
Site Address:	22 Haslemere Gardens, Hayling Island, PO11 9SD		
Proposal:	Demolition of existing bungalow and erection of 2No. semi-detached two bed dwellings.		
Application No:	APP/18/01174	Expiry Date:	16/01/2019
Applicant:	Mr Neal and Mr Mould		
Agent:	Mr Murray	Case Officer:	Lewis Oliver
	I J Murray Associates		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The application site is currently made up of a vacant detached bungalow with hipped concrete tiled roof and red brick walls. There is a plastic clad porch addition to the front and rooflight in the rear roof slope. There is a small outbuilding to the rear and detached garage, with vehicular access to the side of the dwelling. The bungalow faces, but is set back from, Haslemere Gardens by some 8m.

The area is residential in nature comprising predominantly of detached bungalows and chalet style dwellings. Although there is variety in architectural style the general pattern of development is consistent (detached dwellings in medium size plots, set back from the road). The spacing and boundary treatments give Haslemere Gardens a verdant and spacious character.

The application site lies within an area identified as Flood Zones 2 and 3 by the Environment Agency.

2 Planning History

APP/14/00803 - Side and rear extension, roof extension and conversion, and division of building and plot into two semi detached dwellings., Refused on ,17/04/2015 for the following reasons:

1 The combined scale and built form of the proposed development, which would occupy virtually the entire width of the plot with a large flat topped roof section, and amount of hardstanding proposed to the site frontages for parking would result in a discordant urbanising form of development that has insufficient regard to existing area characteristics or local context. The layout, design, width and form of the new development would therefore represent a dominating and visually incongruous form of development within the street scene of Haslemere Gardens out of keeping with the modest, well spaced detached dwellings within verdant plots. The introduction of such a development would not only be visually incongruous and out of keeping but would also introduce an undesirable form of development, which if replicated would have wider implications to the prevailing character and appearance of the area.

The development is therefore considered to conflict with the requirements of the National Planning Policy Framework, with particular reference to Chapter 7, policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 criteria 1(a), (b) and (c), and the guidance contained with the Havant Borough Design Guide SPD 2011.

2 The proposal development by reason of its combined height, built form and proximity to the shared boundaries with 20 and 24 Haslemere Gardens would create an unacceptable reduction in light levels to immediate neighbours 20 and 24 Haslemere Gardens. The proposal would also reduce outlook and have an overshadowing and overbearing effect from the front habitable windows and amenity spaces of these neighbouring dwellings. The development would therefore have an unacceptable impact on neighbour amenity and would therefore fail to accord with policy CS16 1(e) of the Havant Borough Local Plan (Core Strategy) 2011.

3 The site is a windfall site situated within Flood Zones 2 and 3 and the development proposed is classified by the Environment Agency as a More Vulnerable Use. The National Planning Policy Framework requires that the Local Planning Authority undertake a Sequential Test to steer development to areas with the lowest probability of flooding. It is considered that there are sequentially preferable sites within the Borough and that the Local Planning Authority can demonstrate a 5 year housing supply. Therefore, there is no overriding justification for the development of an additional dwelling within Flood Zones 2 and 3 which would result in an unacceptable risk to life and property from tidal inundation. The development therefore conflicts with paragraph 103 of the National Planning Policy Framework, 2012, paragraph 30 of the National Planning Practice Guidance, the Technical Guidance to the National Planning Policy Framework, 2012 and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

4 This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. In the absence of any mitigation provision to off set the impact of the new residential development the development would result in a cumulative impact to the Solent SPA. The development is therefore contrary to policy CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM24 of the Havant Borough Local Plan (Allocations) 2014.

3 Proposal

The proposal is for the demolition of existing bungalow and erection of 2No. semi-detached two bed dwellings. This application has made the following amendments from the previous application APP/14/00803:

The new proposal sets the properties back to the line of the neighbouring buildings and creates a step between the two properties to break up the massing of the building. The proposed layout would still occupy the width of the plot with a 1m access down both sides.

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)
DM9 (Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential 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

Building Control, Havant Borough Council

Location of solid waste storage does not appear to have been indicated

Building Regulation application will be required for this work

Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) we uphold our objection to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to demonstrate what the flood risk is to the proposed development and how this risk will be safely managed over its lifetime.

Advice to the Applicant and Local Planning Authority

The proposed development is to convert the existing dwelling into 2 semi-detached dwellings and thus needs to be treated as a new development. The number of people at risk on this site will increase as a result of the development, so the FRA needs to clearly demonstrate what this risk is and how it has been mitigated against.

In particular, the FRA needs to set out:

- What the flood risk to the site is at present day and in 2115
- Detail regarding any defences protecting the site including their type and crest level
- Existing and proposed finish floor levels of the development
- How any residual flood risk will be mitigated against should the existing defences breach or overtop.

