

Site Address:	Land rear of and including The Coal Yard, 178A West Street, Havant, PO9 1LR		
Proposal:	Outline application for construction of 9 dwellings with access from West Street following demolition of 178a West Street.		
Application No:	APP/16/00418	Expiry Date:	20/06/2016
Applicant:	Mr Parrett Grant holdings		
Agent:	Mr Donohue Southern Planning Practice	Case Officer:	Heather Lealan
Ward:	Bedhampton		

1 Site Description

2 Planning History

3 Proposal

following demolition of 178a West Street. All matters are reserved except access and layout.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Brockhampton

5 Statutory and Non Statutory Consultations

Engineering/Drainage

I have no records of the flooding situation reported in the email. If it is sewerage flooding then that's a matter for Southern Water.

As a development in FZ3 I would suggest it fails the sequential test since there are other sites available not in FZ3 for development. From a civil emergency view, the means of escape must be available but the FRA picks up the need to subscribe to the Flood Warning system which would be the early warning to evacuate before the site got potentially cut off, so no different to any number of places we've allowed on Hayling.

Environment Agency

No objection in principle to the proposed development as submitted; subject to conditions. Regarding finished floor levels, no land raising in flood zone 3 without compensatory flood storage, 3 metre buffer zone for the protection and maintenance of Hermitage Stream, ground water and contamination land assessments and verification reports, no piling without consent, borehole de commissioning. The Environment Agency does not normally comment on or approve the adequacy of proposed flood resilience and resistance measures, or flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood.

Hampshire Fire & Rescue

No comments

Building Control

Sewer crosses the site. Radon no action site. No comment on plans

Conservation Officer

The site is located immediately to the East of the Brockhampton Conservation Area. No dwellings or buildings are proposed to be constructed within the designated Conservation Area although they will be immediately adjacent to it. There is no objection in terms of the impact on the conservation area.

Open Space Society

No comments

Countryside Access Team

No comments

Southern Water

Exact location of pipes within the site must be determined by the application before the final layout is finalised. It maybe possible to divert an existing 300mm foul sewer or the layout should be amended. Formal application for connection to public sewer would be required. Drainage details to be considered by the LPA's drainage engineer.

Network Rail

No objections or observations

Environmental Health Manager

I have reviewed the application documents, and note that comments made by Environmental Health under the GEN/15/00929 enquiry have not been addressed within either the design & access statement, or the broader application pack. I also note that the application form has selected 'no' to the site representing "*Land where contamination is suspected for all or part of the site?*", where it's address is listed as "The Coal Yard", being a reasonable guide to past commercial use of the site, where a degree of sulphur & PAH contamination of soils might be expected.

Suggested conditions are considered necessary in order to make a development comprising residential dwellings with private garden areas acceptable. Indeed, given the proximity to the watercourse, I would consider that any comprehensive redevelopment of this site should address (seek to quantify, and if necessary mitigate) contamination risks to the adjacent surface water.

Landscape Team

To pre-application submission -

Crime Prevention

A small car park to the north west of the site is provided for the use of the residents of plots 1 to 6. There is very little natural surveillance of this car park and what there is, is obscured by trees and planting. This increases the vulnerability of the car park to crime. Guidance states that "Natural surveillance of car parks is an important consideration". Therefore, to reduce the vulnerability of the car park to crime I would recommend that within curtilage parking is provided for plots 1 to 6.

Public Spaces Development Manager

No comments

Traffic Management

If permitted, the internal road layout is likely to suffer from commuter parking in this location. In the event that the internal road(s) are to be adopted, on street parking restrictions on this and in the near vicinity will need to be considered and a Traffic Regulation order required to be undertaken both the internal roads and in the near vicinity. The Traffic Management Team therefore request that if the internal road(s) are to be adopted that provision is made for a sum no less than £3000 to be provided by the developer to be set aside to allow a TRO be processed within a three year period of the construction of the development.

