
Site Address:	151 (rear of) and 153 Southwood Road, Hayling Island		
Proposal:	Proposed construction of one pair of 3 bed, semi-detached houses and 2 No. two bed bungalows with access from Southwood Road.		
Application No:	APP/16/00098	Expiry Date:	24/03/2016
Applicant:	Douglas Construction Ltd	Team:	Team 1
Agent:	Mr Carter	Case Officer:	David Eaves
	PLC Architects		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

151 (rear of) and 153 Southwood Road, Hayling Island.

The site is located on the north side of Southwood Road and is bounded on three sides by existing residential development. The plot is roughly rectangular in shape with an area of approximately 882sqm and is currently an area of grassland separated from adjoining residential curtilages by a variety of site boundaries. The southern boundary fronts Southwood Road which the site has vehicular access to.

Southwood Road is a predominantly residential road in the south of Hayling Island. The road contains a variety of dwelling types of a diverse range of designs including both traditional and contemporary styles. The dwellings also vary in height from single to three stories. The properties on the south side of Southwood Road back directly onto the seafront.

2 Planning History

151-153 Southwood Road

07/71016/000 - Demolish existing bungalows, erect 12No. self contained flats., REF,20/08/2007

APP/13/00553 - Construction of one pair of 3 bed semi-detached houses and 1No. 2 bed bungalow with access from Southwood Road., PERM,27/09/2013

153 Southwood Road

01/51010/004 - Demolition of existing building and construction of a two and a half storey building comprising three no. one bedroom and three no. two bedroom dwelling units. Approved - 17/01/2002.

91/51010/2 - Block of six 1 bedroom flats and one 2 bedroom flat (approval of reserved matters for planning permission 88/51010). Permitted 11/02/1992.

89/51010/1 - Block of 6 one bedroom and one 2 bedroom flat - Refused. 11/01/2001.

88/51010 - Outline application for six 1 bedroom flats and one 2 bedroom flat. Permitted 30/06/1988.

30568 - Conversion of 2no self-contained flats into 4 1 bedroom flats with block of garages and utility room. Permitted 15/09/1982.

3 Proposal

Proposed construction of one pair of 3 bed, semi-detached houses and 2 No. two bed bungalows with access from Southwood Road.

The proposal is for a semi-detached pair of houses which would include raised floor levels and two storeys. The dwellings would provide 3 bedrooms. The elevation to Southwood Road would include a double front gable design. The building would have a ridge height of approximately 7.85m. Parking to these units would be direct from Southwood Road.

Access would be afforded to the west of the frontage pair of dwellings to the rear of the site and a further pair of dwellings. These are bungalows. Again these properties have raised floor levels. They would have a height of approx 5m. Car parking is provided to the rear units in front of the units. There is also a shared Bin and Cycle Store for all units. There would be small garden areas to each of the units with the rear dwellings including this space to the front.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Residential Parking and Cycle Provision SPD 2010
Havant Borough Council Borough Design Guide SPD 2011

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency

Advice:

In terms of the site in question, it is located within Flood Zone 2, defined as having a medium risk of flooding. Therefore the Sequential Test would need to be passed to the satisfaction of the Local Planning Authority (LPA) in line with the National Planning Policy Framework. This means that before proceeding to a determination, Havant Borough Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in a lower flood risk zone.

Our comments in relation to elements of the Exception Test below, do not negate the requirement to first undertake the Sequential Test. The NPPF Planning Practice Guidance makes it clear that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

Should the Sequential Test be successfully passed, the applicant would then need to pass the Exception Test and show how the development will be made safe over the lifetime of the development – for residential this would be 100 years (or to 2115 design flood event levels). The design flood event for this area is 4.5mAOD, with an additional freeboard of 0.3mAOD for climate change allowance this would require any finished floor levels to be set no lower than 4.7m above Ordnance Datum (AOD). This should prevent tidal flooding of the internal accommodation during the design flood event. This is particularly important for the bungalow, which will not have a higher refuge available to which residents could retreat.

We would point out that safe access and egress both in the immediate vicinity of the property, and to the wider Eastoke peninsula, could be flooded to a depth considered unsafe for pedestrians for a period of time should a design flood event occur.

The applicant should also submit a flood warning and evacuation plan as part of the proposed mitigation. Such a plan for a development in this location should consider the anticipated speed of onset, depth and duration of flooding in determining the most appropriate strategy for enabling occupants to avoid flood hazards.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures or accompanying development proposals, (including structural considerations where there is a reliance on refuge within buildings) as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework (Flood Risk and Coastal Change) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

We would recommend that the following issues need to be considered by the LPA, in consultation with relevant experts, when coming to a decision on this application:

1. Whether or not the principle of relying on flood response planning (prior warning and evacuation or refuge) is acceptable given the potential flood risk (depths and hazard) outlined above, then;

2. Whether or not the proposed refuge will enable people to remain safe, taking into account
 - a. The resilience and recoverability of essential services during and after a flood
 - b. The ability of the buildings to remain structurally stable during a flood

HBC Engineering/Drainage

No land drainage comments. Due to location the developer should implement an emergency evacuation plan as part of the Homeowner Pack.

