

Recommendation: **GRANT PERMISSION**

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS5	(Tourism)
DM4	(Static Holiday Caravan Development)

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 West Ward

No comment.

Councillor R Raines - Hayling East

No comment.

Environment Agency - Final Comment - No Objection

We have reviewed the amended flood risk assessment (FRA)

“APP_20_00173-FLOOD_RISK_ASSESSMENT-1394029” dated 22/05/2020 and submitted on 27th May 2020. Subject to the condition below, we therefore withdraw our previous objection.

The proposal will only meet the National Planning Policy Framework’s requirements if the following planning condition is included. We request that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority

Condition The variation of Condition 2 permitted by this planning permission shall be carried out in accordance with the submitted FRA

“APP_20_00173-FLOOD_RISK_ASSESSMENT-1394029” and the following mitigation measures it details:

- In point 5.7 on Page 12 of the FRA: *Accordingly, floor levels (finished) of the proposed caravans should be set a minimum of 300mm above the 2120 design flood level. Therefore, the minimum design floor level (finished) for the proposed development is 4.75mAOD (4.45mAOD 0.3m = 4.75mAOD)*

- In point 7.3 on Page 15 of the FRA: *The site owner and residents should sign up to the Environment Agency Flood Warning Service and have an evacuation plan*

- Points 7.8 to 7.11 on Page 17 of the FRA: Flood Evacuation Plan. This warning and evacuation plan must be developed and approved in conjunction with the Local Planning Authority and its emergency planners.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason(s) To reduce the risk of flooding to the proposed development and future occupants.

Advice to LPA The LPA should list the FRA in the conditions as an approved plan/document, to which the variation of Condition 2 must adhere. It is recommended these conditions are in place before the variation is permitted.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals could be made safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Environment Agency- 1st comment

In the absence of an acceptable Flood Risk assessment (FRA) we object to a variation of the condition 2.

Part of the site falls into a flood risk vulnerability category (highly vulnerable) that is inappropriate in Flood Zone 2 in which the site is partially located. The whole site is likely to be within a high probability of flooding by the year 2115.

We therefore recommend that the application should be refused planning permission.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change section. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take the impacts of climate change for the lifetime of the site into account. There is no assessment of the impact of climate change using appropriate climate change allowances. The caravan finished floor levels need to be assessed with the 1 in 200 year return period, plus climate change tidal flood levels.
- Flood risk mitigation measures to address flood risk for the lifetime of the site are inadequate because they will not make the development resilient to the flood

levels. Consequently the development proposes no mitigation measures, including:

- o Safe access and egress routes;
- o Consider how people will be kept safe from the identified flood hazards;
- and
- o Consider the requirement for flood emergency planning including evacuation of people for a range of flooding events up to and including extreme events.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk. If this cannot be achieved, we are likely to maintain our objection.

Detailed information relating to anticipated flood depths, including climate change across the site and the caravans finished floor levels should be provided in any revised FRA. When considering the impacts of climate change there is guidance specific to planning which can be found at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. Applying these allowances will result in future flood levels higher than current flood levels.

The Applicant should also request free data from us (a 'Product 4') to inform the FRA. This provides current tidal flood levels. A request can be sent to our Customers & Engagement team by emailing SSDEnquiries@environment-agency.gov.uk. A plan identifying the site should be provided along with the request. Requests are usually dealt with within 20 working days.

The absence of an appropriate assessment of the anticipated flood risk to the site not only renders the FRA inadequate, it also means that the information needed to develop a suitable warning and evacuation plan is not possible.

Please re-consult us on any revised FRA submitted, and we will respond within 21 days of receiving it.

Advice to the Local Planning Authority and Applicant

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the NPPF states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood, and to evacuate before an extreme flood, needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development in making their

decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals could be made safe in accordance with the guiding principles of the Planning Practice Guidance.

Advice to the Local Planning Authority

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

We will always support and substantiate our objections to major development proposals at appeal wherever a refusal is lodged in line with our advice. If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Environmental Health Manager, Community Group - No Objection

I have read the enclosed documentation provided by the applicant and can confirm there are no adverse comments to the extension of the permitted occupancy from eight to ten months.

The above comments refer to matters concerning the licensing of caravan sites and environmental protection only and none of the comments provided shall prejudice any comments that any other officer of the Environmental Health department may still make, such as those concerning contaminated land, regarding this application.

Natural England - No Objection

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment 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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we

consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment 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. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Officer comment: The position as to the increased use of existing caravans during a year has been reviewed. The review has determined that SRMS and nutrients mitigation is no longer required, as the number of households would not increased. The payment made in respect of the mitigation for the SRMS will be repaid to the applicant.

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None.	