If permitted, but the internal road layout is not be adopted, changes to the existing on street parking restrictions will need to be considered as a result and a Traffic Regulation order required to be undertaken in the near vicinity. The Traffic Management Team request that provision is made for a sum no less than £3000 to be provided by the developer to be set aside to allow a TRO be processed within a three year period of the construction of the development. Additionally, the Traffic Team offer to design and process a TRO for the developer as it is anticipated that parking will likely occur along the internal road layout.

Portsmouth Water Company

This development site lies within Source Protection Zone 1/1C of the Havant and Bedhampton Springs, a critical public water supply. Should planning permission be granted Portsmouth Water would request a condition on piling.

The FRA indicates that the surface water will be discharged to the Hermitage Stream via the existing surface water sewers located in West Street. Portsmouth Water supports this strategy. To prevent a change in surface water drainage strategy to that of infiltration, Portsmouth Water would like to request a condition on the surface water drainage strategy.

The Environmental Health consultation response identifies that the historical land use at this site and the surrounding area means that the site is potentially contaminated land. Portsmouth Water therefore agrees with the EHOs three recommendations: 1) for a contaminated land condition, 2) a condition requiring verification reporting related to the contaminated land condition, and 3) for a condition related to unexpected contamination.

The FRA states in section 5.2 that in order to mitigate against the increase in volume of runoff, roof water will be collected to rainwater harvesting tanks and will be re-used within the development.

Under the Water Fittings Regulations, this type of system is notifiable to Portsmouth Water in order to protect Water Quality from internal plumbing. There have been examples in industry of cross connections between the potable drinking water supply and rainwater harvesting systems leading to microbiological contamination of potable drinking water supplies.

Portsmouth Water requires the submission of schematic drawings of all plumbing arrangements for each residential unit and each unit will have to be signed off by our Water Regulations team. Portsmouth Water will also request backflow protection for the relevant Fluid Category Risk, which in this case is Category 5.

Planning Policy

Policy CS17 supports maximising the use of land within the existing urban area.

Windfall development, such as this proposal, provides a valuable form of housing supply. Therefore the principle of the development should be supported on this largely underused and redundant piece of land. In addition this site has good access to public transport and services and in principle represents sustainable development.

Policy CS9 requires 30% provision of affordable housing or equivalent in lieu financial contribution. The viability assessment submitted should be 3rd party tested. However, the case officer should be aware of potential change ahead with the affordable housing requirement threshold...

A recent court of appeal case found favour with the Secretary of State and effectively overturned a 2015 high court quashing of the November 2014 Ministerial Statement. The 2014 Ministerial Statement had introduced an affordable housing threshold whereby schemes of 10 or less dwellings need not provide affordable housing. At the time of writing this the Ministerial Statement has not been reissued and nor has the appropriate PPG been updated. The affordable housing requirement/threshold in Policy CS9 therefore still applies. However, we consider that the 10 or less dwelling exemption from affordable housing is likely to be reinstated by the government in the short term (although this is to some extent speculation at this time). You may wish to discuss this current uncertainty with the applicants as until such a time as the government reintroduces their threshold then the application should be considered against Policy CS9 and the viability assessment should be third party tested (at the developers expense).

Flood risk matters appear to have been considered in some detail but the acceptability of the scheme in relation to flood risk should be considered in conjunction with the EA to determine if the proposal is acceptable in this regard. In conclusion we support the principle of proposal. However, this does not take into account more detailed planning matters such as access, parking, flooding, design, amenity etc.

Development Engineer

I agree with the Traffic Teams concerns.

The proposed junction must have sightlines of 2.5 by 43 m. This can only be achieved by a variation of the existing TRO. However the conformation of the proposed TRO could not be guaranteed, So this may be one of the unusual cases where confirmation of a TRO is needed before planning permission can be given or a Grampian is used.

I am also concerned that the illustrative layout does not clearly show that a delivery/service vehicle could turn on site and exit in a forward gear.