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Highways Engineer, Development Engineer

The Highway authority have no adverse comment to this application.

Natural England Government Team

No Objection - subject to SRMS payment

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: 3

Comment	Officer Comment
Out of character to existing street properties	Considered under paragraph 7.1 (ii)
Adverse impact on the highway network	Considered under paragraph 7.1 (iv)
Adverse impact on the amenities of neighbouring properties with regards to overlooking, overbearing and loss of sunlight/daylight.	Considered under paragraph 7.1 (iv)
Another element is the risk of flooding and the extra number of people two properties would hold, more work for the rescue services.	Considered under paragraph 7.1 (iv)

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) Parking and highway safety
- (v) Flood risk
- (vi) CIL and SRMS

(i) Principle of development

The application site is situated within an urban area where further development is normally considered acceptable subject to the usual development control criteria. In this case, however, the site itself lies within Flood Zones 2 and 3 as advised by the Environment Agency, and the principle of acceptability of residential development in

such locations is subject to the application of the Sequential Test (and where necessary the Exception Test) in accordance with the NPPF and Planning Practice Guidance. This is considered further at (v) below.

The application also closely follows on from the refusal of APP/14/00803, and this report will therefore address the degree to which the revised submission addresses the previous reasons for refusal.

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

As has been highlighted in paragraph 3, this application puts forward a revised proposal for the site following the previous refused application. With the proposal now comprising a demolition and rebuilding operation, rather than the extensions to the existing property previously proposed, this has given the scheme more flexibility in terms of the siting and design of the new dwellings. Whilst the new design does still occupy the width of the plot with a 1m access down both sides, it should be noted that several properties in the street scene do the same including the property next door to the south which actually is built up to the boundary of the plot. However, this revised proposal sets the new properties back to the line of the neighbouring buildings and creates a step between the two properties to break up mass and reflect the slight step back of the property to the south. In addition this creates additional garden space to the front of the properties that is proposed to be landscaped, which would retain and improve the verdant nature of the street scene and remove the potential for the development to be dominating and visually incongruous for the character and appearance of the area.

As such the development as now proposed is considered to be consistent with the existing streetscene and as a result would not have a significant adverse impact on the character and appearance of the area. Furthermore this proposal is considered to have addressed the previous reason for refusal 1. As such this proposed revised scheme is considered to comply with the advice laid out in Policy CS16 of the Local Plan (Core Strategy) 2011.

(iii) Impact upon residential amenity

To address reason for refusal 2 of application APP/14/00803, as previously outlined the proposed replacement dwellings will be set back in line with the existing dwellings numbers 20 and 24 to the North and South - this will result in the gable ends of the buildings aligning. As such it is considered that given this revised layout, in combination with the proposed size, scale and massing of the chalet bungalows, that the development has addressed the previous for refusal in this regard, and the development would not have a significant adverse impact on the amenities of 20 and 24 Haslemere Gardens with regard to loss of sunlight/daylight or overbearing impact.

It is noted that the proposed design includes the provision of dormer windows on the rear elevation of the proposed dwellings, which will result in some oblique overlooking of the adjacent garden areas of Nos 20 and 24 Haslemere Gardens. However this is a conventional arrangement for a residential area, and it is not considered to result in an unacceptable level of overlooking.

Concerns have also been raised by properties to the west and east of the site. The proposed development would retain the approximate 36m distance from dwellings on the opposite side of Haslemere Gardens (west). Whilst the proposal would see the new dwellings extended towards the rear a back to back distance of 24m is provided

from dwellings to the east. These distances, which exceed those recommended in the Borough Design Guide SPD, coupled with the intervening boundary screening, would ensure that the development does not harm the residential amenities of dwellings to the east and west of the application site.

(iv) Parking and highway safety

The development proposes tandem parking at the front of the site for two vehicles for each of the two bedroom dwellings. The highway engineer has confirmed that the parking provision is in line with the adopted parking standards and that the reversing of vehicles on to the quiet road of Haslemere Gardens would not be prejudicial to highway safety.

It is also considered that the vehicular movements associated with the new development would not be to a degree that would significantly alter the characteristics of the area or result in increased risk to highway safety. Whilst there are no on street parking restrictions allowing vehicles to park on the highway sufficient on-site parking is provided for the scale and nature of development proposed.

The development therefore accords with the adopted parking standards for the scale of development proposed and would not result in matters prejudicial to highway safety.

(v) Flood risk

The application site lies within Flood Zones 2 and 3 which is land assessed as having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (Flood Zone 2) and land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year (Flood Zone 3).

A dwellinghouse is classified as a more vulnerable use when considering development within flood zones. Paragraph 163 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be undertaken by the LPA in this regard to decision making. The advice contained within the EA's Demonstrating the flood risk Sequential Test for Planning applications, has been followed to this regard to test the planning application subject of this report.

