
Site Address: Land adjacent to, Victoria Road, Hayling Island
Proposal: Outline Application for proposed residential development.
Application No: APP/16/00319 Expiry Date: 07/07/2016
Applicant:
Agent: Edward Caush Associates Case Officer: Heather Lealan
Ward: Hayling West

Recommendation: **REFUSE OUTLINE CONSENT**

1 Site Description

- 1.1 The site is located to the South of Victoria Road, East of Havant Road and North of Mill Close. The site is outside the built up area and within Flood Zone 3. The boundaries are generally well screened with hedgerow/shrubs and trees. The site is relatively flat. To the east are stable buildings and the existing use of the site appears to be for horse grazing, stabling and training of horses. The site comprises a parcel of land outside of the identified urban boundary approximately 0.81 hectares in size.
- 1.2 There is an existing access via a track running south from Victoria Road which passes Rose-Marie a dwelling fronting Victoria Road. There are other properties to the south of the site; Nos 172, 170 and to the west 174 Havant Road.
- 1.3 A definitive right of way runs along the southern boundary of the site leading from Havant Road to the wider countryside to the east.

2 Planning History

APP/15/00902 - Erection of timber buildings for the use of pheasant rearing. Permitted

3 Proposal

- 3.1 Outline Application for proposed residential development. All matters are reserved at this stage albeit an indicative number of 20-24 dwellings has been supplied by the applicant's agent. The planning statement proposes that these dwellings may be starter homes and that the access into the site may be taken from Victoria Road.
- 3.2 The planning application includes the following documents only:
Planning Statement,
Flood Risk Assessment

4 Policy Considerations

National Planning Policy Framework 2012

Circular 06/2005

Havant Borough Local Plan (Core Strategy) March 2011

CS1 (Health and Wellbeing)

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS3	(Skills and Employability)
CS8	(Community Safety)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
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)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

Supplementary Planning Documents

Borough Design Guide

Residential Car and Cycle Standards

Havant Borough Townscape, Landscape and Seascape Character Assessment

5 Statutory and Non Statutory Consultations

Environment Agency

OBJECTS to this application as submitted, for the following reason(s):

The application has failed to meet the requirements of the second part of the flood risk Exception Test as set out in paragraph 102 of the National Planning Policy Framework (NPPF). In particular, the information submitted in support of the application does not adequately demonstrate that an appropriate package of mitigation measures, agreed with Havant Borough Council, will reduce the significant risk of flooding to an acceptable level.

Overcoming our objection

We object to the proposed development until the Local Planning Authority (LPA) are able to confirm that they are happy with a reliance upon refuge in the absence of safe access and egress during the design event, as this issue does not lie within our direct remit or expertise.

Engineering/Drainage

The issue with this site is going to be high groundwater caused by tide locking of the adjacent ditches and other drainage infrastructure. although short lived this can have a significant effect, (Havant Road was closed for 4 hours in 2000 due to the Pound

Croft ditch flooding properties on the east side of the road). Dealing with this high ground water level may involve land raising which will need to avoid diverting water onto adjacent property. A full SuDS design and drainage study will be required.

Southern Water

SW advise that no new soakaways, development or tree planting should be located within 3 metres of any existing sewers. Formal application to connect to existing network would be required.

Natural England

The Conservation of Habitats and Species Regulations 2010 (as amended) The Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features.

Chichester and Langstone Harbours SPA/Ramsar Site: Objection/Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

I

Natural England is concerned about the impacts resulting from the permanent loss of functionally-linked land (FLL) of the aforementioned SPA and increased recreational pressure to other nearby FLL. From the information that we have available, the development site lies within an uncertain high tide roost site ("H102") for brent geese, as classified by the Solent Waders and Brent Goose (SW&BGS). It also lies nearby to "H53A" which has records of brent geese using the site for foraging/roosting.

We are aware of records that 50 brent geese have been surveyed using the nearby site, H53A. As the development proposal will involve the loss in extent of "H102", and also potential increases in the level of disturbance events at other nearby sites (such as H53A), an assessment is required to understand the impact of this development on the SPA.

Solent Maritime SAC: No objection

Langstone Harbour SSSI: Objection due to lack of information

Our concerns regarding the potential impacts upon the Langstone Harbour SSSI coincide with our concerns regarding the potential impacts upon the Chichester and Langstone Harbours SPA, and are detailed above.

Protected Species

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Open Space Society

No comments

Development Engineer

The Highway Authority accepts that in terms of pure road capacity and transportation

links some development may be acceptable. However the area covered by the application is in flood zone 3 and the need for the emergency services to respond in the event of a flood is something the emergency planning team should be asked to give guidance on. .

