



Havant
BOROUGH COUNCIL

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For:

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Refusal of Planning Permission**

Application Number: APP/16/00319

Site Address: Land adjacent to, Victoria Road, Hayling Island

Proposal: Outline Application for proposed residential development.

Further to your application received on 22 March 2016, which was valid from 07 April 2016, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reasons for the Council's decision to refuse planning permission are:

- 1 The proposal represents the undesirable addition of dwellings in an area of countryside for which, having regard to the available housing land supply, there is no overriding justification and which is not identified in the Havant Borough Local Plan (Allocations). Furthermore it is considered that the application will unacceptably diminish the quality of established landscape character and that the development within the proposed site will not accord with the defined Landscape Character Area for Stoke and North-West Hayling (LCA30), set out in the adopted Havant Borough Townscape, Landscape and Seascape Character Assessment. The proposed development is therefore contrary to policies CS9, CS11 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework, March 2012.
- 2 Having regard to the reports submitted with the application, the Local Planning Authority is not satisfied that the development can be carried out without having a likely significant effect on the Chichester and Langstone Harbours SPA/Ramsar site and impacts on the associated Langstone Harbour SSSI. It is therefore contrary to policies CS11, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Policies DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework, March 2012.
- 3 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

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to life and property from tidal inundation. In particular it has not been demonstrated that:

- (1) the proposed development has 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; and
- (2) the site is currently not defended to the appropriate standard, taking into account climate change over the lifetime of the development, and no provision is made in the application to improve the existing defences to the required standard.

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.

- 4 On the basis of the limited information available to the Local Planning Authority it has not been demonstrated by the applicant that the proposed development could be undertaken in a satisfactory manner without a harmful impact to protected species. The proposal is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Note - The NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination of a planning application, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated, and are acceptable.

- 5 On the basis of the information submitted it has not been demonstrated that the development will not have a severe detrimental impact on the local transport network. The proposal is therefore contrary to policies CS16, CS19, CS20, and DM11 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework, March 2012.

- 6 Binding arrangements are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner:

- (i) The management arrangements for new roads, including street cleaning and street lighting;
- (ii) Management and maintenance arrangements for on site open space and allotments;
- (iii) Design and specification of SUDS system and balancing pond;
- (iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime;
- (v) That a minimum of 30% of the dwellings are made available as affordable housing in accordance with Council policy;
- (vi) Affordable housing units to be integrated and compatible with the design of Open Market Housing Units;
- (vii) Phasing of the affordable housing provision;
- (viii) Design standards for the affordable housing;
- (ix) Long term management arrangements for the affordable housing;
- (x) Nomination arrangements for the affordable housing
- (xi) Tenure mix for the affordable housing;
- (xii) A contribution towards the Solent Recreation Mitigation Partnership, which seeks to ensure that the provision is made from new development

towards mitigating against increasing recreational pressure on the Solent SPA.

The carrying out of the development in the absence of such provision would result in an unsatisfactory form of development in that it would result in a failure to secure mitigation measures; it would not make appropriate provision for, and maintenance of, necessary open space and sustainable urban drainage arrangements; it would not make appropriate arrangements for affordable housing on site. The development would thereby conflict with policies CS1, CS3, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM8, DM10, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM24 of the Havant Borough Local Plan (Allocations) 2014 the National Planning Policy Framework , March 2012.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (3) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,In this instance:
 - You sought and were provided with pre-application advice and advised that the principle of housing within this site did not accord with local or national planning policy.
- (4) The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

07 July 2016