I would recommend refusal - the applicant has not demonstrated that the access and internal servicing would not lead to demonstrable harm to the highway network in terms of highway safety and amenity

County Ecologist

The application is not accompanied by any ecological information and I have therefore undertaken a non-exhaustive desk-based assessment using the application documents, recent GIS mapping and online sources. In short, the proposals entail works to a site which contains semi-natural vegetation such as grassland, trees and shrubs and is in close proximity to a watercourse. There is potential for legally-protected species to occur.

At present, I consider that there is insufficient information provided to determine that ecological issues are not a potential constraint and therefore would request that clarification is sought. I would recommend that the applicant commissions a Phase 1 ecological survey of the site: this should include an assessment of the potential for the site to support protected species (to be provided by a qualified ecologist).

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, 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.

Local Lead Flood Authority HCC

However this does not appear to fall within our remit in relation to our statutory consultee role. We are a statutory consultee for major development only. This site appears to be below 1 hectare and 9 dwellings.

Unless there are proposals to undertake works within an ordinary watercourse then we would not provide any comments on an application of this size.

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: 51

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 27 letters of objection were received of which 26 were objections and 1 was comments received.

Summary:

Havant Civic Society

- a) There is already a considerable traffic and parking problem in West Street, which this proposal will only exacerbate. Whilst the proposal is for parking on site, presumably one space per unit, it is quite likely that car ownership will exceed one car per unit and their owners will be seeking parking spaces elsewhere. Additionally, others may look to park in this development, which could cause its own problems.
- b) The site, in part, lies in Flood Zones 3 and 2, which, we would suggest, makes it a less than ideal location for residential development
- c) There is some possible historic land contamination adjoining the site.
- d) The site is obviously a haven for wildlife and it is regrettable, that retaining such green spaces appears to be overlooked in the overall development plan for the borough.

Other representations

- A Detrimental to the privacy and outlook of neighbours.
- B Waste water drains on site have previously flooded - sewage.
- C New pedestrian access - loss of privacy and potential increase in noise.

- D Additional traffic, causing further congestion, queuing back from the train gates and more noise.
- E Construction traffic - increased noise and fumes, although temporary .
- F Lack of parking for residents.
- G Adverse affect on wildlife e.g loss of protected slowworms, newts, birds and bats.
- H Access (in and out) difficulties caused by increased traffic - safety affected.
- I Loss of business (car wash).
- J Development on flood plain - at risk of ground water flooding.
- K Site may have negative affect on the nearby conservation area.
- L Loss of green/open space.
- M Loss of community areas (allotments); area is also used for gatherings such as barbecues.
- N Concerns regarding obstruction of access to rear gardens/ adjacent land. *The private right of access across the land is a civil matter.*
- O Reduction in value to existing properties.
- P Potentially difficult for emergency services to access the site.
- Q Possible historical contamination on the site.

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) Appropriateness of design and effect on the streetscene;
- (iii) Effect on neighbouring properties and amenities of future occupants
- (iv) Highway Implications
- (v) Impact on trees and protected sites
- (vi) Flooding issues
- (vii) CIL and SRMP considerations

(i) Principle of development

7.2 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) Appropriateness of design and effect on streetscene

7.3 It is not considered that the submitted documentation fully establishes that the development proposed will accord with the established pattern of existing development. However, scale and appearance of the dwellings are matters reserved at this stage. Furthermore, the impact of the proposed development on the streetscene and conservation area will be negligible as it is largely shielded by existing housing that is set to the west and south of the site. It is not considered that the application could be refused with regard to a harmful impact on the streetscene or conservation area at this outline stage.

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

7.4 There are sufficient distances of separation between the proposed dwellings 1 to 6 and the surrounding existing residential development so as not to create a harmful

impact on the amenities of the occupiers of the dwellings to an unacceptably detrimental extent. However, proposed units 7-9 forms the closest relationship at 12m (approx) from the rear of dwellings within Staunton Road. If the western elevation of units 7 to 9 formed a blank elevation, and they were low in height, this distance of separation maybe acceptable. However, scale and appearance do not form part of this outline application.

