
Site Address:	16 Selborne Avenue, Havant, PO9 4PX		
Proposal:	Erection of 1No. 3bedroom detached dwelling.(Revised).		
Application No:	APP/19/01254	Expiry Date:	28/02/2020
Applicant:	Mr Sturgess		
Agent:	Mr Eitel	Case Officer:	Tina Pickup
	Fiftypointeight Architecture +		
	Interiors		
Ward:	Barncroft		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site relates to an end of terrace traditional two storey post-war dwelling, located on the north side of Selborne Avenue. The property is constructed of pale red brick with gabled end, beneath a dark concrete tiled roof. It is set back from the road by between 4.5m and 5m. The application site is triangular in shape, representing a corner plot, with a wide frontage but tapering to a point to the rear. A fence has recently been erected from the south eastern corner of the property to the highway edge, effectively dividing off the proposed eastern corner plot. (But note that the fence alignment on site does not match either the existing or proposed plans).
- 1.2 The host dwelling is set at a slightly higher level than the highway with the frontage recently hard surfaced with tarmac on a slight slope. It is noted that the kerb in front of this frontage has not yet been dropped. There are double yellow lines around the junction with Middle Park Way and Selborne Avenue which end just before the application site. To the east of the new fence, the original frontage hedge remains in part, before a former driveway. The eastern boundary hedge has been removed and this boundary is currently open and marked by a low post and wire fence. There is close boarded fencing along a truncated northern boundary.
- 1.3 The area is characterised with similar style dwellings and there is a strong uniformity of house types, alignment and materials in the area. There is a strong pattern of development comprising rows of terraced properties, set back but fronting the highway, and this alignment is a feature of the area.
- 1.4 The application site is the last dwelling on this north side of the road before an open grassed area that forms part of the adopted highway. To the east, the terrace of No. 22 to No. 32 Overton Crescent, are set at 90 degrees to the application site such that the rear of No.32 and No.30 share a boundary with the application site.
- 1.5 By virtue of the adjacent open grassed area and the fact that No.32 Overton Crescent has a relatively open side garden, bounded by low wire fence, the area has a spacious feel. Originally the dwellings in the area were constructed without any on site parking, but over time several have formed hard surfaced frontages for the parking of cars.
- 1.6 The site lies within Flood Zones 2 and 3; and there is a public foul sewer that runs close to the eastern boundary of the site.

2 Planning History

APP/19/00860 - Erection of 1No. 3 bedroom detached dwelling., Withdrawn
16/10/2019

3 Proposal

Erection of 1No. 3 bedroom detached dwelling.(Revised).

- 3.1 This application follows the withdrawal of APP/19/00860 and attempts to overcome the concerns in relation to Flood Risk issues and now includes a detailed Flood Risk Assessment, including Sequential Test and Exception Test documents.

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

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

LP2	(Leigh Park Housing Allocations (Garage Courts/Parking Areas))
AL1	(Presumption in Favour of Sustainable Development)
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

Arboriculturalist

There are no tree constraints therefore I have no objection.

Building Control

Public sewer shown on other side of boundary line scales over 3m but line of drain may be different on site should be checked if within 3m consultation with SW will be required

Building Regulation application will be required for this work

Community Infrastructure

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

Additionally, instructions should be passed by the Case Officer to the CI Team to issue

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

See also information on Nutrient Neutrality: www.havant.gov.uk/nitrogen

Crime Prevention

None received

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works

Furthermore, 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.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Informative re connection recommended should this application receive planning approval

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.

Engineering/Drainage

None received

Environment Agency

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

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 development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref 72330R1, dated 7 November 2019, by GeoSmart

Information Ltd) and the following mitigation measures it details:

- **Finished floor levels shall be set no lower than 12.80 metres above Ordnance Datum (AOD) (as specified on page 3, and section 7 Table 10, of the submitted FRA).**

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.

Reasons

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

Hampshire Highways

The front garden of this dwelling has partially been constructed as a parking area. It will need works to the highway to provide a dropped kerb access. The frontage hedge to both Selborne Avenue and the footpath leading north eastwards from it need to be lowered to a maximum level of 0.6m. to provide visibility of approaching pedestrians and scooter users. I therefore confirm the Highway Authority have no objection subject to the following conditions and Note to applicant.