HBC Building Control

The windows on the east elevation of plot 2 should not exceed more than 1m² in area (elevation is within 1m of the boundary).

HBC Development Engineer

The Highway Authority has no adverse comment on this application subject to the creation of a dropped kerb and that the submitted layout showing the areas of parking, cycle parking and turning is conditioned.

Waste Services

No concerns.

HBC Landscape Team

Conditions recommended:

Soft Landscape

Hard Landscape

Boundary Treatments

Crime Prevention -Minor Apps

No comments received.

Public Spaces Development Manager

No comments received.

Traffic Management, HBC

No adverse comments

Hampshire Fire & Rescue

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Advice provided in relation to the following matters:

Fire and Rescue Services Act 2004

Access for High Reach Appliances

Water Supplies

Sprinklers

Fire fighting and the Environment

Timber Framed Buildings

Housing

No affordable housing requirements.

Coastal Engineering

No comments received

Hampshire Biodiversity Information Centre:

Within 50m Protected and Notable Species - Black Redstart

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: 10

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

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 upon the character and appearance of the area
- (iii) Effect on neighbouring properties and amenities of future occupants
- (iv) Highway Implications
- (v) Impact on protected species
- (vi) Flooding issues/Sequential Test
- (vii) CIL and SRMP considerations

(i) Principle of development

The site is within an urban area as identified by the Havant Borough Local Plan, therefore the proposal is acceptable in principle provided it meets the development criteria as considered below.

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

The area is characterised by mixed residential development which includes detached bungalows, two storey detached and semi-detached houses and flats. It is considered that the main element of the development in terms of the public view from Southwood Road would be the two storey frontage development. This would be positioned between a two storey dwelling (155) and the single storey bungalow (151). The building is considered to have an acceptable design and appearance in the streetscene. The frontage parking is considered unfortunate as there would be little scope for landscaping, however, this in itself is not an unusual arrangement in the area.

There is precedence for development to the rear of properties fronting Southwood Road. The proposed rear units would not be intrusive from public vantage points although they would be viewed between 151 and the new frontage development.

There are concerns that the development of the rear of the site would result in a cramped form of development and substandard living environment for future residents, this will be considered in (iii) below.

(iii) Effect on neighbouring properties and amenities of future occupants

With regard to the impact on neighbouring residents, the main impacts are considered to be to 151, 155 and 157 Southwood Road and to 18, 20 and 20A Wheatlands Avenue.

151 would be set off the frontage dwellings by approximately 4.8m with one first floor bathroom window facing. This could be conditioned to be obscure glazed if permission were recommended. The driveway to the rear units would pass adjacent to this property, however subject to suitable boundary treatment this is not considered to warrant a refusal of permission based on noise impact.

155 would be set approximately 2.5m off the frontage dwelling. There would be some impact on the ground floor windows and doors in this property facing the site, however, this is not considered to result in unacceptable harm to residential amenity.

No.157 Southwood road is set to the rear of 155. This building would back onto the garden, parking and flank elevation of plot 4. There would be an increase in activity and disturbance from the proposed development, however, the separation distance to the proposed dwelling and suitable boundary treatment would result in an acceptable relationship.

The properties in Wheatlands Avenue would back onto plots 3 and 4 which would be within 1m of the common boundary which is proposed to be marked by a 2.1m cb fence with trellis above. The distance between the proposed and existing properties would be approximately 20m which accords with the Councils Design Guidance SPD, however, it is unusual to have a proposed dwelling in such close proximity to the common boundary, this can lead to unexpected noise and disturbance issues between neighbouring residents.

In relation to the residential environment created for future occupants of the dwellings it is considered that units 3 and 4 have restricted outlook to the north, east and west with fencing sited within 1m of the proposed building. Whilst it is appreciated that the main windows face south, nevertheless given the depth of rooms, the rear of the rooms (for example the kitchen areas) would be likely to be oppressive. External amenity space is also extremely limited with gardens set to the front of the units with depths of 9.3m and a width of less than 5m. The gardens would also be adjacent to parking and maneuvering areas. Overall the residential amenities of the future residents would be limited and would fail to meet the Councils Design Guidance SPD. It is therefore considered that units 3 and 4 would appear cramped and would not afford future residents with acceptable residential amenities.

