
Site Address: 200 Park Avenue, Waterlooville, PO7 5EZ
Proposal: Demolition of existing dwelling and garage, erection of
2No.semi-detached 2 bed dwellings and 1No.3 bed detached chalet style bungalow, all
with onsite allocated parking, access from Park Avenue. (Revised application).
Application No: APP/19/00391 Expiry Date: 13/06/2019
Applicant: Mr Eyre
Agent: Mr Rolison Case Officer: Lewis Oliver
 R_Rdesignstudio
Ward: Purbrook

Recommendation: **REFUSE PERMISSION**

1 Site Description

200 Park Avenue is currently a detached property located in located to the eastern side of Park Avenue. The application site is a large irregular shaped plot, which has mature trees, which are subject to Tree Preservation Orders (TPO), that are located in the north eastern corner of the site. The site is located within a designated flood zone 3. The site levels falls away from the north towards the south, towards Alameda Road. A sewer runs the length of the site, parallel to the northern boundary of the site.

The area is residential in character, with a mix of dwelling types including smaller bungalows in Alameda Road.

2 Planning History

92/57702/000 - Outline application for the erection of an attached 3 bedroom house to side and replacement garage to front o 200 Park Avenue., PERM,15/10/1992
07/57702/001 - Tree works., UNK,
08/57702/002 - Construction of 1No. semi-detached 3 bed house., REF,28/04/2008
09/57702/003 - Construction of 1No. 4 bed semi-detached dwelling., NPW,30/06/2011

APP/10/00689 - Pollard 1No. Ash tree to 3m. Crown reduce by 30% 4No. Sycamore trees. All subject to TPO 1511., PERM,15/12/2010

APP/16/00324 - Two storey rear extension, alteration and extension of roof to create habitable accommodation to include new front gable and replacement chimney., REF,17/06/2016

APP/16/00669 - Two storey and single storey rear extension, alteration and extension of roof to create habitable accommodation to include barn hip to front and rear; replacement chimney., PERM,23/08/2016

APP/18/01184 - Demolition of existing dwelling and garage, erection of 2No.semi-detached 2 bed dwellings and 1No.3 bed detached chalet style bungalow, all with onsite allocated parking, access from Park Avenue. , REF,15/01/2019 for the reasons:

1 The site is a windfall site situated within a Flood Zone 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 a Flood Zone 3 which would result in an unacceptable risk to life and property from flooding. In particular it has not been demonstrated that the proposed development would be safe for the lifetime of the development or have a safe means of access and/or egress in the event of flooding. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

2 The proposed development by virtue of its size, height, siting and design would result in an unacceptable overlooking form of development that would be un-neighbourly and detrimental to the amenities of the adjoining properties of 52 and 54 Alameda Road. Due to the change in levels across the site, the height of screen fencing required to provide appropriate safeguards and mitigation would be visually overbearing due to its length and height when viewed from the neighbouring properties. The proposal therefore conflicts with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so is contrary to Policy DM24 Havant Borough Local Plan (Allocations Plan) and the Conservation of Habitats and Species Regulations 2017.

3 Proposal

The proposal is for the Demolition of existing dwelling and garage, erection of 2No.semi-detached 2 bed dwellings and 1No.3 bed detached chalet style bungalow, all with onsite allocated parking, access from Park Avenue. (Revised application). Unit 3 is to be located in the current rear garden and would be adjacent to the boundary with 52 Alameda Road.

This application is a re-submission from the previous application, the key differences are:

- A full flood risk assessment report has been carried .
- The proposed screen fencing for unit 3 has been reduced to 1.8m in height.
- The height of proposed unit no.3 has been reduced in height to address the impact on neighbouring properties.
- In addition the rear Windows and doors on unit 3 have been repositioned so that there is no potential for overlooking from proposed unit no.3 and the adjoining properties.

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

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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

Arboriculturalist

Building Control, Havant Borough Council

Consultation should be carried out with Southern Water to ensure that the sewer diversion will be acceptable as proposed dwellings will be within 3m of existing sewer location

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

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/unilateral-undertaking-solent-recreation-mitigation-strategy>

As there is currently an 'existing two storey dwelling? in use on the site, the fee for the unilateral undertaking will be based on 2No. 2 bed dwellings.

