

Planning Policy Comments

Application No	APP/21/00353
Address	16 Selborne Avenue, Havant, PO9 4PX
Development	Erection of 1No. 3bedroom detached dwelling (revised)
Case Officer	TP
Comments By	JB
Date of Comments	17 August 2021

I have been asked to provide comments on the application of the Flood Risk Sequential & Exception tests for this application. I note that the scheme is a resubmission with revisions of APP/19/01254 and APP/20/00302.

Sequential Test

It has previously been agreed with the applicant that it is acceptable for the area of search for alternative sites at lower risk of flooding to be limited to the Leigh Park area of the Borough. I acknowledge that the applicant has also searched beyond this area in the latest information submitted in July 2021.

The applicant has consulted a number of sources of information to identify possible alternative sites. These include the sources recommended by the Council – allocated sites, property agents and outstanding permissions. The applicant has comprehensively reviewed this information and considers the sequential test passed, on the basis that there are no suitable alternative sites. This includes rejection of an allocated site of a suitable size on the basis of overlooking and the loss of parking / the need for parking provision.

I am satisfied that the applicant has undertaken a comprehensive search for alternative sites using agreed sources of information. The methodology of the sequential test is therefore not questioned. Nevertheless, the position remains as with the previous applications, that the Council and the applicant disagree on the position with regard to an allocated site in the Local Plan. The applicant considers it unsuitable, while the Council maintains that the fact of an allocation in a Local Plan inherently demonstrates the suitability of the site. On this basis the Council considers that the sequential test is not passed.

Exception Test

Even if the application passed the sequential test, it would also have to pass the exception test, and since the applicant has included information on this test, that is also considered here.

For the exception test to be passed, according to paragraph 164 of the NPPF, it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- 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 seeks to demonstrate that the scheme meets criterion of a) on the basis of its drainage strategy, which proposes extensive SuDS. It is acknowledged that sustainable drainage is indeed a sustainability benefit. However, Policy CS15 of the adopted plan and the NPPF expect their use in any case. Further, Policy E20 of the emerging local plan, which may be given some weight, expects a reduction in pre-development run-off rates. Overall, while it is acknowledged and welcomed that the applicant seeks to maximise the use of SuDS, including proposing drainage alterations

beyond the site at the adjacent property, it is not considered that this is a sustainability benefit of the development that outweighs the flood risk. The applicant's claim that the SuDS reduce flood risk overall is questioned, with the risk of fluvial flooding to the proposed dwelling remaining (see consideration of part b) of the exception test below).

In assessing part b) note has been taken of the Environment Agency's view that the design of the dwelling, and in particular the finished floor level, would provide an inadequate level of flood risk mitigation. Therefore, it cannot be concluded that the development is safe for its lifetime.

On both counts it is suggested that the exception test is not passed.

Conclusion

Both the sequential and the exception test must be passed for development to be considered acceptable. It is not considered that the scheme passes these tests.