
Site Address:	53 Southwood Road, Hayling Island, PO11 9PT		
Proposal:	Construction of 1No. 4 bed detached house.		
Application No:	APP/15/00008	Expiry Date:	26/03/2015
Applicant:	Mrs Farmer	Team:	Team 1
Agent:	Mrs Grinstead	Case Officer:	Heather Lealan
	Your Home Plans Ltd		
Ward:	Hayling East		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The site is located on the northern side of Southwood Road in an area designated as a flood zone 2. To the rear of the site, (north), is an inlet of Chichester Harbour that is designated as a SAC, SPA, Ramsar site and SSSI.
- 1.2 The existing dwelling within the site is located within the rear half of the plot and has views out over the harbour. The dwelling has been extended over the years and has a single storey section to the front with a two storey section set back from the front elevation. The dwelling is of brick construction with some elements of render with a brown tiled roof.
- 1.3 The existing plot is 62.5m (approx) in depth and is at its widest at 23m (approx) two thirds of the way from the southern boundary. The plot is at its most narrow directly adjacent to the southern boundary at 9m (approx). Beyond the southern boundary is the highway and from which vehicular access is currently taken.
- 1.4 The site also contains a detached single garage and hardstanding for the parking of additional vehicles.
- 1.5 There are significant TPO trees within the plots surrounding the site. The closest to the proposed development being a Corsican Pine located adjacent to the eastern site boundary.
- 1.6 The adjacent plots to the east and west of the site have been subdivided some years previously. The dwellings within these plots are two storey, Spanish chalet style with white render and red/brown tile roofs and some red tile hanging.

2 Planning History

No relevant planning history on Acolaid

3 Proposal

- 3.1 Construction of 1No.4 bed detached house. The plot is intended to be divided such that the front section, 27.5m (approx), of the site is allocated to the proposed new dwelling and the remaining 35m (approx) to be allocated for the existing dwelling. This will provide 10m rear garden depths for both dwellings.
- 3.2 The existing dwelling has a maximum roof height of 5m (approx). The proposed

dwelling is 7.5m (approx) to ridge, 11.5m (approx) in width and 7.3m (approx) in depth. It follows a chalet style design with rendered elevations and brown tiles.

4 Policy Considerations

National Planning Policy Framework
Borough Design Guide SPD
Residential Car and Cycle Standards SPD

Havant Borough Local Plan (Core Strategy) March 2011

CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
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: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency

No objection in principle so long as the development is constructed in accordance with with submitted FRA. Advised that the LPA must consult our emergency planners as the development is within a flood zone 2.

County Archaeologist

Due to the absence of an immediate archaeological context, combined with the small scale of the development, no archaeological issues raised.

Arboriculturalist

No objection, so long as accordance with AIA and Tree Protection Plan is conditioned

Natural England

SPA, SAC, SSSI and Ramsar Sites - No objection subject to conditions

No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

- All those involved with the works should be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is.

- All materials, equipment and machinery will be stored in a designated compound within the curtilage of the property. This is required to protect the interests of the adjacent SAC/SSSI habitats.

This application is within 5.6km of the Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

HBIC - have noted Early Meadow-grass within 50m of the application site.

Engineering/Drainage
No Comments

Development Engineer

The revised access would be acceptable to the Highway Authority condition that two parking spaces and cycle facilities are provided and retained on site for the new property and that the existing garage and space in front is retained for the use of 53.

Emergency Planner

In these situations we would normally require a property specific Emergency Plan which would include details of emergency actions, safe routes and places of refuge, evacuation routes and mandatory sign-up to the EA flood warning scheme.

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: 11

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary:

a) Access into the site requires the crossing of land to which Nos.53a & 53b have freehold access rights as there is a lamppost sited centrally within the existing vehicular access into the site - *Noted and amended plans have been submitted that move the existing access further west along the southern boundary of the site. Provision of a dropped kerb would need to be conditioned as part of any subsequent planning consent*

b) This site is very prominently placed in the centre of the existing 5 detached Spanish chalet style 3/4 bedroom properties with garages arranged attractively by the original builder/owner of the whole land occupied by properties 51,51A,53, 53A,53B,53C. The design, size, appearance positioning and layout of the proposed property does not conform to the design of the existing properties and will look out of place - *Agreed the initial design did not accord with the surrounding dwellings, the revised design is more acceptable so long as materials are conditioned to be approved as part of any*