The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development, (for example extension to existing dwellings), or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). However, the site the subject of this report is categorised as a windfall site and the EA advise that, in the absence of a flood risk windfall policy it may be possible (where the data is sufficiently robust) for the LPA to apply the Sequential Test taking into account reasonably available sites, historic windfall rates and their distribution across the district relative to Flood Zones. Where historic and future trends evidence indicate that housing need in the district through windfall can be met largely/entirely by development outside high flood risk areas, this may provide grounds for factoring this into the consideration of 'reasonably available alternative sites at the planning application stage.

To this regard the LPA can demonstrate a 5 year housing supply within the current

Strategic Housing Land Availability Assessment (SHLAA), Adopted Allocations plan and the Housing Statement 2016. The Housing Statement identifies sites for early release, in combination with the emerging Local Plan, which will identify appropriate sites that are in the areas of lowest flood risk for residential development. It is therefore considered that the provision of a further dwellings within flood zone 3 cannot be justified in this case as there are sequentially better sites available, which are deliverable and provide the Borough's 5 year housing supply requirement.

The agent for this application has sought to justify this proposal, in terms of the principle of development in flood zone 3, by outlining that the Local Planning Authority are not being consistent in the application of the sequential test. The agent refers to recent residential development at 60 Creek Road, the most recent application being APP/14/00185. This Creek Road site and the immediate surroundings are in flood zone 1, the lowest designation of flood risk, and therefore a sequential or impact test was not required in application APP/14/00185. It is therefore not directly comparable to this application site, which is in flood zone 3, and as such is vulnerable to flood risk.

In addition for developments within flood zones 2 and 3 development would only be acceptable provided that the application is accompanied by an appropriate Flood Risk Assessment (FRA).

This application is accompanied by a brief FRA submitted by the applicant, with no technical detail provided. The Environment Agency has considered the proposal alongside the submitted FRA and concluded that the FRA submitted with this application does not comply with the requirements set out in the National Planning Policy Framework and Planning Practice Guidance. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The EA has stated that in particular, the submitted FRA fails to:

- Understand what the flood risk to the site is at present day and in 2115
- Detail regarding any defences protecting the site including their type and crest level
- Existing and proposed finish floor levels of the development
- How any residual flood risk will be mitigated against should the existing defences breach or overtop.

With regard to the above information it is considered that the applicant cannot demonstrate that the development can be undertaken without posing an unacceptable flood risk or increasing the risk of flooding to existing or future occupants or those of the surrounding area. In addition the exception test has not been applied to this site, as required by reason of its inclusion within flood zone 3. Although it is considered that having regard to the fact that Havant Borough Council has a five year housing land supply there is no pressure to build on sites within flood zones 3. The ability to meet the five year housing land supply therefore negates the requirement to accept windfall sites that do not meet all policy requirements of the adopted Core Strategy including areas at risk of flooding.

As such this development has still not overcome the reason for refusal 3 in the previous application, and no further technical or detailed information has been provided by the agent. As such the development therefore conflicts with the National Planning Policy Framework, the National Planning Practice Guidance, the Technical Guidance to the National Planning Policy Framework, 2018 and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

(vi) CIL and SRMS

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This 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 levy is charged at £100 per square metre on new residential floor space (measured as gross internal area).

It is considered that there is a CIL liability for this site. A credit can be given for the existing floor space of the dwelling within the site and therefore only the additional floor space is CIL liable. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 44.5 square metres.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. 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. The applicant indicated a willingness to enter into a legal agreement to secure the mitigation package, and has since paid the requisite contribution. On this basis, previous reason for refusal 4 has been dealt with.

8 Conclusion

Whilst the development has overcome reasons for refusal 1, 2 and 4 of the previous application, this application has still not overcome the reason for refusal 3, and no further technical or detailed information has been provided by the agent. The inappropriateness of the site for additional residential development by reason of its location within Flood Zones 2 and 3 are considered to outweigh the limited benefits of providing an additional dwelling. As such the development therefore conflicts with the National Planning Policy Framework, the National Planning Practice Guidance, the Technical Guidance to the National Planning Policy Framework, 2018 and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/01174 for the following reason:

- 1 The site is a windfall site situated within Flood Zones 2 and 3 and the development proposed is classified by the Environment Agency as a More Vulnerable Use. The National Planning Policy Framework requires that the Local Planning Authority undertake a Sequential Test to steer development to areas with the lowest probability of flooding. It is considered that there are sequentially preferable sites within the Borough and that the Local Planning Authority can demonstrate a 5 year housing supply. Therefore, there is no overriding justification for the development of an additional dwelling within Flood Zones 2 and 3 which would result in an unacceptable risk to life and property from tidal inundation. The development therefore conflicts with the National Planning Policy Framework, 2018, and the requirements of policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.