Conditions :

1. Prior to the new car parking area being brought into use it will be surfaced in a non-migratory material and shall be maintained in that condition thereafter.
2. Prior to construction of the development commencing the hedge both sides of the existing access shall be lowered to a maximum height of 0.6m. above the adjacent footway level. The hedge shall be maintained to this maximum height thereafter.

Note to Applicant

Before undertaking any work which affects a public highway you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or other works on or to the public highway. For further information, please contact highways.development.control@hants.gov.uk

Natural England

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.

Please consult Natural England on the discharge of the Grampian condition.

Planning Policy

I have been asked to provide comments on the sequential and exception tests for flood risk submitted in support of this application.

The applicant has provided a detailed Sequential & Exception Test document prepared by consultants. It clearly sets out the flood risk issues of the sites, as well as the parameters applied to the sequential and exception tests.

I agree with the consultants that national guidance is not prescriptive about the area of search to be applied to the sequential test. Instead, a pragmatic approach should be taken, appropriate to local circumstances. While I cannot find a reasoned justification for the area of search chosen, I am content with the search being confined to the Leigh Park area of the borough, due to the small size (one dwelling) of the proposed development.

To inform the review of alternative sites in this area, various Local Plan background documents and sites identified in them have been taken into account, in particular the

Strategic Housing Land Availability Assessment and the Council's Local Plan Sites Strategic Flood Risk Assessment. I accept that none of these show suitable alternative sites. However, a notable omission from the test is a review of sites identified for development in the adopted Local Plan. Policy LP2 allocates a number of small garage sites in Leigh Park for residential development. The report does actually identify these sites through its review of the SHLAA, but dismisses them due to a perceived lack of information about them. They are, however, allocated for small scale development in the adopted allocations plan, and shown on the proposals map (both at www.havant.gov.uk/local-plan-allocations), they should have been considered as potential suitable alternatives for the development.

As well as council documentation, the applicant states that they consulted commercial property agents. This is a recommended course of action to satisfy the sequential test, particularly for small sites of less than 5 dwellings, which are less likely to be considered in strategic planning documents. The sequential test document includes no evidence that these searches took place, but having undertaken a search myself for potentially available land, I have no reason to disbelieve the conclusion that these searches yielded no results for suitable alternative sites.

Overall, since the test has not included an assessment of potentially suitable allocated sites, I am unable to conclude that the sequential test has been passed.

I have considered the information on the exception test, to cover the eventuality that the sequential test may still be passed if the applicant chooses to add further information. Both the sequential and the exception test must be passed for development to be considered acceptable.

For the exception test to be passed, according to paragraph 160 of the NPPF, it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

I have noted the reasons given on page 21 of the report that claim the development would satisfy part a) of the exception test. I accept that the development is an area well served by facilities and services. While this is a sustainability benefit over other sites that may not have such access, it is not a benefit that the development is providing to the community that would outweigh the flood risk; Further the report places strong reliance on the scheme boosting the supply of homes, sustaining local schools and creating a significant number of jobs. I do not consider that any of these sustainability benefits can be reasonably attributed to a one dwelling scheme. I am therefore unable to conclude that the exception test has been passed.

In conclusion, it is considered that not all sources of potential alternative sites have been considered to pass the sequential test. In addition, even if the sequential test were passed, it has not been shown that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and it is unlikely to be possible to demonstrate this. Overall, in the light of flood risk, I am unable to support the scheme in principle.

On amended details:

I have been asked to provide comments on the sequential and exception tests for flood risk submitted in support of this application. I originally commented on 30 January 2020. In response to these comments, the applicant updated their Sequential & Exception Test document and submitted it on 7 February 2020. These comments relate to that update.

In terms of the sequential test, the applicant has now assessed the additional sites suggested, those allocated under LP2 of the adopted Local Plan. The applicant has identified one site that meets the search parameters and could be a suitable alternative: the Forestside Avenue parking area (site L146). The applicant rejects the site based on the availability of parking and potential for overlooking. However, since the site is subject to an allocation for residential development, I am unable to accept the argument that the site is not suitable for one dwellings.

As set out in my previous comments, I had already considered the information on the exception test. I maintain my conclusion that the proposed scheme would not provide wider sustainability benefits to the community that outweigh the flood risk, and therefore the exception test is not passed.