subsequent planning consent

c) The land is also subject to restrictive covenants - *This is not a material planning consideration.*

d) Impact on mains water incoming and linking into the mains sewage disposal drainage system which over the years has from time to time become blocked and backed up - *The location of the sewer has been detailed on plan, this would not be a planning reason to refuse an application but an informative regarding the sewer and a condition regarding drainage details should be applied to any subsequent planning consent.*

e) Condition should be placed on any planning approval that requires a turning area that allows any future owners to be able to access and leave the site in forward gear.

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 The proposed dwelling is two storey in height and is of a chalet style with front and rear dormers. The materials proposed are white render and brown tiles. To this regard the design of the dwelling accords with the height and style of the surrounding dwellings within the two plots directly adjacent to the site.

As such it is not considered that the development would be detrimental to the amenities of the area or contrary to the Borough Design Guide and Policy CS16 (parts c and e) of the Havant Borough Local Plan (Core Strategy) 2011.

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

7.4 The proposal would result in the loss of less than half of the plot that currently serves the existing dwelling. A separation distance of 23m approx between the two storey elements of the existing and proposed dwelling will be achieved and a separation distance of 18m (approx) between the rear of the proposed dwelling and a single storey front projection of the existing dwelling. It is considered, given the merits of the site, that these distances of separation are acceptable. This consideration is due in part to the view from the northern elevation of the existing dwelling; the main living

accommodation is located to the north of the dwelling, away from the proposed dwelling. As such, the specific distances of separation as set out in the Borough Design Guide that should be applied to this development are back to back distances of a minimum of 20m. To this regard the main separation distance being 23m would exceed this.

- 7.5 With regard to the outdoor amenity provision for the new dwelling, a 10m deep section of rear garden is provided with sufficient space to the front of the dwelling for parking of cars and some degree of landscaping. It is considered that the proposal would provide acceptable living conditions comparable with the surrounding sites.
- 7.6 To the west of the site are two chalet style dwellings that are separated from the application site by means of a shared driveway. It is considered that the separation distances from the proposed dwelling subject of this report, being at a minimum of 9.7m gable to gable are acceptable. The western gable of the application dwelling being blank at first floor level will not give rise to any unacceptable issues of overlooking.
- 7.7 To the east of the site the adjacent plot has been divided into three, serving three chalet style dwellings. These dwellings are set even further away from the proposal than the closest dwelling to the west and, again, the proposed blank gable elevation will reduce any issues of direct overlooking. Any overlooking from the rear windows to any of the adjacent existing dwellings is considered to be acceptable due to distance of separation being 20m and greater.

(iv) Highway Implications

- 7.8 The Council's Development Engineer has raised no objection to the proposal on the grounds of the information provided within the application form and the revised access and parking layout on demonstrated on Block plan rev.D as submitted on the 2 April 2015.

(v) Impact on trees and protected sites

- 7.9 The TPO trees that surround the site are generally located away from the development proposal. The closest tree located to the eastern boundary of the site, being a Corsican Pine has a very high canopy which would not impact the amenities of any future occupants of the proposed dwelling. So long as the findings of the AIA and Tree Protection Plan are conditioned to be adhered to as part of any planning consent, it is not considered that TPO trees should be any constraint of the development of this site in the manner proposed.
- 7.10 Natural England have raised no objection with regard to the designated sites that lie adjacent to the northern boundary of the site so long as their suggested conditions are applied to any subsequent planning consent.

(vi) Flooding issues

- 7.11 The site is located within a Flood zone 2 as identified on the Environment Agency flood zone map and the proposed development of an additional dwelling house 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 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 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. It is worthy of note that, although close to, the site is outside of the Coastal Change Management Area, (Allocations plan policy AL4).

(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. The agent has completed the CIL planning form and confirmed that the net additional gross internal floor space will be 168 sqm and as such this will require a CIL payment of £16,800. The applicant has been advised of this sum accordingly. It is noted that a self build exemption form has been submitted with the application.

- 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 £172 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 the front garden area of 58 Southwood road 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 Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/15/00008 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 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 Policy 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.