposed development. As stated previously recommend to condition hard landscaping, soft landscaping, building materials and boundary treatments.

Officer Comment: *If permission is granted conditions as to landscaping and building materials are recommended.*

Initial Comment

We welcome the more appropriate scale and massing of this revised proposal. The height, distancing and building line is now deemed acceptable and proportionate in relation to the existing built form and HBC design guides.

- No further adverse comments recommend to condition hard landscaping, soft landscaping, building materials and boundary treatments.

Local Lead Flood Authority HCC, Hampshire County Council

No comment.

Natural England

Final Comment – No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment, dated 01 June 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment

conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development. This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development.

Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. Provided that your authority is assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, Page 2 of 2 then Natural England raise no concerns with regard to the nutrient budget.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

An HRA/AA has been carried out, with the AA concluding that the mitigation proposed would be sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. At the time of drafting this report the HRA/AA is currently subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) for confirmation that they agree with the findings of the assessment. Subject to this confirmation being received prior to the Committee meeting, it is considered that the effect of the proposed development on the Solent SPAs will have been appropriately mitigated

National England - Initial comments - Further Information Required.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have a likely significant effect on:

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site
- Portsmouth Harbour SPA and Ramsar site
- Chichester and Langstone Harbours SPA and Ramsar site
- Solent and Dorset Coast SPA
- Solent and Isle of Wight Lagoon SAC
- Sinah Common Sight of Special Scientific Interest (SSSI)

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects

cannot be ruled out. Once a HRA has been completed, please consult Natural England on any appropriate assessment your authority may decide to make.

Nutrient Neutrality

On 16 March 2022 we wrote to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. An updated nutrient budget calculator for the Solent was released on 20 April 2022. We have written to your authority about the availability of an updated package of tools and guidance in relation to nutrient impacts. We recommend that your authority moves to using the updated generic Nutrient Neutrality Methodology and the updated catchment calculators in preference to existing methodologies whether produced by Natural England or your own authority. Your authority will be best placed to consider how it transitions to the new tools and guidance. Natural England recognises that for some existing catchments where nutrient neutrality is being implemented and mitigation is being actively progressed, authorities may need to consider the associated practicalities of moving to the new guidance whilst recognising their role as Competent Authority.

Please note, at present some elements of the guidance (national methodology, nutrient budget calculators) issued by Natural England should be considered as provisional due to the outstanding appeal to the Court of Appeal in Wyatt v Fareham BC [2021] EWHC 1434 (Admin), which although not concerned with the national methodology issued on 16th March 2022, could impact on certain elements contained within the methodology because that case considers similar (but not identical) earlier guidance for the Solent region. Natural England intends to review the national methodology following judgment in the appeal in Wyatt which may require amendments to be made.

We note that the nutrient budget for this application has been calculated in line with the Solent Nutrients Guidance, V5, June 2020. Your authority, as Competent Authority, should consider how the updated Nutrient Neutrality Methodology relates to the nutrient budget provided with this application, and any proposed mitigation.

Recreational disturbance - Solent Special Protected Areas (SPAs)

This application is within 5.6km Solent and Dorset Coast SPA of and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

Sinah Common Site of Special Scientific Interest (SSSI)

The proposed development is under 40 meters from Sinah Common SSSI which is designated for its botanical features. Natural England **notes that a Construction Management Plan (CMP) has been produced. We recommend that the CMP is submitted and approved in writing by your authority.** This should be secured by an appropriate planning condition or obligation. The CMP should include the following:

- A list of defined potential impacts on the SSSI
- Storage of construction materials/chemicals and equipment
- Dust suppression
- Chemical and/or fuel run-off from construction into nearby watercourse(s)
- Waste disposal
- Measures to ensure no materials, machinery, vehicles or works will encroach on the designated site

'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 Solent and Dorset Coast 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)'

If your authority approves the CMP Natural England does not need to be consulted further on this aspect of the application.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Please note that if your Authority is minded to grant planning permission contrary to the advice in this letter and aforementioned letter sent to your Head of Planning, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your Authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Norse South East

No Comment.

Nutrient Team, Planning Policy - No Objection

I can confirm that there is sufficient capacity within the Council's mitigation scheme for planning application APP/22/00161.