Crime Prevention -Minor Apps

No response

Developer Services, Southern Water

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted,

Southern Water would request that the Council (as the Building Control Authority) refuses Building Regulations approval on the grounds that building over the public sewer cannot be permitted.

In order to progress the proposed development on the site, the layout must be amended. In considering an amended layout:

The 1125 mm diameter sewer requires a clearance of 5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 5 metres either side of the centreline of the public sewer

No new soakaways should be located within 5m of a public sewer.
All other existing infrastructure should be protected during the course of construction works.

Engineering/Drainage

No response

Environment Agency

The Environment Agency requests that the following condition be attached to any planning permission granted, and that the details in relation to these condition be submitted and approved by the Local Planning Authority.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- The developer must ensure the development is flood resilient by ensuring finished floor levels (FFLs) are raised to the proposed level of 39.510mAOD as stipulated in Chapter 5 in the Flood Risk Assessment Report 1170237, which provides a 100mm freeboard above the predicted 1in100 year 35% climate change allowance flood event level

Flood storage compensation – the developer must reduce the existing ground levels of Zone K by 160mm and Zone L by 150mm as stipulated in Chapter 8 and Appendix G of the Flood Risk Assessment Report 1170237, to compensate for the lost flood storage capacity by the proposed development

- Produce a Flood Warning Plan as stated in Chapter 10 in the Flood Risk Assessment Report 1170237 for the construction phase and for the new residents. This must include an evacuation plan and signing up to the Environment Agency Flood Warning Service. The new residents must also sign up to this service

Reason: To reduce the risk of flooding to the proposed development and to protect the future users of the development

Hampshire Highways

The level of development is not enough to warrant a consultation with the Highway Authority. I therefore request you deal with the application from the highway point of view under the Standing Advice issued to you last year.

Natural England Government Team

Recreational disturbance

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). The development proposal will need to be in accordance with the Definitive Strategy rates. Please note these rates were updated as of 1 April 2019.

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.

Deterioration of the water environment

Natural England is concerned about the deterioration of the water environment within internationally designated sites due to new residential development. We have recently issued wording in response to this issue for other similar applications. Please note this wording is also applicable in this case. Natural England is reviewing a recent legal opinion and we will respond in full once this has been completed.

Waste Services Manager

No response

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: 9

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Sewerage from the current property 200 Park Ave currently flows into our rear garden, runs alongside our property, where ours joins it, and out Southern Water have been consulted on this application and have not responded to date. As outlined in the report it is noted that as part of the proposal that a sewer is into Alameda Road.	Considered under paragraph 7.2 (vi)
Concerns regarding sewerage	
Unit 3 - 3 Bedroom bungalow to rear of 200 Park Ave:- We would kindly ask you to note our strong objections to this, the possibility of which is the cause of immense concern to us.	

Loss of privacy.	Considered under paragraph 7.2 (vi)
Development will cause flooding in rear gardens of neighbouring properties and wider area	Considered under paragraph 7.2 (vi)
Adverse impact on the character and appearance of the area, including impact on protected trees.	Considered under paragraph 7.2 (ii)
Loss of property value	This is not a material planning consideration
Loss of a private view	This is not a material planning consideration
The works as planned have a high potential for causing damage to existing structures on neighbouring properties, any grant of Planning Approval should include a condition enforcing the requirements of, and compliance with, the Party Wall etc Act 1996	This is not a material planning consideration

7 **Planning Considerations**

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24. However, this has not been secured by binding arrangements.

Water Quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore a significant

effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out. The applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality.

Overall conclusion

There remains a likely significant effect from the proposed development on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA. As such, it would not be lawful for the Local Planning Authority to grant planning permission for the proposed development.

7.2 In other respects, 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) Highway matters
- (v) Flooding issues
- (vi) Drainage
- (vii) CIL and SRMS

(i) Principle of development

The development plan for the Borough currently comprises the Local Plan (Core Strategy), 2011 and the Local Plan (Allocations) 2014. The Pre-Submission Havant Borough Local Plan 2036 was approved by the Council in January 2019 and currently has limited weight in decision making, but does indicate the direction of travel. The application site is situated within an urban area where further development is considered acceptable subject to the usual development management criteria.

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

The proposed architecture of the development seeks to draw on the design of the surrounding area and utilise building materials used in more recently constructed properties in the immediate vicinity. It is considered that the overall size, scale, massing of the development would not have a significant adverse impact on the character and appearance of the immediate and surrounding area, and would not be intrusive in the street scene to justify a reason for refusal on this issue.

