
Site Address: 94 Eastoke Avenue, Hayling Island, PO11 9QR
Proposal: Variation of condition 2 on planning permission 26190/1 for caravan occupancy to be extended from 8 months to 10 months.
Application Type: Variation/Relief of Condition
Application No: APP/22/00938 Expiry Date: 04/05/2023
Applicant: Mr Beauchamp
Agent: Case Officer: Joseph Toole
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

The site of 94 Eastoke Avenue, Hayling Island is occupied by 2 caravans accessed by a drive from Eastoke Avenue.

The area is residential in character comprising of caravans for holiday purposes. The north side of Eastoke Avenue at this point is exclusively caravans. Chichester Harbour's Area of Outstanding Natural Beauty is located to the north of the site.

The site falls within Flood Zone 2 and 3.

2 Planning History

HWU1618 – for the extension to approved caravan site approved October 1951

HWU4126 – for the siting of one caravan only approved November 1955

HWU4126/1 – for the continued siting of caravan approved October 1956

HWU4126/2 - for the continued siting of caravan approved December 1957

HWU4126/3 - for the continued siting of caravan approved February 1959

04126/4 – for the siting of one caravan expiring 31st January 1966 approved September 1960

13957/1 - – for the siting of one caravan expiring 31st January 1971 approved May 1966

13957/3 – for the siting of two holiday caravans expiring 15th October 1976 approved November 1971

26190 – for the continued siting of two caravans expiring 31st October 1981 approved January 1977

26190/1 – for the continuation of use as a caravan site approved December 1981

Condition 2 – The caravans shall not be occupied except for the purposes of human habitation and between 1st March and 31st October in any year.

3 Proposal

The proposal is for the variation of condition 2 on planning permission 26190/1 for caravan occupancy to be extended from 8 months to 10 months. This would be between the 1st February to 31st November. The reason for this application is to allow time to carry out the maintenance works out of season.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

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)
CS5	(Tourism)
DM4	(Static Holiday Caravan Development)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

Environment Agency (1)

In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend that the variation to condition 7 is refused.

Reason

The application site is situated within the Environment Agency mapped Flood Zone 3 and is consequently at high risk to tidal flooding. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our Objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development will not increase flood risk. Where possible, it should reduce flood risk overall. If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it. Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

Note to LPA/Applicant:

The FRA needs to state the design flood level, which should consist of:

- The 1 in 200 year (0.5% AEP) tidal event
- Climate change up until 2098, using the Upper End allowance

A suitable freeboard. The Environment Agency guidance on how to determine a suitable freeboard:

<https://www.gov.uk/flood-and-coastal-erosion-riskmanagement-research-reports/accounting-for-residual-uncertainty-an-update-to-the-fluvial-freeboard-guide>

The FRA should use the design flood level to inform:

- Finished Floor Levels
- Resistance/Resilience measures
- Safe Access and Egress/Evacuation Plans

Environment Agency (2)

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- take the impacts of climate change into account
 - There is no assessment of the impact of climate change for the 2098 1 in 200 year (0.5% AEP) flood level using the upper end climate change allowance 'Flood risk assessments: climate change allowances'
 - Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for 2098 1 in 200 year (0.5% AEP) flood level using the upper end climate change allowance. Consequently, the development proposes inadequate:
 - Raised finished floor levels
 - Resistance and resilience measures
 - Safe access and egress routes

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

The applicant should calculate the design flood level, which should consist of:

- The 1 in 200 year (0.5% AEP) flood level
- Consideration of climate change until 2098 using the Upper End climate change allowance
- A suitable freeboard

The Environment Agency freeboard guidance:

<https://www.gov.uk/flood-and-coastal-erosion-risk-management-research-reports/accounting-for-residual-uncertainty-an-update-to-the-fluvial-freeboard-guide>

Environment Agency (3)

We have no objection to the proposed development as submitted, provided that the following conditions be attached to any planning permission granted. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref J-15270 P02- AG, 29/09/2023, by Nijhuis Saur Industries) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.92 metres above Ordnance Datum (mAOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals. This has been confirmed on a proportionate basis (0.25kg) reflecting the additional 2 months of occupancy. This is 2/12ths kg per year for the full amount (1.46kg).

The applicant should be advised that the Council's strategic mitigation scheme is to be charged at £3,300 per kilogram of nitrogen (from 1/4/23). In addition, it should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Habitat Regulations Assessment & Appropriate Assessment

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

In addition, the proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA. Natural England advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from the new housing as a result of the Havant Borough Local Plan. Natural England also advises that any development proposed through any planning application providing increased overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the Solent's European Sites.

