
Site Address:	Land adjacent to 186 Havant Road, Hayling Island, PO11 0LJ		
Proposal:	Proposed 1No. 2 bedroom bungalow with integral garage.		
Application No:	APP/18/00555	Expiry Date:	24/07/2018
Applicant:	Mr M Silvestor		
Agent:	Mr P Walker	Case Officer:	Rachael McMurray
	Island Design		
Ward:	Hayling West		

Recommendation: **REFUSE PERMISSION**

1 Site Description

The site is located on the east side of Havant Road in Hayling Island. Victoria Road lies to the north of the site and on western side of Havant Road is the Esso petrol station, with the Hayling Billy Trail and coastline to the west of this.

The application comprises a piece of land to the south of No. 186 Havant Road. No. 186 is located on the corner of Havant Road and Victoria Road and comprises a detached, pitched roof bungalow with a white painted render to the external facade. It has a large paved driveway and a private garden which extends southwards. To the south of the site is No. 174 Havant Road. This is a detached chalet style bungalow. The site is located in a non-urban area as defined by the adopted Local Plan and also within a Flood Risk Zone 3.

2 Planning History

05/60571/000 - Single storey extension to west elevation., PERM,09/02/2006
09/60571/001 - Construction of single storey extension to bungalow, conservatory, and internal alterations., PERM,05/08/2009
APP/14/00539 - Single storey rear extension., PERM,22/07/2014

3 Proposal

Proposed 1No. 2 bedroom bungalow with integral garage and vehicular access from Havant Road.

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)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM23	(Sites for Brent Geese and Waders)
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

Bin storage location to be confirmed on site.

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, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Engineering/Drainage

No comments received.

Environment Agency

In the absence of a flood risk assessment, there is an objection to this application and as such, a recommendation of refusal of planning permission is advised.

Highways Engineer, Development Engineer

No adverse comment subject to the provision of parking and turning on site as shown on the submitted plans.

Natural England Government Team

No objection subject to appropriate mitigation being secured.

Planning Policy, PPUD

The site lies within a non - urban area as defined by policies CS17 and AL2 of the Adopted Local Plan. Policy CS17 generally seek to concentrate development within the urban area and is clear that development in the non-urban areas will only be permitted where it is consistent with national countryside policy. This reaffirmed by Guiding Principle 4 of the Housing Statement which indicates that 'Development proposals on any sites not in the urban area (as identified by policies CS17 and AL2) are not identified in Table 2 of the Local Plan Housing Statement will be resisted.

Policy AL2 in the Allocations Plan also defines land outside of the defined urban area on Hayling Island as 'non-urban'. Paragraph 2.10 of the supporting text also indicates that proposals will need to be considered based on local plan policies and the NPPF policies on rural areas. It also confirms that the Council does not consider it necessary or appropriate to allow rural exception sites for affordable housing on Hayling Island.

The proposed development would not address a need for affordable housing, nor meet any of the special circumstances identified by Para 55 of the NPPF. As such, the proposal is contrary to adopted local plan policies.

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: 3

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2no. objections have been received against the application.

Comment	Officer Comment
The proposed site has been a dormant field for more than a decade. There has been NO vehicular access used for entry/exit despite the erecting of a gate at the Havant Rd end. This is clearly identifiable by the naturally established overgrowth of trees, shrubs and abundant wildlife within the plot area.	Noted.
Highway Safety could be significantly compromised due to the poor visibility splays constituting an obvious danger to pedestrians/cyclists and oncoming traffic. Exiting onto the very busy Havant Road from the proposed entrance site close to a sharp bend, blocked by well-established trees and high fencing panels to adjoining properties. In order to establish a clear view a driver would have to blindly pull out across the public footway and virtually manoeuvre themselves into the busy road before they had a clear view of oncoming traffic let alone passing	Noted.

cyclists or pedestrians, nor would they have the ability to accelerate fast enough to prevent a collision occurring. Delivery lorries and plant machinery would also have a significant impact on traffic due to the limited access entry/exit point of the plot.	
Flood Zone 2/3 Applicant requesting to build on a Flood Zone 2/3 Building within the Flood Zone area further depletes the natural soakaway/drainage into open fields at the rear of the proposed site.	Noted.
Sewerage Sewerage and draining facilities are already stretched to capacity in the area	Noted.
Impact on street scene HBC policy - To protect, enhance and preserve the local environment including trees and wildlife habitats. To comply with planning guidelines new buildings are required to have a proportionate amount of outdoor space, the proposed application would encumber the limited open space area it would not enhance it.	This is further discussed in Section 7.
Human Rights Act As an immediate neighbour, we are of the view that the proposed development would have a serious impact on our standard of life and privacy. We are concerned that the time length required to build a property would cause continuous noise, stress and disruption. The responsibility of the council under the Human Rights Act states "A person has the right to peaceful enjoyment of all their possessions, which includes the home and other land".	Construction works are only considered to be a temporary impact and as such, would not constitute a defensible reason for refusal.
In conclusion we would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed site of	Noted.

development is very small and contained, with no road frontage, so we would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.	