The amount of development will need to be clarified and a Transport Statement submitted to assess its affect on the local transport network.

The proposed access is located on the adopted part of Victoria Road and would need to be built to the Highway Authority's standard by means of either a Section 278 or 38 Agreement.

Countryside Access Team

The applicant should be made aware that:

- There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
- Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.
- Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.
- In addition, no builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

Coastal Engineering

The Eastern Solent Coastal Partnership **objects** to the proposed development. The site is in Flood Zone 3 and therefore at high risk of flooding from the sea. The first floor levels are at 3.3m and the 1 in 200 year flood level for Langstone Harbour is 3.3m at present and 4.4m for 2115. Assuming a 100 year lifetime of a residential project, both these figures need to be considered. This means that the property will flood at present and give flood depths of 1.1m in 2115. This is considered unacceptable and not a sustainable development in this location.

Although the FRA assess the height of the local coastal defences being between 3.8 – 4.2m AOD, this is not considered of a sufficient standard of protection for the lifetime of the development.

We also wish to point out that there is a watercourse that is classed as a 'main river' called Pound Croft running along the southern boundary of the site. There is a potential risk from flooding from this watercourse particularly with the coincidence of high tides and heavy rainfall due to tide-locking. Havant Borough Council holds records that show parts of the site were flooded to a depth of 0.2m on 8th November 2000 due to tide locking of the Pound Croft ditch system. This drainage channel was subsequently en-mained to become a main river specifically because of this event. It is also worth noting that flooding not only affects the property but also the access to/from it - there is a flood risk associated with access on and off Hayling Island.

Planning Policy

Policy Context

The site is located outside the defined urban area and as such is contrary to Policy AL2 and CS17. Therefore the principle of development at this site is not supported by the Local Plan.

The site is located within flood zone 3. The NPPF states that development should not

be allocated or permitted in areas at risk of flooding if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding in line with the Sequential Test. We currently have a five year housing land supply and consequently there is no reason to allow such development.

The site is identified as being uncertain for Brent Geese and waders therefore Policy DM23 is applicable. Appropriate surveys should be undertaken to ensure that the site has no importance. In the absence of surveys it cannot be demonstrated that there would be no significant impact on the SPA and would therefore be contrary to Policy DM23.

If these issues were to be overcome the following policy considerations would apply:

Affordable Housing

The applicant has suggested that the likely scale of development would be in the region of 20 to 24 dwellings and therefore 30 to 40% of the dwellings should be affordable.

Infrastructure

The proposal will need to comply with all aspects of policies CS20, DM11 and DM12.

Community Infrastructure Levy

Havant Borough Council has an adopted CIL Charging Schedule which is applied to new residential development in the Borough.

Also, the SRMP contribution will be payable in accordance with policy DM24.

Conclusion:

The proposal is contrary to planning policy.

Community Infrastructure

No comments

Public Spaces Development Manager

No comments

Landscape Team

Landscape objection to the application on the basis it is contrary to built-form and development guidelines for LCA30 within the Havant Borough Townscape, Landscape and Seascape Character Assessment. I am concerned the application will unacceptably diminish the quality of established landscape character.

The proposed site lies within the defined Landscape Character Area for Stoke and North-west Hayling (LCA30), which makes specific reference to an enclosed landscape of small well hedged fields and linear development.

Specific local key issues of relevance are:

- Perception of a continuous adjacent built environment, with little awareness of adjacent countryside
- Infill development within the small fields

In terms of Built form and development guidelines, the following are deemed of particular relevance:

- Maintain and improve the areas of openness adjacent the A3023 within the intermittent linear settlements allowing links to the rural countryside beyond
- Avoid development and infill within the small fields between the settlements of Stoke, Fleet and Tye to maintain separate settlement form.

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: 36

Number of site notices: One

Statutory advertisement: 29/04/2016

Number of representations received: 67

Summary:

- A Not within an allocated site
- B Loss of a vital and important gap countryside between settlements and be harmful to the area
- C Negative impact on wildlife
- D Fails the test of the NPPF with regard to local plans being sustainable and realistic
- E Insufficient infrastructure to support the development, schools, medical facilities, roads off Island etc
- F Negative environmental impact on protected sites
- G The site is within a Flood Zone
- H Harmful to the character and visual amenities of the area
- I Allotments Proposals are not realistic given flooding in area and the need for allotments has not been established by the applicant
- J There is relevant planning history including permission for agricultural purposes
- K Lack of parking spaces
- L The pumping station cannot cope with the existing housing
- M Loss of green space/open space
- N Additional traffic will have a detrimental impact on highway and highway safety
- O Poor drainage
- P Noise, smells and fumes from intensification of the use of the site
- Q Application states there is no public access and it is currently being used for grazing, training and riding of horses
- R Starter Homes will look out of place with existing residential development
- S There is sufficient 5 year supply of housing sites in the local plan
- T Detrimental impact on daylight, privacy and outlook from neighbouring dwellings
- U Loss of important hedgerows to create access.
- V The applicants to not own the bank of land to the north of the site and so will not be able to create the access. This was subject to a dispute over ownership rights 10 years ago
- W Proposed balancing pond will attract mosquitos
- X Rogers Mead would become a rat run
- Y The proposed amount and scale is not acceptable within this 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) Nature of the development
- (iii) Effect on neighbouring properties and amenities of future occupants
- (iv) Highway Implications
- (v) Ecology and protected sites
- (vi) Flooding issues
- (vii) CIL and SRMP considerations
- (viii) Other Matters

(i) Principle of development

7.2 The site is currently land that is outside of the defined urban area. The Council's approach to the concentration and distribution of new development in the Borough, set out in Policies AL2 and CS17, is to concentrate new development in urban areas and restrict development in non-urban areas to proposals that comply with policies for the countryside set out in national policy. Therefore the principle of development in this location is contrary to current local and national policy.

The National Planning Policy Framework (NPPF) requires the authority to maintain a continuous five year supply of deliverable sites to meet the present and future needs of the Borough. The Council have an agreed target set within the Core Strategy that requires the development of 6,300 new homes in the Borough between 2006 – 2026. The latest Annual Monitoring Report, (AMR), shows that the Council can demonstrate a 5 year housing land supply. This will be reviewed regularly and can be subject to change. At this time however, it is concluded that there is no short term housing requirement in the Borough that would necessitate development of sites outside of the urban area. From a Hayling Island perspective, significant recent land releases at Goldring Close and Station Road are being developed which are supporting the supply of new housing on Hayling Island to meet its needs.

(ii) Nature of the development

7.3 At this outline stage all matters are reserved and as such the suitability and acceptability of the access, appearance, landscaping, layout and scale of the proposed development cannot be assessed in any great detail. Representations submitted in reference to the scheme show concern regarding the proposal for 20-25 new starter homes and how this form of development will respond to the existing vernacular; predominately ribbon development of detached and semi detached dwellings within substantial plots. This, whilst still a matter for concern at outline stage, cannot be fully considered until reserved matters stage should the outline scheme gain planning consent. A Landscape objection to the application has also been submitted on the basis that the indicative information as submitted within the planning statement is contrary to built-form and development guidelines for LCA30 within the Havant Borough Townscape, Landscape and Seascape Character Assessment. It is considered that the application will unacceptably diminish the quality of established landscape character and that the development within the proposed site is likely to not accord with the defined Landscape Character Area for Stoke and North-West Hayling

(LCA30), which makes specific reference to an enclosed landscape of small well hedged fields and linear development. The Landscape Character area assessment requires that future development maintains and improves the areas of openness adjacent the A3023 within the intermittent linear settlements, allowing links to the rural countryside beyond and avoid development and infill within the small fields between the settlements of Stoke, Fleet and Tye to maintain separate settlement form.

- 7.4 Neighbour concerns have also been raised with regards to the possible location of the access to the site from Victoria Road, east of the junction with Rogers Mead, in terms of the impact on the surrounding highway network and the ownership rights of the field owner across the grass bank and ancient hedgerow that runs east west along the northern boundary of the site. However, as this outline application does not seek approval for the site access location or precise quantum of development at this time, whilst it is worthy of note at this stage, it is an issue for proper consideration at reserved matters application stage, and the Development Engineer has not objected to the principle of a further access onto the Victoria Road frontage.

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

- 7.5 It is considered that it is achievable to maintain sufficient distances of separation between the proposed dwellings and the existing residential development that surround the site to the north, west and south in such a way as to accord with the Borough Design Guide requirements. An appropriately designed scheme in terms of scale, layout and appearance within this site could be acceptable in planning terms with regard to any impacts to the amenities of the occupiers of the surrounding dwellings.

- 7.6 Residents have raised concerns with regard to the impact of drainage and flooding if this site is developed for additional housing. The impact of flooding is considered with section (vi) of this report. With regard to drainage, no details and solutions have been put forward to consider at this stage by the developer. A reserved matter application would need to include a drainage strategy.