Public Spaces

None received

Traffic Management

No adverse comment to make

Waste Services Manager

None received

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: 11

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Objection:	
proposed property backs onto my garden fence; concerned that pipe work/guttering & fascias over hanging because it is right up to border fence; new property so close will over-shadow and invade my privacy from all the windows in the side and back will make me feel hemmed in and	Noted - see section 7

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) Flood risk
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways and parking
- (vi) Drainage
- (vii) Compliance with Habitats Regulations
- (viii) CIL

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable in principle, subject to the usual development control criteria. The NPPF supports sustainable development with three aims: the economic; social; and environmental objectives. Havant Borough Council has an up-to-date development plan, comprising the Hampshire Minerals and Waste Plan; the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014 and in accordance with paragraph 11 of the NPPF decisions should be made in accordance with the development plan.

7.3 The Council also approved its Pre-Submission Havant Borough Local Plan 2036 in January 2019, but at this stage the policies within this draft plan can only be afforded limited weight. The emerging policies do however indicate the direction of travel. It is noted that the Council's Five Year Housing Land Supply Update as of December 2019 indicates that the Council can demonstrate a 5.4 years' worth of housing supply, including the recovery of a shortfall (173 units) with a 5% buffer which has accumulated since 2016. Since a single dwelling would not make a meaningful contribution to the housing supply, any reference to justification based on housing need within the submitted Design and Access Statement is not considered relevant to the determination of this application.

(ii) Flood risk

7.4 The application site lies within Flood Zone 3 and as a more vulnerable form of development requires a flood risk assessment including sequential and exception test. The NPPF aims to direct development away from areas at high flood risk and the aim of the sequential test is to steer development to areas with the lowest risk of flooding. If development cannot be re-directed to suitable and available lower risk sites, then the exception test must also be applied and this requires that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development would be safe for its lifetime without increasing flood elsewhere. Paragraph 161 of the NPPF makes it clear that both elements of the exception test need to be satisfied for development to be permitted.

7.5 The submitted sequential and exception tests were assessed by the LPA (see Policy consultation comments above) and whilst it was noted that the original sequential test methodology was accepted as reasonable, nevertheless there was an omission in the

consideration of allocated housing sites. The sequential and exception tests document was accordingly updated to include assessment of the sites allocated under adopted Policy LP2, Leigh Park Garage Courts/Parking Areas. The submitted document rejects site L146 (Forestside Avenue) as having other planning issues such as parking, and overlooking and therefore concludes that there are no other suitable comparable sites within the Leigh Park search area. However the LPA would contend this conclusion and considers that site L146 would be in principle deliverable and developable, and its inclusion within the allocations would have given initial consideration to these issues. The planning merits of any future scheme would, in the same way as any other application, be considered on its merits.

- 7.6 It is further noted that the area of Leigh Park that is constrained by Flood Zone 3 is relatively a small area focused around Middle Park Way. The wider urban area of Leigh Park is Flood Zone 1 and would be at lower risk of flooding. Within this wider area no assessment of extant planning permissions has been undertaken and it is considered that several end of terrace dwellings have been approved in this area within the past 3 years. This would demonstrate that comparable windfall sites do exist in Leigh Park and the proposed site fails the sequential test.
- 7.7 In terms of the exception test, it is not agreed with the submitted document that the construction of one single dwelling would sustain jobs, schools, housing supply etc and there is no wider community benefit that outweighs the flood risk. It is accepted that the mitigation measures proposed would be safe for its lifetime, passing clause b) but part a) of the exception test is not deemed to have been passed. Any short term gains of jobs during the construction stage would not benefit the wider community in the long term. Since both parts of the exception test have to be passed, then failure of part a) means the proposal is considered to fail the exception test.
- 7.8 Notwithstanding the LPA's view of the sequential and exception tests, the submitted FRA notes that the proposed dwelling would be set with a finished floor level of 12.80m above ordnance datum (AOD) which is 0.3m above the estimated 1 in 100 year plus 105% allowance for climate change level. Other mitigation measures are also proposed within the FRA, such as interceptor drains, non-return flap valves, SuDS etc, and signing up to the EA's flood warning system. On this basis the EA have confirmed that they have no objection to the proposed dwelling. However, this acceptance of the mitigation measures for the dwelling itself to protect future occupiers is not sufficient in isolation and does not outweigh the unsustainable location in flood risk terms that fails the sequential and exception tests.