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Flooding

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The extended use of the caravan site for holiday accommodation, would improve this existing tourist facility in the Borough, which is supported by Policy CS5 of the Havant Borough Local Plan (Core Strategy)

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

The applicant has confirmed that the current floor level of the caravans above the ground is 1.03m. The flood risk assessment recommends that: "• Finished Floor Levels (FFLs) of the proposed development are to be set a minimum of 300mm above the design flood level (to be set to 4.75mAOD); " The flood risk consultant has advised that on the higher ground on the site, this should not, over time, necessitate the caravans to be raised higher off the ground, then is currently the position. On the lower part of the site, the caravans may have to be raised by 200mm. This increase in height of the caravans, if required, would not materially impact on the character and appearance of the area or the Chichester Area of Outstanding Natural Beauty (AONB.) As to the potential for flooding, as part of the site lies within Flood Zone 2, this is addressed below under the heading 'Flooding.'

The proposal would not result in an increase in caravans on the land, which is 4, which remain on the land all year round. The caravans are located within an area surrounded by caravan sites, which is the main character and appearance of the area. The increase in the occupation of these 4 caravans from 8 to 10 months would not materially impact on the character or appearance of the locality, or impact on the AONB.

(iii) Impact upon residential amenity

The site is surrounded by caravan sites. The increase use of these caravans from 8 to 10 months a year should not give rise to a significantly greater level of noise and disruption to the occupiers of neighbouring sites, then currently experienced. As to the potential to have to raise some of the caravans on the site by 200mm, this small increase in height should not adversely impact, on the occupiers of neighbouring caravan sites.

The proposal would accord with Policy CS16 of the Havant Borough Local Plan (Core Strategy). It is noted that no objections were received in respect of the proposal.

(iv) Flooding

A small section of the north/west boundary lies within Flood Zone 2, as identified on

the Environment Agency (EA) flood zone map with a probability of having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. The remainder of the site lies in Flood Zone 1, which includes the access onto Haven Road. Policy CS15 of the Havant Borough Local Plan (Core Strategy) seeks to ensure, amongst other matters, that the development is safe, including the access, without increasing flood risk elsewhere.

The proposal seeks to extend the use of the caravan site for holiday accommodation from 8 to 10 months. Therefore the proposal is not for a new development, but an intensification of an existing use of the land as a holiday caravan site for an additional 2 months' a year.

As advised in the NPPF at paragraph 163, a site-specific flood-risk assessment has been submitted, which the EA has commented on and subject to a condition has no objection to the proposal. Such a condition is recommended.

As to a sequential test for changes of use this should be applied as appropriate for a caravan, camping or chalet site, or to a mobile home or park home site, as advised in the NPPF. The land may lawfully be used as a holiday caravan site, with its use only limited, by the imposition of a condition. Therefore having regard to the particular circumstances of the application, there is no change of use and a sequential test is not considered necessary or relevant to the application.

As to an exception test this is required if the development is highly vulnerable and in Flood Zone 2. The development is not highly vulnerable as the use of the caravans is not for residential purposes, but holiday accommodation. Also the proposal is not new development, it just seek an extension of the lawful use of the land from 8 to 10 months.

The proposal therefore accord with Policy CS15 of the Havant Borough Local Plan (Core Strategy)

8 Conclusion

The proposal would not have an adverse impact on the area or residential amenity and the potential flood risk has been addressed. It is therefore recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00173 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans:

Site location plan - scale 1:500

Flood Risk Assessment by Ambiantal Environmental Assessment reference #5370

Applicant's email dated 16 December 2020.

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby approved shall not be occupied between 1 November - 31 December in any year until following mitigation measures as set out in the Flood Risk Assessment by Ambiantal Environmental Assessment reference #5370 are implemented:

a. The floor levels (finished) of the proposed caravans should be set a minimum of 300mm above the 2120 design flood level. Therefore, the minimum design floor level (finished) for the proposed development is 4.75mAOD (4.45mAOD 0.3m = 4.75mAOD); and

b. Details of a flood warning plan, (which should include a statement that the applicant has signed up to the Environment Agency Flood Warning Service) and an evacuation plan shall be submit in writing to the Local Planning Authority for approval. The approved plan shall thereafter be implemented in accordance with the approved details, within 3 months of the date of the approval.

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

- 4 The use of the caravans hereby permitted shall not be occupied for holiday purposes except between 1st March and 31 December in any year and shall at no time be used for any other purpose.

Reason - To maintain a distinction between holiday caravans which contribute to the provision of visitor accommodation within the Borough and residential development having due regard to Policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The existing boundary treatment shall be retained and maintained to a minimum height of 1.8m.

Reason - In the interests of visual amenity and having due regard to Policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011.