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) Flood risk
- (v) Highway considerations
- (vi) Ecology

(i) Principle of development

The site lies within a non - urban area as defined by policies CS17 and AL2 of the Adopted Local Plan. Policy CS17 generally seek to concentrate development within the urban area and is clear that development in the non-urban areas will only be permitted where it is consistent with national countryside policy. This reaffirmed by Guiding Principle 4 of the Housing Statement which indicates that 'Development proposals on any sites not in the urban area (as identified by policies CS17 and AL2) an not identified in Table 2 of the Local Plan Housing Statement will be resisted.

Policy A2 in the Allocations Plan also defines land outside of the defined urban area on Hayling Island as 'non-urban'. Paragraph 2.10 of the supporting text also indicates that proposals will need to be considered based on local plan policies and the NPPF policies on rural areas. It also confirms that the Council does not consider it necessary or appropriate to allow rural exception sites for affordable housing on Hayling Island.

The proposed development would not address a need for affordable housing, nor meet any of the special circumstances identifies by Para 79 of the NPPF. As such, the proposal is contrary to adopted local plan policies.

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

The site is located in an area of sporadic development with dwellings interspersed with gaps and green frontages to Havant Road. These gaps and large gardens are an important part of the semi-rural character of the area to the south of Victoria Road. The application site itself has a native line of trees and vegetation to Havant Road.

The proposed dwelling would require the opening up of the front boundary and infilling the gap between No. 186 and 174 Havant Road. It is considered that the provision of

a dwelling on the site would inevitably lead to an erosion of this green frontage and a loss of the existing visual gap between properties. It is considered that the development of the site would be harmful to the established semi-rural character of the area and contrary to Policy CS16 of the Local Plan.

(iii) Impact upon residential amenity

The main impacts from the development in terms of neighbouring residents would be to 186 Havant Road and 174 Havant Road. No.186 lies to the north of the application site and is set off the proposed bungalow, it is considered that the proposed dwelling would have an acceptable impact on No.186.

No.174 Havant Road lies to the south of the proposed site and is a bungalow with rooms in the roof with significant windows at ground and first floor levels facing the site. It is noted that the proposed property also shows windows facing No.174 and that the floor level of the building is proposed to be raised by 600m above existing ground level. However, the dwelling would be positioned 5m from the shared boundary with No. 174 Havant Road and 20m from the north facing elevation. It is therefore considered that any potential overlooking would be minimal. Overall the impact from the proposed development on neighbouring properties is considered to be limited and negligible.

(iv) Flood risk

The site is located in a Flood Zone 3 which is at the highest probability of flooding. Any application for new residential development in Flood Zone 3 is required to be subject to a flood risk assessment and a sequential test. This test considers whether there are more suitable sites for development without the same flood risk as the proposed site. As further sites have been allocated in the Havant Borough Local Plan (Allocations) 2014 and the Local Plan Housing Statement 2017 for residential development which are not in a FZ3, then the proposed development does not pass the sequential test. Furthermore, the Environment Agency has objected to the application due to the absence of a satisfactory flood risk assessment. Overall the application fails to comply with Policy CS15 of the Local Plan and the relevant sections of the NPPF.

(v) Highway considerations

Concern has been raised that highway safety could be an issue due to poor visibility splays and vehicles accessing the busy Havant Road. However, the Council's Highways Engineer has been consulted and has advised that no objections are raised subject to the provision of parking and turning on site. There is sufficient space on site for turning so that vehicles can leave the site in a forward gear. The site can also accommodate 3 no parking spaces which meets the required parking standards.

(vi) Ecology

The development is for a replacement residential dwelling and therefore CIL is liable. However, the application has been submitted with Form 7 - Self Build Exemption Claim form, which means the CIL is now not liable for the charge, subject to the relevant criteria.

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.

The Appropriate Assessment concluded that it would be 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. Whilst the relevant details have been sent to the applicant, they have not confirmed that they are willing to enter into a legal agreement to secure the mitigation package and therefore the application does not meet the requirements of Policy DM24 of the Local Plan.

8 Conclusion

The application is contrary to Policies CS17 and AL2 being outside of the urban area and also policy CS15 for proposing residential development in a Flood Zone 3 and not meeting the the sequential test. It is also considered to result in a form of development harmful to the semi-rural character of the locality and also fails to secure the required mitigation package with regards to policy DM24. Overall therefore the application is to be recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00555 for the following reasons

- 1 The proposal represents the undesirable addition of a dwelling in a non-urban area (e.g. countryside) for which there is no overriding justification. It is therefore contrary to policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2018.
- 2 The site is situated within an area defined by the Environment Agency which is at serious risk of flooding and the proposal for new residential accommodation would therefore be inappropriate due to the potential risk of loss of life. It is therefore contrary to policies CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 3 In the absence of binding arrangements to secure a contribution towards the Solent Disturbance Mitigation project, the proposal would not ensure that provision is made for mitigation of significant effects of development upon nearby designated area for nature conservation: Special Protection Area (SPA). The proposal is therefore contrary to the policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM24 of the Havant Borough Local Plan 2014 and the National Planning Policy Framework 2012.