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

- 7.9 Within the vicinity of the application site there is a strong uniformity of two storey terraced dwellings set in linear rows, fronting the highway. All have consistent ridge and eaves height. There are no other detached dwellings within the immediate area. Therefore it is considered that the proposal for a detached dwelling that projects forward of the established building line by some 3.3m, having a ridge height about 0.5m higher and eaves line some 1m higher than adjacent properties, fails to respect the character of the area. The combination of forward siting and extra height would result in an unduly prominent form of development in the street scene, at variance with the established pattern of development in the area.
- 7.10 The slight slope of the site, together with need to raise finished floor levels for flood risk reasons, would result in the proposed development being artificially raised above natural ground level, adding to its apparent height and dominance. It would sit higher

than neighbouring properties, resulting in a mis-alignment of fenestration details, detrimental to the visual cohesion of the area. Furthermore the more contemporary design approach with vertical feature brick work panels is not considered representative of the area.

- 7.11 Overall the proposed detached dwelling is not considered appropriate to the character of the area and would be harmful to the visual appearance and harmony of the street scene, contrary to adopted policy CS16 and emerging policy E1.

(iv) Impact upon residential amenity

- 7.12 The site is a triangular shape, tapering to the rear. The proposed siting of the dwelling would result in the rear corner of the dwelling being tight to the shared boundary with number 32 Overton Crescent. This would result in a poor relationship with number 32, being a high and dominant building mass so close to number 32's private rear garden and detrimental to their outlook. Due to the elevated floor levels the proposed east and north elevation would be particularly dominant and overbearing and together with the proposed ground and first floor windows in these elevations, would be harmful to the amenity of the occupiers of neighbouring residents. In particular the proposed Juliette style balcony in the rear elevation would be within 4m of the shared eastern boundary and result in direct overlooking and loss of privacy to all adjacent neighbours.
- 7.13 It is also noted that the orientation of the site and proposed dwelling in relation to number 32 Overton Crescent, is such that there would be likely to be overshadowing of the private rear garden of number 32. The proposed dwelling would be sited due south of the private garden of number 32 such that the garden would be overshadowed in the afternoon and evening. On page 13 of the submitted Design and Access Statement the sun's path is marked for energy efficiency reasons, but this clearly demonstrates that there would be a high level of additional overshadowing over the neighbour's private garden, detrimental to the enjoyment of their private space.
- 7.14 Due to the shape of the site and proposed siting of the dwelling, it is considered that insufficient separation between building bulk and private rear gardens can be achieved to avoid adverse overlooking, overshadowing and loss of outlook and amenity. The proposal would therefore be harmful to neighbouring amenity and contrary to adopted policy CS16 and emerging policy H1.
- 7.15 In terms of amenity for future occupiers, the proposed layout would result in a rear garden depth of between 8m and 0m. This very restricted rear garden area falls substantially below the recommended minimum of 10m depth as set out in the adopted Design Guide SPD. It is further noted that much of the usable rear area would be taken up by steps down from the house and a cycle shed, further limiting the useable available space. As a 3 bedroomed family dwelling, this substandard rear amenity area is considered insufficient for future occupiers, contrary to the Design Guide SPD, adopted policy CS16 and emerging policy H1.

(v) Highways and parking

- 7.16 To meet the adopted Parking SPD, 2 on site spaces are required to serve the proposed 3 bedroom dwelling. These can be provided to the side of the site using the existing dropped kerb. It is further noted that 2 spaces are shown to serve the existing dwelling and this frontage area has been hard surfaced, but the kerb not dropped. Hampshire Highways has noted that to provide adequate visibility the frontage hedge would need to be lowered. If this application had been recommended for permission,

then these matters could be conditioned. Overall there is no highways or parking objection to the proposal.

(vi) Drainage

7.17 There is a Southern Water public foul sewer running close to the eastern boundary of the site. To protect this sewer no development or tree planting should be within 3m from its external edge; and no soaways etc within 5m. The proposed layout plan marks the location of this sewer but proposes the dwelling within 1.5m, contrary to Southern Waters advice. This issue is not addressed further in the submitted Design and Access Statement. On the information available the proposed layout would therefore be likely to result in damage to, and fail to protect this public sewer. However, should the application be acceptable in other respects, then this technical issue would not be considered a reason for refusal in its own right; it is likely that there are technical Build-Over Agreement or diversion options that could be explored with Southern Water and Building Regulations.

