
Site Address: 6 Birdham Road, Hayling Island, PO11 9QY
Proposal: Application for Variation of Condition 2 of Planning Permission 28505 relating to the extension of 5 caravans for holiday use by 2 months up until 31 December.
Application Type: Variation/Relief of Condition
Application No: APP/23/00891 Expiry Date: 02/02/2024
Applicant: Mr Harris
Agent: Mr Donohue Case Officer: Joseph Toole
Southern Planning Practice
Ward: Hayling East

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies on the east side of Birdham Road, between Eastoke Avenue and Haven Road. The application site comprises of 5 caravans, with access from Birdham Road.

The site is located within a caravan site, surrounded by a number of caravans.

The site is located within Flood Zone 2/3. It is located outside the Chichester Harbour Area of Outstanding Natural Beauty to the north of the site.

2 Planning History

28505 - Demolition timber chalet and permanent siting of five caravans - approved on 30th October 1979

Condition 2 states:

The caravans shall not be used except for human habitation and between 1st March and 31st October in any year.

3 Proposal

The proposal is for the variation of Condition 2 of Planning Permission 28505 relating to the extension of 5 caravans for holiday use from 8 months to 10 months between the dates of 1st March to 31st December inclusive.

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

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12 (Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15 (Flood and Coastal Erosion)

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS5	(Tourism)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)
DM4	(Static Holiday Caravan Development)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

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

Coastal Engineering

No Comment.

Former Councillor Leah Turner - Hayling East

No Comment.

Councillor Mark Coates

No Comment.

Former Councillor R Raines - Hayling East

No Comment.

Engineering/Drainage

No Comment.

Environment Agency

We have no objection to the proposed development as submitted, provided that the following condition be attached to any planning permission granted. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (Date: 17/10/23 Ref: H/238/ID, by Southern Planning Practice Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 3.39 metres above Ordnance Datum (mAOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the

lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants.

Environmental Health Manager, Community Group

No Comment.

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at:

<https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Habitat Regulations Assessment & Appropriate Assessment

The proposed development is within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. In accordance with advice from Natural England and as detailed in Policy DM24 of the adopted Havant Borough Local Plan (Allocations), a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

In addition, the proposed development is within the catchment of a wastewater treatment works that would drain into the Chichester and Langstone Harbours SPA. Natural England advises that there is a likely significant effect on the Solent European Sites due to the increase in wastewater from the new housing as a result of the Havant Borough Local Plan. Natural England also advises that any development proposed through any planning application providing increased overnight accommodation which would discharge into the Solent would be likely to cause a significant effect as there is uncertainty as to whether the increase in waste water from new housing in the Solent catchment will have an adverse effect on the Solent's European Sites.

The proposed development would increase the occupancy of the caravan from 8 to 10 months when previously there was no occupancy between November and February. This increase in occupancy and overnight accommodation is considered to be tantamount to a proportionate increase in both recreational disturbance and increased waste water.

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant additional effect on several Solent European Sites (as defined in the applications HRA) due to both the proportionate increase in recreation and the decrease in water quality that would be a result of the proposed additional 2 months use.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.

With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a legal agreement to secure the mitigation package to address the potential additional recreational harm from the additional 2 months use. Therefore, it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, September 2022, the applicant has been able to also enter into the mitigation scheme at Budds Farm to offset the additional nitrogen from the development.

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 and raise no further objection, but recommend that a condition secures the water use of 110l/p/p/d.

7.2 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

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal seeks to extend the use of the holiday accommodation from 8 months to 10 months, which has been determined on this basis.

- 7.4 The Havant Borough Core Strategy adopted in March 2011 indicates in policy DM4 that the provision, continued location or improvement of static holiday caravan sites will be permitted subject to:

"the caravan is to be used for holiday purposes only and has a limited period of occupancy for a maximum of ten months per calendar year."

- 7.5 The present permission, granted in 1979, allows for only 8 months occupation, 1st March to the 31st October, and the applicant is seeking to extend that to include November and December. As this is still within the maximum 10 months permissible no objection is raised in policy terms.
- 7.6 It is worth noting planning permission was granted at No.89 Eastoke Avenue (planning reference APP/11/01744) and at No.94 Eastoke Avenue (planning reference APP/22/00938) to extend occupancy of the site from 8 months to 10 months.

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

- 7.7 The proposal does not involve any increase in the number of caravans on the land, just the length of time they may be occupied. The proposal would however lead to an increase in vehicles movements to, from and within the site for an additional 8 weeks a year, which currently should not arise. This level of increased activity is unlikely to be significantly harmful to the character and appearance of the area and AONB, therefore would not be contrary to Policy CS16 of the Havant Borough Core Strategy 2011.

(iii) Impact upon residential amenity

- 7.8 Any associated increase in the level of activity would be unlikely to cause significant harm to the amenities of the occupiers of caravans surrounding the site or locality, complying with Policy CS16 of the Havant Borough Core Strategy 2011.

(iv) Flood risk

- 7.9 The site falls within Flood Zones 2 and 3. Policy CS15 of the Havant Borough Core Strategy (2011) requires, amongst other matters:

"1. It meets the sequential and exception test (where required) in relation to PPS25.

2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

- 7.10 The caravan site is deemed to be a vulnerable development and therefore a Flood Risk Assessment (FRA) is required for the proposal. The applicant submitted a FRA. The Environment Agency (EA) was consulted on the application raising no objection

subject to a compliance conditions for the works to be accordance with the FRA. A condition to this effect would be added to the decision notice if permission is forthcoming.

8 Conclusion

- 8.1 The increase in occupancy is not considered to have an adverse impact on the character of the area, on neighbouring properties and would not increase flood risk. On this basis it is recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00891 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement
Flood Risk Assessment
Solent Nutrient Budget Calculator
Occupancy Calculator
European Site Avoidance and Mitigation Checklist

Reason: - To ensure provision of a satisfactory development.

- 2 The caravans hereby permitted shall only be used as holiday accommodation and only be occupied for a maximum of ten months per year and not at all during the months of January and February.

Reason: To ensure that the accommodation hereby permitted is not used for unauthorised permanent residential occupation, and to ensure that the caravans are not occupied during that period most at risk from inclement weather and the increased likelihood of extreme high tides, having due regard to Policy CS15 of the Havant Borough Core Strategy 2011 and Planning Policy Statement 25.

- 3 The development shall be carried out in accordance with the submitted flood risk assessment (Date: 17/10/23 Ref: H/238/ID, by Southern Planning Practice Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 3.39 metres above Ordnance Datum (mAOD)

These mitigation measures shall be fully implemented prior to the implementation of the planning permission hereby approved and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS15 of the Havant Borough Core Strategy (2011) and National Planning Policy Framework.

4

1. Prior to the implementation of the planning permission hereby approved the following details would need to be submitted and approved by the Local Planning Authority:
 - (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 At all times following the implementation of the planning permission hereby approved all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