The proposed development would increase the occupancy of the caravan from 8 to 10 months when previously there was no occupancy between November and February. This increase in occupancy and overnight accommodation is considered to be tantamount to a proportionate increase in both recreational disturbance and increased waste water.

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant additional effect on several Solent European Sites (as defined in the applications HRA) due to both the proportionate increase in recreation and the decrease in water quality that would be a result of the proposed additional 2 months use.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.

With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a legal agreement to secure the mitigation package to address the potential additional recreational harm from the additional 2 months use. Therefore, it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, September 2022, the applicant has been able to also enter into the mitigation scheme at Budds Farm to offset the additional nitrogen from the development.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs 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 and raise no further objection, but recommend that a condition secures the water use of 110l/p/p/d.

7.2 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
- (iii) Impact upon residential amenity
- (iv) Flood risk

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal seeks to extend the use of the holiday accommodation from 8 months to 10 months, which has been determined on this basis.

7.4 The Havant Borough Core Strategy adopted in March 2011 indicates in policy DM4 that the provision, continued location or improvement of static holiday caravan sites will be permitted subject to:

"the caravan is to be used for holiday purposes only and has a limited period of occupancy for a maximum of ten months per calendar year."

7.5 The present permission, granted in 1981, allows for only 8 months occupation, 1st March to the 31st October, and the applicant is seeking to extend that to include February and November. As this is still within the maximum 10 months permissible no objection is raised in policy terms.

7.6 It is worth noting planning permission was granted at No.89 Eastoke Avenue to extend occupancy of the site from 8 months to 10 months in 2012 under planning reference APP/11/01744.

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

- 7.7 The proposal does not involve any increase in the number of caravans on the land, just the length of time they may be occupied. The proposal would however lead to an increase in vehicles movements to, from and within the site for an additional 8 weeks a year, which currently should not arise. This level of increased activity is unlikely to be significantly harmful to the character and appearance of the area and therefore would not be contrary to Policy CS16 of the Havant Borough Core Strategy 2011.

(iii) Impact upon residential amenity

- 7.8 Any associated increase in the level of activity would be unlikely to cause significant harm to the amenities of the occupiers of caravans surrounding the site or locality, complying with Policy CS16 of the Havant Borough Core Strategy 2011.

(iv) Flood risk

- 7.9 The site falls within Flood Zones 2 and 3. Policy CS15 of the Havant Borough Core Strategy (2011) requires, amongst other matters:

"1. It meets the sequential and exception test (where required) in relation to PPS25.

2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

- 7.10 The caravan site is deemed to be a vulnerable development and therefore a Flood Risk Assessment (FRA) is required for the proposal. The applicant submitted a FRA. The Environment Agency (EA) was consulted on the FRA who found:

We have no objection to the proposed development as submitted, provided that the following conditions be attached to any planning permission granted. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref J-15270 P02- AG, 29/09/2023, by Nijhuis Saur Industries) and the following mitigation measures it details:

- *Finished floor levels shall be set no lower than 3.92 metres above Ordnance Datum (mAOD)*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants

7.11 If permission is forthcoming the condition requested by the Environment Agency would be added to the decision.

8 Conclusion

- 8.1 The increase in occupancy is not considered to have an adverse impact on the character of the area, on neighbouring properties and would not increase flood risk. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00938

- 1 The caravans hereby permitted shall only be used as holiday accommodation and only be occupied for a maximum of ten months per year and not at all during the months of January and December.

Reason: To ensure that the accommodation hereby permitted is not used for unauthorised permanent residential occupation, and to ensure that the caravans are not occupied during that period most at risk from bad weather and the increased likelihood of extreme high tides, having due regard to policy CS15 of the Havant Borough Core Strategy 2012 and Planning Policy Statement 25.

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

Location Plan
Statement/Reason
Solent Nutrient Budget Calculator
Occupancy Calculator
European Site Avoidance and Mitigation Checklist
HRA/AA
Flood Risk Assessment - J-15270 P02- AG dated 29/09/2023 by Nijhuis Saur Industries

Reason: To ensure provision of a satisfactory development.

- 3 The development shall be carried out in accordance with the submitted flood risk assessment (ref J-15270 P02- AG, 29/09/2023, by Nijhuis Saur Industries) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.92 metres above Ordnance Datum (mAOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants having due regard to policies CS15 and CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4

1. 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.