Highway Implications

The proposals result in a new access to Southwood Road to serve the rear units and parking to the frontage with a new dropped kerb. Car parking provision would meet the

councils car parking standards and cycle parking is shown. No objection has been raised on highway grounds by the Councils Development Engineer (Highways). Subject to the imposition of suitable conditions the proposal would be acceptable in relation to highways matters.

Impact on Protected Species

It is not anticipated that the development would have a harmful impact on the SSSI/SPA subject to Solent Disturbance Mitigation Project contribution considered in (vii) below. Hampshire Biodiversity Information Centre identify Protected and Notable Species - Black Redstart within 50m of the site. It is not considered that the proposed development would have an unacceptable impact in this case.

(vi) Flooding issues/Sequential Test

The proposed development would increase the number of dwellings and households within Flood Zone 2. The development would clearly increase the vulnerability of future residents to flooding.

The site is located within a Flood Zone 2 as identified on the Environment Agency flood zone map and the proposed development of four new dwellings, 2 x 3 bed and 2 x 2 bed is classified as a More Vulnerable Use by the EA. Paragraph 101 of the NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be undertaken by the LPA in this regard to decision making. The advice contained within the NPPF Guidance, has been followed in this regard to test the planning application subject of this report.

The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development, (for example extension to existing dwellings), or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). However, the site subject of this report is categorised as a windfall site and the EA advise that, in the absence of a flood risk windfall policy it may be possible (where the data is sufficiently robust) for the LPA to apply the Sequential Test taking into account reasonably available sites, historic windfall rates and their distribution across the district relative to Flood Zones. Where historic and future trends evidence indicate that housing need in the district through windfall can be met largely/entirely by development outside high flood risk areas, this may provide grounds for factoring this into the consideration of 'reasonably available alternative sites at the planning application stage.

In this regard the LPA can demonstrate a 5 year housing supply within the current Strategic Housing Land Availability Assessment (SHLAA) and has an Adopted Allocations plan that identifies provision for 143 new dwellings, on Hayling Island alone, within two sites identified as policy HY1. The largest of which, for 129 dwellings, (Land at Goldring Close) has planning approval, lies in a flood zone 1 and is currently under construction. It is therefore considered that the provision of 4 further new dwellings within flood zone 2 cannot be justified in this case as there are sequentially better sites available, which are deliverable and provide the Borough's 5 year housing supply requirement. An exception test is not required as the sequential test is not passed.

The proposed development is therefore considered to fail the Sequential Test and to conflict with the NPPF and policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

It is noted that there is an extant planning permission on the site APP/13/00553 - Construction of one pair of 3 bed semi-detached houses and 1 No. 2 bed bungalow with access from Southwood Road. It is however considered that the applicability of the Sequential test has been clarified since that decision for example in relation to the recent appeal decision in relation to 53 Southwood Road (Proposed new two storey house within front garden) where the Inspector stated:

I conclude that the proposal fails to accord with the Sequential Test in relation to development in areas at risk of flooding. I therefore conclude that the proposed development fails to accord with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 which, amongst other things, indicates that development in areas at risk of flooding will only be permitted where it meets the sequential and, where required, the exception tests.

(vii) CIL and SDMP considerations

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the Borough. The levy is charged at £100 per square metre + indexing 20.04% (2016) on new floorspace (measured as gross internal area).

It is considered that there is a CIL liability for this site. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space would be 322.4 sqm and assuming that this is correct a CIL payment of approximately £38,646 would be required if permission were granted. As the proposal is recommended for refusal the CIL requirement has not at this stage been pursued further.

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 require a payment of £174 per dwelling to the Solent Disturbance and Mitigation Project together with £20 administration and £8 monitoring fee. As the proposal is recommended for refusal the SDMP has not been pursued at this stage.

8 Conclusion

In conclusion, the proposed development would represent a cramped form of development with unacceptable levels of residential amenity.

In addition whilst the provision of 4 units would make a modest contribution to the Council's housing targets, the site is a windfall site situated within Flood Zone 2 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 better sites within the Borough and that the LPA can demonstrate a 5 year housing supply. Therefore, there is no overriding justification for the development of additional dwellings within the site which is defined as having a probability of flooding and would result in an unacceptable risk to life and property from tidal inundation. 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; and these matters are considered to outweigh the otherwise economic and social benefits provided by additional dwellings.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00098

(A) for the following reasons

- 1 The site is a windfall site situated within a Flood Zone 2 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 2 which would result in an unacceptable risk 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.

- 2 The proposed development would represent a cramped form of development and as a result units 3 and 4 would have inadequate living environments with restricted outlooks and inadequate private amenity space with parking and maneuvering of vehicles in close proximity to the front of the dwellings and their restricted gardens. The development would therefore conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Council Borough Design Guide Supplementary Planning Document 2011 together with the National Planning Policy Framework.
- 3 The proposal, without completion of the appropriate binding arrangements to

secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.