

UPDATE 9 SEPTEMBER 2020

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr Glanville AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR Retain the existing 'Fowley Cottage' dwelling and construction of 7No. detached dwellings, two on the Warblington Road frontage and five to the rear garden area. Access to Plot 5 to be taken off Warblington Road, access to Plots 1-4, 6 and 7 to be taken off Curlew Close. At Fowley Cottage, 46 Warblington.-

Following the submission of additional information in respect to the objection from the Environment Agency and in respect to refusal reason 3:-

At the time of deterring the application the development was the subject of an objection from the Environment Agency(EA) for the reasons set out in their response of, and whilst the FRA was updated in Version 5 to address these comments, Version 5 related to the scheme for 6 dwellings and not the revised scheme for 7 dwellings which is the subject of the current appeal. It is noted that as part of the appeal documentation the FRA has now been revised to relate to the proposed 7 dwelling scheme the subject of this appeal (Version 6). The Environment Agency has been consulted on this latest Version and subject to the EA being satisfied with the FRA as now submitted then this reason for refusal would be satisfied.

The response of the Environment Agency has been received dated 9 September 2020 and is attached as an appendix to this update. The response states:-

Environment Agency Position We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection.

The proposed development will only meet the National Planning Policy Framework (NPPF) policy of the Planning Practice Guidance for Flood Risk and Coastal Change if the following planning conditions are included.

Conditions The development permitted by this planning permission shall be carried out in accordance with the submitted updated flood risk assessment (FRA) "*Appendix 2 - Updated FRA (Version 6a) Appeal_Part1*" and the following mitigation measures they detail:

☐ Section 1.18 on Page 9 - It will be ensured that the proposed dwellings will have a minimum FFL (finished floor level) of 4.89m AOD (i.e. 2115 flood level of 4.59m AOD 300mm freeboard allowance).

☐ Section 1.18 on Page 9 - It will also be ensured that the level of the road will be set at a minimum level of 4.89m AOD. To ensure safe access for all vehicles, including emergency vehicles. It is suggested that this is controlled by a suitably worded planning condition.

☐ Section 3.6 on Page 12 - In accordance with Planning Practice Guidance, the proposed buildings should be designed and constructed with flood resilience measures in mind, thus reducing the impact in the unlikely event that flood water enters the proposed buildings, to ensure no permanent damage is caused, structural integrity is maintained and drying and cleaning is easier. In this regard, the proposed dwellings will be designed in accordance with the Communities and Local Government document entitled, 'Improving the Flood Performance of New Buildings - Flood Resilient Construction'. Examples of flood resilience measure include raised electrical sockets; sump and pump systems; and using water resistant materials in kitchens and bathrooms.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the 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

To reduce the risk of flooding to the proposed development and future occupants.
To ensure safe access and egress from and to the residential buildings.

Advice to LPA The LPA should list the FRA in the conditions as an approved plan/document to which the development must adhere. It is recommended these conditions are in place before the development begins.

Environmental Permit

Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- ☐ on or within 8 metres of a main river (16 metres if tidal)
- ☐ on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- ☐ on or within 16 metres of a sea defence
- ☐ involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- ☐ in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The Local Planning Authority is of the opinion that the imposition of this condition would address refusal reason 3, and therefore respectfully requested that if the Inspector is minded to allow the appeal that it should be subject to this condition together with the conditions previously forwarded to the Inspectorate.