The application is submitted with a Tree Survey to consider the impact of the development on the protected trees. The trees are generally of a lower quality, however they offer public amenity value due to their position in the street-scene. As such there could be some scope to remove these trees as part of the application and to replant with semi-mature species so as to ensure sustainable canopy cover at the property - this could be covered by a condition if permission were to be granted.

Overall on this matter it is considered that whilst the development would change the immediate character along Park Avenue and Alameda Road, it would not result in a proposal that adversely affects the character of the area or street scene sufficiently to warrant the refusal of this application on this issue. The proposal is considered an acceptable design and layout in a sustainable location, meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is considered that the scheme would not

result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

The application proposes the construction of a pair of semi-detached dwellings (Units 1 & 2), which are to be located in a similar position to the existing dwelling. Unit 3 is proposed in the rear garden of the existing property. The application is accompanied by proposed sections in order to understand how the development would relate to neighbouring properties. The impact of the development on the amenities of neighbouring properties is considered separately below.

Units 1 & 2

These units are located in the broad location of the existing two storey dwelling. These proposed properties would not extend beyond the rear elevation of the closest neighbouring property of 194 Park Avenue. Furthermore the properties would be separated from 194 Park Avenue by 2.5 metres, with the existing 1.8 metre closed boarded fencing to remain in place. As such with regard to this element of the proposed development by taking into account the levels across the site, appropriate boundary treatment, through boundary fencing and retention of mature trees in combination with the degree of separation between the plots and existing neighbouring properties would not result in the development having a significant adverse impact on the amenities of neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact, which would warrant a reason for refusal.

Unit 3

As was outlined in the proposal section this application has made a number of changes to this application to address the previous reason for refusal. These changes are:

- The proposed screen fencing for unit 3 has been reduced to 1.8m in height.
- The height of proposed unit no.3 has been reduced in height to address the impact on neighbouring properties.
- The layout has been amended, with the width of this unit reduced, which has been achieved through removing the single storey side extension
- In addition the rear Windows and doors on unit 3 have been repositioned, so that no openings are present on the rear elevation.

This unit is proposed to be located approximately 7.6m from the boundary with 202 Park Avenue, which is located to the north of the site, and is at a higher level. Given the degree of separation from this unit to the boundary with no.202, the size, scale and massing of this dwelling in combination with this neighbouring property being at a higher level, it is not considered that the development would have a significant adverse impact on the amenities of this neighbouring property with regards to loss of sunlight/daylight or overbearing impact.

The closest residential properties are to the south and are 52 and 54 Alameda Road. Unit 3 would be located approximately 3 metres from the site boundary with 52 Alameda Road, compared with 1 metre in the previous application, with a distance to the rear elevation of this property of 13.5 metres, compared to 12.5m in the previous application. The relationship of Unit 3 to 54 Alameda Road is 5.2 metres to the rear boundary, compared to 5 metres in the previous submission and 14.5 metres to the property itself, compared to 14m in the previous application.

Compared to the previously refused scheme the proposed Unit 3 has removed the

previously proposed terraced area immediately adjacent to the rear elevation, and also features a crown pitched roof instead of the fully pitched roof previously proposed. Therefore the proposed development would result in a reduction in the size and bulk of built form facing the neighbour, together with the reduction in height of the boundary fencing. Overall it is considered that given the proposed layout, size, scale and massing of the development now proposed that it would not have a significant adverse overbearing or loss of sunlight/daylight impact on the amenities of 52 and 54 Alameda Road, and has also addressed the concerns of the previous refusal.

In relation to privacy this application now proposes no windows in doors at ground floor level, and four rooflights, which are proposed to provide daylight to the ground floor living accommodation. Whilst in urban design terms this is not an ideal solution, it does mitigate the impact of overlooking onto the neighbouring properties Alameda Road, subject to controlling windows openings and associated removal of permitted development rights, if permission were to be issued. As such in overall conclusion on this matter it is not considered that this would be so significant to cause a harmful impact on neighbouring living conditions, and has addressed the previous reason for refusal on this matter.