- 7.5 The site is partly located within a flood zone 2 and 3 and this has necessitated a cramped and contrived form of development within the area to the east of the site that falls within a flood zone 1. The curved design of the terrace of dwellings results in a cramped rear amenity space available to units 5 and 6 and it is considered that the flood risk constraints of the site will impact negatively on the overall design approach for the built-form arrangement and parking areas. Provision for landscape appears as a left over 'remnant space and indeed it may not be possible to provide established planting within the area of the site subject to flooding. Amenity space, gardens, screen planting, pedestrian access and circulation must all contribute an attractive landscape setting for the proposed development without being compromised through flood zone constraints.

(iv) Highway Implications

- 7.6 The Council's Development Engineer has raised concern that the internal road layout is likely to suffer from commuter parking in this location. Our Traffic Management Team have commented that, in the event that the internal road is to be adopted, on street parking restrictions on this and in the near vicinity will need to be considered and a Traffic Regulation order undertaken both the internal roads and in the near vicinity. The Traffic Management Team request that provision is made for a sum no less than £3000 to be provided by the developer to be set aside to allow a TRO be processed within a three year period of the construction of the development.
- 7.7 The LPA's Development Engineers have advised that the proposed junction must have sightlines of 2.5 by 43 m and that this can only be achieved by a variation of the existing TRO. However the conformation of the proposed TRO could not be guaranteed. The agent to this application has been made aware of this concern and no solution has been forthcoming.
- The Development Engineer has also raised concerns that the illustrative layout does not clearly show that a delivery/service vehicle could turn on. It is therefore considered that the application does not accord with policies CS16, CS19, CS20, and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012. The applicant has not demonstrated that the access and internal servicing would not lead to demonstrable harm to the highway network in terms of highway safety and amenity.

(v) Ecology

- 7.8 The application is not accompanied by any ecological information and the Council's Consultant Ecologist is concerned that there is potential for legally-protected species to occur. The agent to the application has been advised that a Phase 1 ecological survey of the site should be submitted and this should include an assessment of the potential for the site to support protected species (to be provided by a qualified ecologist).
- 7.9 This information has not been submitted and therefore it is considered that the

application does not meet The NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species. These 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, particularly in the case of protected species, which are a material planning consideration. This enables 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.

(vi) Flooding issues

- 7.10 The site is located within a Flood zone 2 and 3 as identified on the Environment Agency flood zone map and the proposed development of an additional houses 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 EA's *Demonstrating the flood risk Sequential Test for Planning applications*, has been followed to this regard to test the planning application subject of this report.
- 7.12 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.
- 7.13 To 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. It is therefore considered that the provision of a further new dwelling 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 set out in table 1 and 3 of the technical guidance of the NPPF.

(vi) CIL and SRMP considerations

- 7.14 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 £80 per square metre on new floorspace

(measured as gross internal area). It is considered that there is a CIL liability for this site. However the value of the contribution cannot be determined at this outline stage as scale is a reserved matter.

- 7.15 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 requires a payment of £176 per dwelling to the Solent Recreation Mitigation Partnership. This applicant is aware of this payment and has agreed that it will be paid should they choose to appeal the decision.

8 Conclusion

- 8.1 The proposed development within 178a West Street should be refused on the grounds of the flood vulnerability of the site and non-payment of SRMP contribution. 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 an additional dwelling 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.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE OUTLINE CONSENT** for application APP/16/00418 for the following reasons.

- 1 The site is a windfall site situated partially within a Flood Zone 2 with a single access point located 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 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 applicant has not demonstrated that the access and internal servicing would not lead to demonstrable harm to the highway network in terms of highway safety and amenity. The proposal is therefore contrary to policies CS16, CS19, CS20, and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 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.

- 4 Development of the site in the manner proposed would amount to over-development, in that it would give rise to unsatisfactory plot configuration and to a cramped and contrived layout. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Partnership, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It 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.