

Planning Application Response of Planning Policy

Application No:	APP/13/00198
Site Address:	Land north of 132 Havant Road, Hayling Island
Development:	Construction of 2 No.3 bed and 2 No. 4 bed detached houses with associated parking and landscaping with access from Havant Road
Case Officer:	David Eaves
Comments by:	Gareth Williams
Date of Comments:	26 March 2013

The application is a re-submission of a similar proposal which applied for permission in May 2012. Policy comments on that application objected to the proposal on the grounds that –

- it is contrary to Policy CS17 of the Local Plan (Core Strategy) in that it is located outside the defined urban area and where development is consequently restricted;
- it is located within flood zones 2 and 3, for which reason it was considered unsuitable for development in the 2011 Strategic Housing Land Availability Assessment.

The application was subsequently refused permission for four reasons –

- (1) *The site is located in the non-urban area where inappropriate residential development is resisted. The proposed development would by reason of the additional built form result in the loss of an important gap between residential properties and be harmful to the character and visual amenities of the area. The proposal therefore conflicts with the policies CS11, CS16 and CS17 of Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework 2012*
- (2) *The site is located within Flood Zone 3 and on the basis of the information available the proposal has failed to demonstrate that it is safe for the future occupants of the development. Furthermore the application fails to demonstrate to the satisfaction of the Local Planning Authority that the necessary sequential test is satisfied to demonstrate that there are no more suitable sites for development available. The proposal therefore conflicts with the policy CS15 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- (3) *The proposed development site is located close to important areas of nature conservation including Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and Langstone Harbour Site of Special Scientific Interest (SSSI). On the basis of the information available the application fails to satisfactorily demonstrate that the proposals would not have a harmful effect on the interest features of the SPA site or the SSSI. The proposal also fails to demonstrate that any important on site habitat and species are adequately assessed to ensure that they are not adversely affected. The proposal therefore conflicts with policy CS11 of Havant Borough Local Plan 2011 and the National Planning Policy Statement 2012.*
- (4) *The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Hampshire County Council Transport Policy, is contrary to the Council's Policy on contributions towards transport infrastructure which, in accordance with the National Planning Policy Framework, seeks to ensure that the provision is made from new development towards improvements to the transport infrastructure. It is therefore contrary to policies CS21 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the National Planning Policy Framework.*

The matters to be considered in the current application relate to the extent to which the revised proposals have addressed the reasons for refusal set out above.

The applicant's Design and Access Statement expresses the intention to enter into the required binding agreement to secure financial contributions towards transport infrastructure. This would only be enacted in relation to a resolution to grant permission, so the matter cannot yet be considered to be resolved.

An ecological appraisal has been prepared which proposes some ecological enhancements. It will therefore be a matter for the statutory nature conservation consultees to determine whether the proposed measures satisfactorily demonstrate that the proposals would not have a harmful effect on the interest features of the SPA site or the SSSI.

Similarly, the Council will need to be satisfied that, in consultation with the Environment Agency, that the Flood Risk Assessment commissioned by the applicant can satisfactorily address the second reason for refusal.

The principal area of concern in terms of planning policy, however, is the first reason for refusal as it relates to development outside the defined urban area. The facts are clear, however. The site's location is the same as the previous proposal and the definition of the urban area has not changed. The Draft Havant Borough Local Plan (Allocations), published for consultation in November 2012, does propose some alterations to the urban area boundaries around the Borough, and would be a material consideration in this instance, except that it does not propose any changes to the defined urban area in this area of Hayling Island.

Conclusion and recommendation: The applicant has not been able to demonstrate any exceptional circumstances that would justify setting aside the policy presumption against the proposed development. As there has been no material change in circumstances regarding planning policy since the previous application, the proposed development should again be refused.