Portsmouth Water - Comment

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground radar survey is undertaken prior to any hand or mechanical excavation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the action position of the mains, pipes, services and other apparatus on site before any mechanical plant issue. This documentation is available at [HTTs://www.hse.gov.uk/pubns/prices/hsg47.pdf](https://www.hse.gov.uk/pubns/prices/hsg47.pdf)

Copies of guidance Notes: Working near distribution apparatus and guidance for working near or over a Truck Water Main are enclosed. Please read carefully as the condition will apply to any work you undertake in the vicinity of Portsmouth water assets.

It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect any apparatus.

Please note Portsmouth Water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company.

Officer Comment: *The above is general information for the applicant. If permission is granted, the above information would be provided by way of an informative on the decision notice.*

South Eastern Hampshire Clinical Commissioning Group

No comment.

Southern Electric plc, Network Investment Team - No Objection

We have sent you the plans of our network records within the area requested. You will shortly receive responses each of the following; any High Voltage Mains cables and Low Voltage Mains cables.

Attached to this email is the 'Guide to Interpreting' which includes the legends for the plans on pages 7-9.

If a Service Cable is not shown on our maps sent, and you require the Cable to be Traced, please contact the General Enquiries Department on 0800 048 3516 (option 3) or via email, ge@ssen.co.uk

If you need further information on our network in this area or a quotation for any required works, please contact the Connections & Engineering Department on 0800 048 3516 or via email, connections@sse.com

Officer Comment: *The above is general information for the applicant. If permission is granted, the above information would be provided by way of an informative on the decision notice.*

Southern Gas Networks – No Objection

1. Plan. Extract from our mains record*. Please print in colour. For larger searches, do not rely on the 'overview' map for site works, use the details maps behind.

2. Letter. Including relevant safety information.

3. Other safety related information.

*Plans will not be sent if you receive a Mineral stop letter.

The Plan is an extract from our mains records of the proposed work area enclosed for your guidance. This plan only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to

be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to our pipes can be extremely dangerous for your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

Diversions

If you require any diversion costings, please visit the Dig Safely pages on sgn.co.uk for more information and email contact details.

If you require any further information please contact the number below.

Officer Comment: *If permission is granted, the above information would be provided by way of an informative on the decision notice.*

Traffic Management - No Objection

The traffic team have no adverse comment to make regarding the availability of unallocated parking space that has been available for this application.

Officer Comment: *The traffic team's initially comments were withdrawn at their request, as they were based on allocated, not unallocated parking spaces, in accordance with Havant's Car Parking SPD.*

Waste Strategy Team Leader

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: 69

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 21

The following is a precis of the representations received.

Character and appearance of the area

- Overdevelopment of the area – footprint too large
- Adverse cumulative impact of development on the area
- Out of keeping with Alexandra Avenue – set precedent
- Loss of family home
- No outside recreation space
- Seafront and Hayling Island overdeveloped– over-priced development not selling
- Apartments exceed the Government's national described space standards.
- Each apartment should have a large storage area
- No objection up to 5 reasonably sized units.
- Difficult to judge impact on street scene from information provided

Overlooking/Loss of Privacy

- Loss of privacy
- Loss of outlook
- Overlooking
- Unacceptable intrusion
- Overbearing
- Direct views into rear garden of 182 Sea Front
- Overlooking into dormer windows of 26 Alexandra Avenue
- Loss of visual amenity
- Dominant outlook
- Harmful impact on residential amenity

Drainage & Flooding

- Drainage connection not as shown – on my land – consent would not be given.
- Inaccuracies in surface & foul drainage assessment
- How surface water drainage would be achieved by the method proposed.
- No interceptor in the surface water drainage to remove contaminants from entering the surface water drainage network
- Drainage system in Hayling Island challenged - increased pressure on aged utility systems.
- Flood risk

Ecology

- Environment issues not addressed
- Sustainable planning objection as development not shown to be nitrate neutral

Highways & Access

- Inadequate parking – lead to on-street parking – cause further congestion - contrary to requirements in SPD
- No provision for visitor parking - residents compete with tourists for parking
- Inadequate turning space – danger with vehicles reversing onto Alexandra Avenue

