

Planning Policy Comments

Application No	APP/20/00363
Address	The Coal Yard, 178A West Street, Havant, PO9 1LR
Development	Demolition of existing single storey structure and construction of a 3 storey building housing 20No. 1 bedroom 1 person apartments for Havant Housing Association.
Case Officer	LO
Comments By	JB
Date of Comments	22 June 2020

Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The [Pre-submission Havant Borough Local Plan](#) (HBLP) was approved by the Council on 30 January 2019 and can be afforded limited weight.

Principle of Development

The site is not specifically allocated for development through the adopted or the emerging local plan. However, the site lies within the urban area as defined by policies CS17 and AL2 of the adopted plan. This continues in the emerging local plan. The site is also previously developed land. As such, the principle of residential development in this location is accepted and supported.

However, a key constraint on development on this site is flood risk. It is affected by Flood Zones 2 & 3, both now and in the future. The applicant has submitted a Flood Risk Assessment as well as a Flood Risk Sequential & Exception tests for this application. The Environment Agency has commented on the FRA. These Policy Comments therefore focus on the Sequential and Exception Test, which are the responsibility of the LPA to consider.

Sequential Test

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 and the particular application. The applicant has set out clearly why this development, for operational reasons, needs to be located in Havant Town Centre, or within walking distance to it. It therefore is reasonable to limit the area of search for alternative sites to that area.

The applicant has followed guidance from the LPA and has conducted an extensive search of this area, using multiple sources, including their own interactions with land agents, a search of property currently on the market by estate agents, and a review of the Council's plans, SHLAA, and brownfield register. For each site identified, the applicant has demonstrated why the site is either unavailable or unsuitable for the proposed development. The sequential test may therefore be considered passed.

Exception Test

Even if the application is considered to have passed the sequential test, as a 'more vulnerable' use in FZ3, the exception test is also required. The applicant has addressed the exception test with their FRA.

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.

In terms of part a) it is accepted that providing specialist accommodation provides wider sustainability benefits to the community. However, it must also be acknowledged that a more vulnerable group of people would be housed on a site at risk of flooding, and part b) of the test therefore becomes all the more important.

The applicant has sought to demonstrate through their flood risk assessment how that risk will be managed. The Environment Agency, however, have objected to the application on the basis that the FRA does not adequately demonstrate that the site would be safe throughout its lifetime. On that basis, at this current time, it is not possible to conclude that the exception test has been passed, as part b) has not been passed. However, if, as the EA has suggested, the applicant submits further evidence to satisfy this point, this would address part b) of the exception test and the test would be passed overall.

Conclusion

Both the sequential and the exception test must be passed for development to be considered acceptable.

The sequential test is considered passed, through adequate evidence that there are no suitable alternative sites.

The exception test is not passed, as it has not been adequately demonstrated that the development will be safe for its lifetime without increasing flood risk elsewhere.

Overall, it must therefore be concluded that national and local policy on flood risk is not satisfied, and that the development is therefore not supported. However, if the applicant is able to satisfy the Environment Agency's concern regarding the safety of the site in the light of flood risk, then this would also address this policy objection.