

Planning Policy Comments

Application No	APP/20/01064
Address	The Bus, Avenue Road, Hayling Island, PO11 0LX
Development	4 dwellings
Case Officer	LW
Comments By	JB
Date of Comments	12 June 2024

Policy Comments are sought on the acceptability of the proposal in flood risk terms.

Flood Risk on Site

The site lies in present day Flood Zone 1, but taking climate change into account, the Council's Strategic Flood Risk Assessment (SFRA) shows the site to be at risk of tidal flooding in the future. In line with local and national policy and guidance, the applicant has submitted a site-specific Flood Risk Assessment and a Sequential Test to address this risk.

Sequential Test

The applicant's sequential test document is helpful in spelling out the methodology and search parameters employed. These are considered appropriate, with the exception of limiting the search to 'sites with extant planning permission for between 1 and 5 dwellings'.

Although the applicant has clearly reviewed both national and local guidance in relation to the test, this has not followed through into the search parameters, with several sources of potential supply not being considered:

The applicant has disregarded current applications, a source of alternative sites suggested in the Council's sequential test guidance. Rather, only permissions have been considered, and these, somewhat arbitrarily, end at permissions granted in October 2023. Further, the applicant appears not to have taken into account national guidance that alternative sites '*could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development*'. It is acknowledged that appeal cases have recently established that a 'series of smaller sites' implies that there should be a connection between such sites, and it is accepted that it is unlikely that such a series exists. However, larger sites have also not been considered by the applicant, and it seems unlikely that there are no larger sites at lower risk of flooding anywhere in the borough that could accommodate 4 detached dwellings.

Based on these matters alone it is not possible to conclude that the sequential test has been passed. On this basis, the proposal is not supported in policy terms based on Policy CS15 of the Local Plan, and national policy and guidance on flood risk.

The PPG is clear that the sequential test should be passed before the exception test is considered. Nevertheless, this is considered below.

Exception Test

The exception test has two elements: to pass the exception test it must be demonstrated both that:

a) the development would provide wider sustainability benefits to the community

that outweigh the flood risk;

and that

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.

The applicant has set out their reasoning regarding the first part of the test in section 6 of their Sequential test report, pointing to the 'highly sustainable location', the condition of the site at present, the council's five year supply position, as well as wider economic gain to be achieved from housing development and subsequent use.

It is noted that the site is currently very overgrown, but it is not considered that addressing this would outweigh the flood risk – the present condition of the site could be addressed by the site owner without the need for vulnerable uses to be placed on the site. While the site is surrounded by residential development, it is not accepted that the location is 'highly sustainable', with both facilities and transport options being limited in this location in Hayling Island. A small development of 4 homes is also unlikely to make a contribution economically significant enough to outweigh the flood risk.

The five year supply position is accepted. Again, a 4 dwelling scheme is not considered to make a significant contribution to meeting this need which would outweigh the flood risk and pass the exception test. However, outside of the exception test, the five year supply position should nevertheless be weighed in the planning balance in reaching a final conclusion as to the acceptability of the scheme, in line with paragraph 11 of the NPPF.

Overall, in terms of part a) of the exception test, it is not considered that the proposal would provide sufficient wider sustainability benefits to the community to conclude that these would outweigh the flood risk.

Since neither the sequential test, nor part a) of the exceptions test are considered to have been passed, the development is not considered acceptable in flood risk terms, regardless of the applicant's conclusion in the sites specific FRA that 'Proposed minimum FFLs are well above 0.5% AEP 2120AD Extreme Tidal Level and the residual flood risk is therefore tidal events in excess of 0.5% AEP 2120AD Extreme Tidal Level.'