- Parking restrictions on the south end of Alexandra Avenue and along the Seafront should be lifted to alleviate parking problems
- Disabled parking is inadequate
- Noise & fumes form parking nuisance to neighbours
- Unallocated parking is provided, should be allocated to avoid problems – increase provision required - initial objection from Traffic Team to this level of parking
- Yellow lines outside of property – will increase on-street parking to the north
- No EV charging point provided – emerging policy
- Steps should be taken to slow down traffic on Seafront
- Dangerous to drive down Alexandra Avenue - proposal will exacerbate the situation
- Bus stops near the site – no evidence used
- Dangerous new access
- Limited transport access to island – risk to life with emergency vehicles trying to gain access
- One of the apartments shown as one bed, when in fact two bed – parking implications

Policy

- Contrary to Policy CS16
- Contrary to Havant Design Guide SPD
- Falls below good standards of development

Other Matters

- Precedent
- Impact on investment
- Address of property incorrect – entrance in Alexandra Avenue - misrepresentation
- Ongoing strains on the roads, services, doctors and schools - not addressed
- Planning Committee should determine
- Not a brown field site as suggested - established residential site since the 1990s
- No new development should be granted until a new Local Plan is approved
- There are misleading errors and inconsistencies on the drawings and annotation.
- Major development requires, [but not limited to] Air Quality Assessment, Noise Impact Assessment and Sustainability Assessment.
- Application should be refused
- Minor fiddling to amended plans – reaffirming original objection

Officer Comment: *most of the above points are covered under Section 7 below, with the exception of the following.*

- *As to precedent each application is considered on its individual merits;*
- *Impact on investment is not a material planning consideration;*
- *The applicant has confirmed the address is correct;*
- *The Local Planning Authority has no evidence that there would be insufficient school places available in the locality for this small development; or that the proposal would place an unacceptable pressure on medical facilities;*
- *Clarification on drawings received;*
- *Application is not a major development of 10 or over units (i.e. 7), so the above assessments are not required.*

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA), which includes an Appropriate Assessment (AA) of the proposed development.

Recreational Pressure

- 7.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of the adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.
- 7.3 The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. This would be secured via a legal agreement.

Water quality

- 7.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.
- 7.5 Natural England have produced a national generic 'Nutrient Neutrality Methodology' for achieving nutrient neutrality for new development. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement on Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has agreed to enter into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

- 7.6 The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has agreed to enter into a legal agreement to secure the mitigation packages.
- 7.7 In other respects, having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this

application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Access and Parking
- (v) Drainage & Flooding
- (vi) Archaeology
- (vii) Ecology
- (viii) Developer Contributions and Legal Agreement

- (i) Principle of development

7.8 The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria. Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the revised NPPF (to improve the economic, social and environmental conditions in the area). Planning applications that accord with the policies in the adopted local plan will be approved unless material considerations indicate otherwise. The location of the proposed development is in a sustainable urban area with access to amenities in the form of public transport, health provision and retail opportunities and so in principle is considered to be a suitable location for more intensive residential development.

7.9 Following the demolition of the existing dwelling, the proposal would be for 7 apartments. The net addition of 6 further units of accommodation in such a location would make a contribution, albeit a modest one, to the Council's overall housing requirements. The revised NPPF 2021, as stated above, has a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 134 notes that:

" Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes".

Adopted Policy C16 of the Havant Borough Local Plan (Core Strategy) 2011 requires designs to be of a high standard, which is reflected in Havant's Design Guide SPD. Therefore, significant weight should be given to this policy and guidance when determining the application, as advised by the NPPF.