Residential amenities of proposed dwellings

Units 1 and 2 propose to have a garden length of 10metres, which complies with the requirements in the SPD. Unit 3 has a rear garden of between 10m and 5m depth and 13m in width if provided, as such these properties provide the required level of amenity in accordance with the SPD. Whilst this property would be subject to a degree of overlooking, this is to be expected in a built up area and would nevertheless provide a reasonable level of private amenity. Overall it is considered that the impact on the development is acceptable in terms of the amenities of future residents.

(iv) Highway matters

The site provides adequate parking provision for the size of the dwellings proposed, as such the development complies with the adopted car parking standards and is considered acceptable.

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.

(v) Flood risk

The site is located within a Flood Zone 3 as identified on the Environment Agency flood zone map and the proposed development of an additional dwelling house is classified as a More Vulnerable Use by the EA. 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 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 emerging Local Plan 2036. The emerging Local Plan, identifies 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 proposed development, a new dwellinghouse, is classified as a More Vulnerable use by the Environment Agency. The aim of the Sequential Test is to steer new development to the areas with the lowest probability of flooding. The Planning Practice Guidance advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 and 2 should reasonably available sites in Flood Zone 3 be considered.

The Planning Practice Guidance states that in the first place it is the Local Planning Authorities responsibility to consider if the sequential test has been satisfied, informed by evidence provided by the developer. No evidence has been submitted that an appropriate search has been undertaken, which is the same issue as the previous application, with regard to the availability of other suitable sites across the Borough has been undertaken. As such it is considered that a robust search for reasonably available sites in Flood Zones 1 and 2 has not been undertaken, the proposed development therefore immediately fails to accord with the Sequential Test required by the Framework and the Planning Practice Guidance.

A revised Flood Risk Assessment has been submitted with this application, and it is acknowledged that the Environment Agency has raised no objection to this proposal, subject to a condition requiring that it is carried out in accordance with a Flood Risk Assessment and mitigation measures. As such this part of the development now demonstrates that the proposed development has a safe means of access and/or egress in the event of flooding. However, the requirements of the Environment Agency are designed to ensure that the development is appropriately flood resilient and resistant as part of a second stage of assessment to be undertaken following the successful completion of a Sequential Test. In the absence of a comprehensive and robust Sequential Test, the proposed development has not reached this second stage of assessment envisaged by the Framework and the Planning Practice Guidance, such that the comments of the Environment Agency do not assume primacy.

Given the above it is concluded that the proposal fails to accord with the Sequential Test in relation to development in areas at risk of flooding. As such the development fails to accord with Policy CS15 of the Havant Borough Local Plan (Core Strategy)

2011 which, amongst other things, indicates that development in areas at risk of flooding will only be permitted where it meets the sequential and, where required, the exception tests. The proposed development also fails to accord with the Framework and the Planning Practice Guidance in relation to development in areas at risk of flooding.

(vi) Drainage

The application site has a storm water drain going across the site. The application is submitted with a Drainage strategy outlining that the storm water drain would be diverted as part of the application, with associated required easements. The applicant has outlined that they have been in correspondence with Southern Water regarding this matter. However Southern Water have raised concerns that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. As such on the basis of the limited information submitted it cannot be demonstrated that the proposal would not prejudice essential sewage infrastructure. The proposal is therefore contrary to policy CS19 of the Core Strategy.

(vii) CIL

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 £80 plus indexing 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, this would be calculated if permission were to be recommended for the proposal.

8 Conclusion

The proposed development should be refused on the grounds of the flood vulnerability of the site, non-payment of SRMS contribution and the applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality. In addition on the basis of the limited information provided it cannot be demonstrated that the development would not prejudice essential sewage infrastructure.

The site is a windfall site situated within Flood Zone 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 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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/00391 for the following reasons:

- 1 The site is a windfall site situated within a Flood Zone 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 a Flood Zone 3 which would result in an unacceptable risk to life and property from flooding. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.
- 2 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas due to the increase in recreation as a result of the development, and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.
- 3 The proposal, in the absence of an assessment of nutrient discharge and without completion of the appropriate binding arrangements in relation to off setting any increase, is likely to have a significant effect on internationally designated ecological sites (Special Protection Areas, Special Area of Conservation and potential SPA designations). The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.
- 4 On the basis of the limited information provided it cannot be demonstrated that the development would not prejudice essential sewage infrastructure. The development is therefore contrary to Policy CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.