(vii) Compliance with Habitats Regulations

7.18 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 (Amendment) (EU Exit) Regulations 2019. 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 effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed development of one new residential unit.

7.19 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. The applicant has indicated a willingness to enter into a legal agreement/accept a Grampian style condition to secure the appropriate mitigation packages.

7.20 With respect to the Solent Recreation Mitigation Strategy the applicant has been sent the appropriate agreement and Deed requesting the payment of £705.65. However this has not been returned or received and therefore it is considered that this recreational element of the impacts of development have not been adequately mitigated against. This lack of mitigation is contrary to policy DM24. With respect to the water quality issue, the applicant has indicated a willingness to accept a Grampian style condition to mitigate the harm, pending the Council's solution to the nitrates issue.

7.21 The Appropriate Assessment concluded that, subject to the securing of these packages through a legal agreement/condition, 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 objection on this basis. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages, although the recreational mitigation

package has not been secured to date. Therefore, on the basis of a refusal of planning permission for other matters, then it is necessary to include the non-provision of the avoidance and mitigation package for recreational disturbance as a reason for refusal.

(viii) CIL

7.22 The development is CIL liable for the net additional internal floor space, which is indicated on the CIL forms to be 98sqm. The Havant Borough Community Infrastructure Levy Charging Schedule, was adopted by the council on the 20th February 2013 and followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners 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 CIL Regulations require the use of the national All-in Tender Price Index published by the Build Cost Information Service and this index has now increased to 2020 - 49.107%.

7.23 In light of the recommendation for refusal on other matters, the Draft Liability Notice has not been prepared, but could be done at appeal stage if necessary.

8 Conclusion

8.1 It is considered that the proposed dwelling in this flood risk area would not represent a sustainable form of development when there are better sites within lower flood risk areas nearby. The proposal is considered to fail the sequential and exception tests contrary to the NPPF and adopted policy CS15 and emerging policy E19. Furthermore the siting, layout, design, height and massing of the proposed detached form of development would be out of keeping with the otherwise uniform character of the area, and would have a detrimental impact on the amenity of neighbours from overlooking and overshadowing. The lack of appropriate mitigation measures for likely significant recreational harm to the Solent European Sites as specified by the Habitats Regulations is also contrary to policy DM24 and emerging policy E16. The proposal is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/01254

(A) for the following reasons

- 1 The site falls within flood zone 3 and as more vulnerable development the proposal does not meet the sequential or exception tests as set out in the NPPF. As such it would represent unsustainable, inappropriate development in an area of high risk of flooding, contrary to adopted policy CS15 of the Havant Borough Core Strategy, 2011, emerging policy E19 of the Pre-Submission Havant Borough Local Plan 2036; and the National Planning Policy Framework.
- 2 The size and shape of the plot would not allow for development of a standard compatible with the existing surrounding development, and the proposed

detached dwelling, by reason of its forward siting, raised floor levels, height and design, would be an incongruous feature to the detriment of the visual cohesion and harmony of the streetscene and uniform character of the area. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Borough Design Guide SPD, 2011, the National Planning Policy Framework and emerging policy E1 of the Pre-Submission Havant Borough Local Plan 2036.

- 3 The proposed dwelling, by reason of its siting and orientation, would result in an excessive and overbearing building bulk adjacent to existing residential properties, causing overshadowing, overlooking and loss of privacy, detrimental to the visual outlook and amenities of the occupiers of adjacent properties. Additionally, the substandard garden size would not provide adequate amenity space for future occupiers. The proposal is therefore contrary to the Borough Design Guide SPD, 2011, adopted policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework and emerging policy H1 of the Pre-Submission Havant Borough Local Plan 2036.
- 4 In the absence of a suitable agreement to secure appropriate recreational mitigation measures, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in increased recreational pressures from future residents and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E16 of the Pre-Submission Havant Borough Local Plan 2036 and The Conservation of Habitats and Species Regulations 2017 (as amended).