7.10 As regard the Council's Five Year Land Supply Update (November 2021) this indicates the Council has a 3.9 year supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF) and approving development proposals that accord with an up-to-date development plan without delay. In circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 7.11 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Core Strategy (2011) sets out that development will be permitted that makes the most effective use of land in the borough.
- 7.12 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a high density development at 7 dwellings on a site of approximately 0.1053 hectares (a density of approximately 67 dwellings per hectare).
- 7.13 The adopted Local Plan policies are considered to echo the more recent advice in the National Planning Policy Framework (NPPF).
- 7.14 Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.15 Paragraph 124 of the Framework supports development that makes efficient use of land where it takes into account the desirability of maintaining an area's prevailing character. Policies CS9 and CS17 together are broadly consistent with this approach.
- 7.16 The Framework goes further and sets out at Paragraph 125 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities to ensure that development makes optimal use of the potential of each site.
- 7.17 The principle of making more efficient use of an existing urban site is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of a number of detailed planning considerations as set out below.
- (ii) Impact upon the character and appearance of the area
- 7.18 The development would be on a prominent plot at the junction with Sea Front and Alexandra Avenue. The proposal would replace a two storey pitched roof dwelling and a single storey double garage of a traditional design, with a two storey flat roofed contemporary apartment block, with a glazed vertical theme. As to development within the locality this comprises a wide mix of dwelling types, both traditional and contemporary in design. Immediately to the west is a relatively recently completed two storey contemporary apartment block, with a vertical glazed theme, to the rear is a chalet bungalow and to the east, on the other side of Alexandra Avenue, is a two storey traditionally designed dwellinghouse.
- 7.19 Policy CS16 of the Core Strategy 2011 states that development should respond to local context and respect existing features of natural, historic or local character within or close to the proposed development site. The characteristics of the locality should also be used to help inform the design of the new development including heights, massing, existing building lines, plot widths and depths and materials.

7.20 In this respect the overall height of the proposal would be lower than the ridge height of the existing dwelling (i.e. by approximately 1.3m), but would lie above the eaves height by approximately 1.1m. The measurements of the proposal are 15.3m (width) (widest point) x 24.1m (length) x 6.6m (height). The existing house measurements are: 8.7m (width) x 19.3m (length) (longest point) x 7.9m.

7.21 The modern design of the building would in general be reflective of the two storey contemporary apartment block immediately to the west, with two balconies at first floor to the front of apartments 4 and 5 and small private garden areas to the front for apartments 1 and 2.

7.22 The materials proposed are:

- * Black Facing Bricks;
- * White Render;
- * Windows – PPC aluminium Double Glassed – colour Black Grey Smooth Matt
- * Zinc clad steel frame in dark grey supporting projecting balconies and clear glass guardings.

The use of render is reflective of the external materials found locally, whilst the other materials are considered appropriate for the contemporary design proposed and lie within a street scene featuring a mixture of property designs.

7.23 The proposal would lie forward of the existing dwelling by approximately 3.4m when facing onto Alexandra Avenue, but in line with 188-190 Sea Front to the west. The building line to the west, north and east is staggered.

7.24 The development intensifies the use of the land, with landscaped parking and turning areas to the front and rear which would result in the loss of an open garden area around the existing dwelling, which provides a degree of openness and space about the building on this corner plot. However, the reduction in space would still maintain an appropriate setting for the development on this corner plot, which would be set back approximately 1.8m from the eastern boundary and 9m from the southern boundary.

7.25 The Council's Landscape Officer (LO) has been consulted over the proposal, who considers "*The height distancing and building line acceptable and proportionate in relation to the existing built form and HBC design guides.*" The LO raises no objection subject to conditions in respect of hard and soft landscaping and building materials. If permission is granted, these conditions are recommended.

7.26 Overall, the plot is considered able to accommodate the density of development without appearing cramped or congested. It is considered that the design approach would comply with Policy CS16 by not only retaining the character of the street scene, but providing an enhancement with high quality, interesting architecture, which would also increase the density on the site, providing much needed housing units.

(iii) Impact upon residential amenity

Existing occupiers

7.27 The nearest residential properties to the development are Nos. 188-190 Sea Front to the west, 26 Alexandra Avenue to the north and 182 Sea Front to the east. The existing dwelling has windows on all elevations. However, it is recognised that the proposal would lie closer to 26 Alexandra Avenue by approximately 2.5m, and 182 Sea Front by approximately 3.5 m. It is recognised that some overlooking of gardens

from the upper floors of the development is likely to be unavoidable.

- 7.28 As to 188 Sea Front to the west, which is a block of five flats (hereinafter referred to as the 'existing flats'), there would be a separation distance of approximately 1.9m between the two properties, with a 1.8m close boarded fence along the western boundary at ground floor, widening to 3.5m at first floor. This separation distance would be similar to the relationship with the existing dwelling house and these flats i.e. 1.7m at ground floor, and 3.3m at first floor.
- 7.29 On the eastern elevation of the existing flats there is one high level window at ground and first floor, both of which are obscurely glazed. There are also sets of patio doors at ground floor. (In addition, there are two north facing balconies to the rear of the existing flats, which would be adjacent to the development). Due to the close proximity of the existing two developments and their orientation, there is overshadowing/loss of light to these windows and doors, during the day. This overshadowing/loss of light to these windows/doors would continue and slightly increase, due to the height of the flat roofed development over the eaves height of the existing dwelling (by approximately 1.2m) and the proposal's increased depth to the rear by approximately 2.5m. However, it is considered that this increased overshadowing/loss of light would not cause significant harm over that currently experienced. As to the increased depth of the proposal and its impact on the rear balconies of the existing flats, as the proposal does not result in the centre of the existing windows (in the existing flats) being within the 45 degree overshadowing zone, as required by Havant's Design Guide SPD, it would not lead to significant overshadowing/loss of light to these north facing flats. To conclude, the proposal would not materially change the current level of overshadowing/loss of light to the occupiers of the existing flats or be overbearing or dominant.
- 7.30 On the west elevation of the existing dwelling there are four windows at ground floor and two at first floor, which are obscurely glazed. Windows on the west elevation of the proposal would serve kitchens, bedrooms and a stair well. At ground floor a 1.8m close boarded fence would effectively restrict any material overlooking of the existing flats. As to the first-floor, the windows would not look directly into the windows in the existing flats (which are obscured), with one of the windows angled at approximately 90 degrees, so that any overlooking would be directed to the north. In view of this, there would be no material increase in overlooking or loss of privacy to the occupiers of the existing flats.
- 7.31 With regard to 26 Alexandra Avenue to the north of the site, the boundary treatment is a 1.8m wall and a garage. 26 Alexandra Avenue is a chalet bungalow, with three dormers in the roof facing south. Two windows (and a door) at ground floor are proposed on the north elevation of the proposal. At first floor three windows would serve kitchen/living areas. There would be a 20m separation distance between the development and the proposal, which is considered to be appropriate, with Havant's Design Guide requiring 20m separation with back-to-back development. Given the compliance with the Design Guide criteria, it is considered that there would be no unacceptable overlooking or loss of privacy to No. 26 Alexandra Avenue as a result of the development, nor would it be overbearing or dominant to this property.
- 7.32 As to 182 Sea Front, there would be a separation distance of approximately 18.5m between the buildings, with Alexandra Avenue lying in between. No. 182 has a 1.8m close boarded wooden fence to the front and along the majority of the western side of the property with hedging which takes the majority of this boundary treatment up to approximately 2m. On the eastern elevation of No. 182 there is a first floor window. The proposal would bring the development approximately 3.5m closer to No. 182, with

windows on the west elevation which would serve kitchen/living areas and bedrooms. The front to side relationship with the development and No. 182 would be 18.5m. As to the 'General Principles for New Residential Developments' in Havant's Design Guide, a separation distance of 10m is required for a dwelling facing a blank gable. The gable wall on No. 182 is not blank (one window), but there would be a separation distance of 18.5m, which is considered to be an appropriate separation distance in this urban area to avoid undue overlooking and loss of privacy and to avoid the development being overbearing or dominant.

- 7.33 Consequently, it is considered that the proposal will not appear overbearing or lead to significant overlooking or loss of privacy and would have limited and acceptable impact on the properties immediately adjacent to the application site and the properties opposite or to the rear, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

Proposed Occupiers

- 7.34 The size of the accommodation exceeds the size standards set out the Government's nationally described space standard and would provide accommodation in a sustainable urban location.
- 7.35 Whilst the internal layout of the apartments differs, the accommodation would comprise of: kitchen/living areas, bathrooms and 2 bedrooms. Storage provision is also provided in each apartment.
- 7.36 As to apartments 1 and 2 on the ground floor, they would have small private south facing garden areas, approximately 8 sqm. Apartments 4 and 5 at first floor would have south facing balconies, the sizes of which would be 1.5m x 4.5m = 7sqm (approximately).
- 7.37 As to the remaining apartments, (3, 6 and 7), it is acknowledged that they would not have any private amenity space within the development, albeit the scheme would be landscaped. However, the development would be directly opposite the beach, which would provide opportunities for recreation for future occupiers of these apartments and for the development as a whole. Therefore, whilst it would be desirable to provide onsite amenity space for all apartments, due to the close proximity to the beach the lack of this amenity is not considered to be so harmful as to warrant a refusal of permission.
- 7.38 Overall it is considered that the development would provide a good standard of amenity for future occupiers and the proposal is considered to accord with Policies CS9 and CS16 of the Core Strategy 2011.

