
Site Address:	Poundcroft Stables adjacent 173, Havant Road, Hayling Island		
Proposal:	Re-profiling of land and associated hardstanding.		
Application No:	APP/17/00052	Expiry Date:	13/03/2017
Applicant:	Mr Murray		
Agent:	Mr Murray	Case Officer:	Tina Pickup
	I J Murray Associates		
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to a parcel of land of about 3 ha located on the west side of Havant Road, north of the residential dwelling No 173, and it extends to abut the Hayling Billy Coastal Path adjacent the foreshore. The land is known as Poundcroft Stables and has for many years been used for the grazing, exercising and stabling of horses. There is a stable building and several smaller stores/ shelters and a caravan sited along the southern boundary. The land falls within Flood Zone 3. The northern half of the site is protected by a SINC and other adjacent designations to the west, foreshore, include Ramsar, SAC, SPA and SSSI.

During late 2015/early 2016 the land was purchased by Mr Joe Reid who, without planning permission, undertook an engineering operation in the form of re-profiling the land by importing and laying soil, hard core, aggregate etc. This occurred in the southern part of the site. A Stop Notice was served in May 2016 to stop any further deliveries and profiling activities of soil, hardcore, aggregate etc. This was followed with an Enforcement Notice which required the permanent removal of the imported materials and the re-instatement of the Land to its original undeveloped condition with a compliance period of 3 months. One of the main reasons for enforcement action being taken was the increased risk of flooding to neighbouring residential properties as a result of the works.

In August 2016 the land was sold by Mr Reid to the current applicant, Mr Murray who is owner of the adjacent dwelling, No 173. It is Mr Murray's intention to return the site to horse stables and grazing land. As a consequence of the change in ownership all works at the site ceased, with no more deliveries of topsoil, but so far, no removal either. Mr Murray was advised by the Council's Enforcement Planner to submit this application to re-profile the land as the applicant had determined that the delivered topsoil could be re-distributed, resulting in an increase in land levels, but without resulting in flood risk. The applicant was advised that if this was to be the case the application would need to be accompanied by a detailed flood risk assessment illustrating this point.

At the site visit made on 8/2/17 the imported material remains on the southern part of the site which has now partly grassed over. The levels are very undulating and there are 3 piles of material/rubble dispersed across the site. The drainage ditches that cross the site have been cleared and apparently the land has not flooded this year.

2 Planning History

99/57253/000 - Application for Certificate of Lawfulness relating to the use of land to the rear of Pound Croft for recreational horse uses and the stabling and exercising of horses, PERM, 13/07/2000

Enforcement Notice served 27th May 2016 re Breach of Engineering Operation including re-profiling of land by laying of topsoil, hard core material, aggregate, scalping and burn off. Required

3 Proposal

Re-profiling of land and associated hardstanding.

Additional information about the proposed works and levels received 15/3/17

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

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| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS15 | (Flood and Coastal Erosion) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| DM8 | (Conservation, Protection and Enhancement of Existing Natural Features) |

Havant Borough Local Plan (Allocations) July 2014

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| AL1 | (Presumption in Favour of Sustainable 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

Engineering/Drainage, Havant Council

The key issue is surface water flooding during periods when the ditch system is tide locked by a high tide in the open Harbour. There has been a loss of flood storage capacity in this regard by the infilling. However a positive benefit has been implemented with clearance of the ditch system which therefore will enable the maximum amount of water to be impounded at the top of the tide.

In considering between the loss of storage versus the improved operation of the ditch system, on balance I have no concerns to raise.

Environment Agency

On Original submission - Object - FRA does not comply with Section 9 of PPG to NPPF and not suitable basis for assessment of flood risks, esp re land levels in flood plain; request more info re level changes, cross sections etc. Works may require an Environmental Permit which must be sought separately to planning permission; applicant will have to agree a waste recovery plan with the EA as part of the permit

On revised submission -

No objection in principle with condition that undertaken in accordance with Drawing No A102 and A100 with following mitigation measures:

- The three piles of top soil material will be used to fill the void left by the hard core removal, any excess will only be placed in the pink area on the site as indicated within documents A100 and A102.
- No land raising or soil deposition shall take place outside of the allocated area within documents A100 and A102