(iv) Highway Implications

- 7.7 The Highway Authority has been consulted with regard to this application. It is not possible at this outline stage consider that appropriateness in terms of physical details of any access route into the site. However, it is considered that a Transport Statement is required at this stage in order to assess the proposed volume of development on the local transport network. If the proposed access is to be located on the adopted part of Victoria Road, as the planning statements suggests at this stage, it would need to be built to the Highway Authority's standard by means of either a Section 278 or 38 Agreement.

(v) Ecology and protected habitats

- 7.8 The application is not accompanied by any ecological information and there is potential for legally-protected species to occur on site. Given that this information has not been submitted, 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.

- 7.9 Natural England has also raised concerns about the impacts resulting from the permanent loss of functionally-linked land (FLL) of the **Chichester and Langstone Harbours SPA/Ramsar Site and SSSI** and increased recreational pressure to other nearby FLL. From the information that is available, the development site lies within an uncertain high tide roost site ("H102") for brent geese, as classified by the Solent Waders and Brent Goose (SW&BGS). It also lies nearby to site "H53A" which has records of brent geese using the site for foraging/roosting. Natural England advise that they are aware of records that 50 brent geese have been surveyed using the nearby site, H53A. As the development proposal will involve the loss in extent of "H102", and also potential increases in the level of disturbance events at other nearby sites (such as H53A), an assessment is required to understand the impact of this development on the SPA.
- 7.10 In the absence of any such assessment, and given the proximity of the site to recorded brent goose habitat, it cannot be concluded that the development would not have a significant effect on the European site and SSSI and the proposal must be refused.

(vi) Flooding issues

- 7.11 The site is located within a flood zone 3 - as identified on the Environment Agency flood zone map. The proposed development of the site as housing 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. As such, it is considered that development should be steered away from this site to sequentially better sites within the Borough.
- 7.12 This site would be 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. To this regard the LPA considered that it can demonstrate a 5 year housing supply within the current Strategic Housing Land Availability Assessment (SHLAA) and has an Adopted Allocations plan. It is not considered that the justification within the submitted Planning Statement sufficiently demonstrates a need to develop this site, located within flood zone 3 at this time. Furthermore the EA considered that the applicant has failed to meet the requirements of the second part of the flood risk Exception Test as set out in paragraph 102 of the National Planning Policy Framework (NPPF). In particular, the information submitted in support of the application does not adequately demonstrate that an appropriate package of mitigation measures, agreed with Havant Borough Council, will reduce the significant risk of flooding to an acceptable level.
- 7.13 The EA also considers that the application has failed to meet the requirements of the

second part of the flood risk Exception Test as set out in paragraph 102 of the National Planning Policy Framework (NPPF). In particular, the information submitted in support of the application does not adequately demonstrate that an appropriate package of mitigation measures, agreed with Havant Borough Council, will reduce the significant risk of flooding to an acceptable level. The application proposes that a bund is established to provide flood capacity. However, the bund location is outside of the site redline and furthermore the Coastal Engineer Team do not consider that the mitigation measures as put forward within the application FRA are acceptable.

(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 £100 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 layout and scale are reserved matters.

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, which can be secured by way of a S106 Agreement. In the absence of such measures of mitigation the application must be refused.

(viii) Other Matters

7.16 The applicant also is proposing some community provision in the form of allotment land to the east of the development site. However this land is not within the redline and the proposals are only indicative at this stage. Furthermore, it is not considered that this land within flood zone 3 would be suitable for use as allotments.

7.17 The site would also require to provide affordable homes and on site drainage in accordance with adopted Local Plan and National Policy. Below is the list of heads of terms which would form an appropriate S106 for this development, were it to be approved;

- (i) The management arrangements for new roads, including street cleaning and street lighting;
- (ii) On site open space management, and maintenance arrangements;
- (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.

However, with the application being recommended for refusal such arrangements have not been secured and therefore these must be recorded as further reasons for refusal as without them, the development will not make adequate provision for necessary infrastructure in the areas identified.

8 **Conclusion**

- 8.1 The principle of residential development on this site is not considered to accord with policies AL2 and CS17 of the Core Strategy because it lies outside of the defined urban area and the Local Authority can demonstrate a 5 year housing supply. Furthermore, the proposed development within land adjacent to Victoria Road should be refused on the grounds of the flood vulnerability of the site, non-payment of SRMP contribution, absence of binding arrangements to ensure the acceptability of the proposal and insufficient information regarding the impact of the development on ecology, protected sites and highway. The site is a windfall site situated within 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 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 flooding. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and the Havant Borough Local Plan (Core Strategy) 2011.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE OUTLINE CONSENT** for application APP/16/00319 for the following reasons:

- 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 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