(iv) Access and Parking

- 7.39 A number of representations have been received regarding the new access to the site and the proposed parking provision.

Access

- 7.40 The site currently benefits from two vehicular accesses on its eastern side. The existing access to the rear of the site (visibility splays of 2.4m x 43m) would be retained, with the existing second vehicular access, reduced in width to a pedestrian

access. A new vehicular access would be provided close to the junction of Sea Front and Alexandra Avenue (visibility splays of 2.4m x 15m).

- 7.41 The Highway Authority has been consulted over the proposal and following a review of their earlier comments on the new access have raised no objection, subject to conditions in respect of visibility splays and a Construction Method Statement.

Parking

- 7.42 As to the parking for the development, in total 10 communal parking spaces would be provided. Adequate turning areas are provided on site to enable vehicles to enter and leave in a forward gear. Electric vehicle charging points would be provided for all of the car parking spaces. Racks for 14 cycles would be provided together with bin storage within the building. The level of communal parking spaces is a satisfactory alternative to allocated spaces, which Havant's Car Parking SPD expressly takes account of in its standards and is therefore compliant. The level of cycle storage is also compliant with Havant's Car Parking SPD.
- 7.43 On small residential developments there is no requirement in Havant's Car Parking SPD, to provide disabled parking bays. However, one bay is marked as such, which would be wider than the normal size requirements for parking bays (i.e. 2.4m x 4.8m) with a size of 3.7m x 4.8m.

Sustainable modes of travel

- 7.44 The Highways Authority in their consultation response reflect that the site is located circa 1km south of South Hayling town centre where the majority of local facilities are located. This is considered acceptable for walking and cycling access to these facilities.
- 7.45 In addition, six bus stops served by the 30 and 31 bus service are noted circa 400m away from the proposed development. The 30 and 31 bus provides regular bus services providing connections to Havant Bus Station and beyond. Taken together the location of the site is considered a sustainable one, with realistic alternatives to the use of the private motor vehicle to access facilities and services.
- 7.46 Overall, whilst the level of objection on parking and highway safety grounds is noted, the proposal is considered to accord with the Council's adopted Car Parking SPD and Policy DM13 of the Core Strategy and the Highway Authority has raised no objection on highway safety grounds. Therefore, the proposal is considered to have satisfactorily addressed highway and parking issues for this development.

(v) Drainage & Flooding

Drainage

- 7.47 The proposal is for the foul sewage to link into the existing mains sewer, with the disposal of surface water into new soakaways using Aquacell Modular units to create drainage soakaway tanks. Details and approval of foul and surface water drainage would form part of a Building Regulations application for the site.
- 7.48 Maintenance of the foul and surface water drainage systems would either be via a specific management company or a named company, yet to be determined by the applicant. A Management and Maintenance Plan, to include the foul and surface

system, would be a requirement of the associated legal agreement, if permission is granted.

- 7.49 Southern Water (SW), Portsmouth Water (PW) and the Council's Building Control Team (BCT) have been consulted over the proposal. SW has advised that a formal application for connection to the public foul sewer would be required and an informative to this effect is recommended if permission is granted. PW has provided general advice for the applicant which would be provided as an informative if permission is granted. The BCT has no comment to make on the application at this stage, as any drainage works associated with the development would be the subject of a Building Regulations application and approval. Therefore, there are no objections on drainage grounds to the proposal.

Flooding

- 7.50 The site lies within Flood Zone 1, as does the surrounding residential development, which has a less than 0.1% chance of flooding in any year. There is no evidence before the LPA that the development would materially change the flood risk position of the site itself, or for neighbouring properties.
- 7.51 Having regard to the drainage and flooding aspects of the proposal the development is considered to accord with Policy CS15 of the Core Strategy 2011.

(vi) Archaeology

- 7.52 The County Archaeologist has been consulted and raised no objection to the proposal. On this basis it can be concluded that the development would not prejudice any heritage assets.

(vii) Ecology

- 7.53 The Council's Ecologist has been consulted over the proposal and on reviewing the applicant's Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, January 2022), is content that the site is of limited ecological value overall and that no further ecological surveys are necessary. However, the Ecologist suggests that the following condition is imposed if permission is granted.

Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed within the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, January 2022), and to include a minimum of two integral or wall-mounted nest boxes for Common Swift, unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation and enhancement measures shall be implemented as per ecologist's instructions and be retained in perpetuity. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 7.54 If permission is granted the above condition is recommended.

(viii) Developer Contributions and Legal Agreement

- 7.55 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 Hayling Island.

- 7.56 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 development has been calculated by the agent as 275 sqm, which would generate a CIL liability of £40,758.93. Exemption is not being claimed.
- 7.57 Additionally, further to Paragraph 7.48 above a Section 106 agreement is required in respect of:
- (i) Management and maintenance plan for the lifetime of the development including all unadopted/communal areas, including SuDS and a bond.
 - (ii) Mitigation packages for the Solent Recreation Mitigation Strategy and for nutrients.

8 Conclusion

- 8.1 The proposed development would be an efficient use of the land in housing terms, adding to the Council's housing stock in a sustainable location, with the necessary mitigation packages agreed for the SRMS and for nutrient neutral development. The development would not adversely impact on the appearance of the area or residential amenity. It has also been concluded that the development would not have an adverse impact on highway safety, in terms of providing safe access to the site. The proposed car parking levels comply with the standards set out in the Parking SPD in terms of communal parking. The proposal is also acceptable in drainage and ecology terms. The proposal accords with the development plan when considered as a whole and the recommendation is conditional planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00161 subject to:

- (A) Completion of the Section 106 Agreement as set out in paragraph 7.57 above (for which authority is given to the Head of Legal Services to complete the Agreement); and
- (B) The conditions set out below (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision).

General

- 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:

Plans

Location Plan – Drawing No 2020.020 PL01
Site Plan Proposed – Drawing No. 2020 PL02E
Proposed Elevations – Drawing No. 2020.020 PL06G
Proposed Floor Plans – Drawing No. 2020 020 PL05H
Proposed Landscape Plan – Drawing No. 2020 020 PL03E
Distances to Adjacent Properties Plan – Drawing No. 2020 020 PL04D

Documents

Accessibility Statement - Preston Baker - February 2022
Planning Statement - Preston Baker – February 2022
Design & Access Statement - Stoddart Architecture
Highways Support Statement - Andrew Moseley Associates
AMA Surface Water & Foul Drainage Assessment - Andrew Moseley Associates – 10 February 2022
Landscape Maintenance & Management Plan - Stoddart Architecture
Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey – Arbtech Consultant
Construction Management Plan – Stoddart Architecture - 8 February 2022
Email dated 10 May 2022 confirming development for 7, 2 bed apartments.
Photographs as Existing – Stoddart Architecture

Reason: - To ensure provision of a satisfactory development.

- 3 Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed within the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, January 2022), and to include a minimum of two integral or wall-mounted nest boxes for Common Swift, unless otherwise agreed in writing by the Local Planning Authority. Ecological mitigation and enhancement measures shall be implemented as per ecologist's instructions and be retained in perpetuity.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Pre-commencement Conditions

- 5 No development shall commence on site until the site access shall be constructed and lines of sight in accordance with the approved plans (Drawing

AMA/20898/SK/005.2). The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason – In the interest 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.

- 6 No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Local Planning Authority can properly consider the effect of the works on the amenity of the locality having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Above ground

- 7 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.

- 8 Notwithstanding any description of landscaping shown on the Landscape Maintenance & Management Plan no above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour

- laying bond
- edging or kerb detail / type
- retaining structures or steps
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

Pre-occupation

9 The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10 Prior to the occupation of the development full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.

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

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

thereafter be retained.

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

Post occupancy

- 12 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

- (A) Location Plan
- (B) Proposed Site Plan
- (C) Proposed Elevations
- (D) Proposed Floor Plans
- (E) Distance to Adjacent Properties Plan
- (F) Proposed Landscape Plan