And Note that development may require an Environmental Permit

Harbour Office, Langstone Harbour Board

No objections

Natural England Government Team

Statutory nature conservation sites - no objection if in accordance with submission;
Protected landscapes - proximity to Chichester harbour AONB requires assessment using national & local policies together with landscape expertise; statutory purpose of AONB is to conserve and enhance the areas natural beauty;
Protected species - standing advice should be applied

Property Management Hampshire County Council

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: 1

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
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None received

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 of Engineering works on site and Flood Risk
- (iii) Impact on Protected Species and Nature Conservation

(i) Principle of development

7.2 The application site lies beyond the Stoke defined urban area and therefore according to Policy CS17 of the Core Strategy and Policy AL2 of the Allocations Plan is within

the 'non-urban' area where the restrictive countryside policies set out in the NPPF apply.

- 7.3 This application has been submitted to regularise the previous unauthorised engineering works. The application effectively sees:
1. The removal of the hardcore track,
 2. The repair and improvement of the existing hard core areas for the stable yard with the removed hard core track above;
 3. Redistribution of the delivered topsoil over the excavated hard core track;
 4. Any excess topsoil distributed in the south-west section of the site, as shown pink on plan A102.
 5. Rolling and re-seeding of the land as necessary.
 6. Continued use for grazing of horses on the site.
- 7.4 The resumption of the land for the grazing of horses is an appropriate use for the location. The principle of the proposed works is therefore welcomed and in accordance with policy.

(ii) Impact of Engineering works on site and Flood Risk

- 7.5 The EA originally objected to the proposal and requested further information. The additional plans provide cross sections and clarify the works identified at 7.3 above. The schedule of works would essentially return the site close to the original levels of the site, although it must be noted that no surveys of the site exist for before the unauthorised works so the precise original levels are unknown. Re-consultation with the EA has confirmed that they withdraw their objection provided the works are undertaken in accordance with Drawing Nos A102 and A100.
- 7.6 It is also noted that the local drainage of the site has improved with the clearance of the ditches. When there is a high tide these ditches now have a greater capacity reducing surface water. Once the 3 piles are removed the area of flood plain will also revert to near the original. Accordingly there is no objection to the localised drainage issues. It would be appropriate to impose a condition requiring the future maintenance and clearance of the drainage ditches to continue with maximum tidal capacity.

(iii) Impact on Protected Species and Nature Conservation

- 7.7 The proposed works are within the southern half of the site and outside the designated SINC which would not be directly affected by the proposal. In the long term the land will revert to its former grazing land and would be colonised again by local species. The regularising works are not considered to impact on the wider landscape designations of the Ramsar, SAC, SPA and SSSI and neither would the statutory purpose of the AONB to conserve and enhance the areas natural beauty be undermined.

8 Conclusion

If these works are implemented in accordance with the approved plans then the Enforcement Notice will be Withdrawn. Since the works regularise the previous unauthorised engineering works and would revert the land to as close as possible its former levels and use, then the application is recommended for permission. The applicant has advised that he will do the works over the summer - since it is appropriate to condition a completion date to ensure compliance, and end of August 2017 would be before the next winter when flooding is worse, then this timescale is

acceptable.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00052

(A) subject to the following conditions

- 1 The engineering works hereby approved shall be implemented in full by 31st August 2017 unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory development that regularises the land levels and minimises the flood risk, having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 The development hereby permitted shall be carried out in accordance with the approved documents *Site plan and sections Drawing Number A102* and *Site and Location plan Drawing Number A100 dated 07/03/2017* and the following mitigation measures detailed within them:
 - The three piles of top soil material will be used to fill the void left by the hard core removal, any excess will only be placed in the pink area on the site as indicated within documents A100 and A102.
 - No land raising or soil deposition shall take place outside of the allocated area within documents A100 and A102The mitigation measures shall be fully implemented in line with these documents unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory development that regularises the land levels and minimises the flood risk on and off site, having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework.
- 3 At no time during the implementation of the hereby approved engineering works shall any top soil or hardcore be placed in the drainage ditches that cross the site and the drainage ditches shall be kept clear during the works.
Reason: To ensure maximum tidal capacity of the ditches to minimise flood risk on and off site, having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework.