DTM PLANNING

Planning Statement

Land at The Bus, Avenue Road, Hayling Island, PO11 0LX

Permission in Principle for residential development of up to four dwellings
Prepared on behalf of Mayfair Hayling Island Limited

November 2026

1. Introduction

1.1 This Planning Statement supports an application for permission in principle for residential development of the land at The Bus, Avenue Road, Hayling Island. The application seeks approval only of the principle matters relevant to permission in principle: the location, land use and amount of development. The proposal is for residential development of up to four dwellings.

1.2 The application seeks approval of location, land use and amount of development only. The submitted Block Plan and Site Elevations are illustrative supporting material, showing how the earlier four-dwelling proposal related to the site and neighbouring development; no approval of their detailed layout, scale, appearance or access arrangements is sought. All matters of detailed design and technical implementation—including layout, scale, appearance, access, parking, landscaping, arboriculture, ecology, biodiversity, drainage design, nutrient mitigation and construction—are reserved for consideration at the technical details consent stage. Those matters do not prevent the Council determining whether the site is suitable in principle for the proposed amount of residential development, subject to the principle-stage flood-risk and Habitats Regulations matters addressed in this Statement.

1.3 The submission also includes the Location Plan, Block Plan, Site Elevations, previous Arboricultural Impact Assessment, Arboricultural Officer's response and delegated officer report for APP/20/01064. The Location Plan identifies the site in its surrounding context. The Block Plan and Site Elevations illustrate the earlier four-dwelling proposal and explain the spatial and built-form context for the amount of development now sought; they do not seek approval of that detailed scheme. The arboricultural documents explain the tree constraints, the mitigation previously investigated and the officer's final position, subject to an Arboricultural Method Statement and Tree Protection Plan. The delegated report provides the complete assessment context, including both the matters found acceptable and the unresolved matters which led to the recommendation for refusal. These documents are submitted as supporting evidence, not as an existing permission or a substitute for updated technical details.

1.4 Flood risk is addressed at this stage because, in light of the site's recent planning history and the refusal of application APP/20/01064, it is a principle issue. The applicant's primary case under the Council's January 2026 guidance is that the application site itself is the appropriate area of search, relying on its previously developed status and settlement location. If that position is not accepted, the Hayling Island Sequential Test Site Analysis dated 5 November 2026 (Appendix 1) provides the external assessment. The flood-risk evidence comprises Aqua Callidus' Flood Risk Assessment and Drainage Strategy, reference 20005, Issue 1, dated 11 June 2020, as updated by Donnager Civil Engineering's FRA Addendum: Future Flood Risk, reference L047-DON-TN-001.P01, dated 3 November 2026. Given the Addendum's assessment of future Flood Zone 3a and the proposed More Vulnerable residential use, an Exception Test has been submitted for consideration under current national policy F6, supported by F7; its applicability is not determined merely by whether an external sequential search is required. DTM Planning's accompanying Exception Test Part (a) statement dated 5 November 2026 addresses wider sustainability benefits, while the original FRA and Addendum address lifetime safety and effects elsewhere.

1.5 The site lies within the built-up area of North Hayling and is surrounded by residential development. The previous assessment accepted the principle of housing and identified no unacceptable objection in respect of character, residential amenity, trees, access or parking. The central issue is whether projected future flood risk can be addressed sufficiently to establish suitability in principle. The applicant relies on the original FRA as updated by Donnager's Addendum and the separate sustainability assessment, subject to the Council's acceptance of that evidence, resolution of the alternative-site matters identified below and compliance with the applicable Habitats Regulations requirements.

2. Site Description

2.1 The application site comprises approximately 0.19 hectares on the south side of Avenue Road, Hayling Island. It is a broadly rectangular parcel enclosed by housing to the south, east and west, with Avenue Road and further residential development to the north. The site is wholly contained within the established urban area and reads as an infill opportunity within an existing residential neighbourhood.

2.2 The site is close to local services and public transport. Bus services on Havant Road provide connections to Havant, including its town-centre facilities, employment opportunities and rail services. The location is therefore suitable in principle for a modest residential development.

2.3 Historic permissions and the planning record show longstanding occupation of the land for the stationing of caravans for human habitation. The site should therefore be treated as previously developed land: land which is or was occupied by lawful development. Its historic use and associated physical works distinguish it from undeveloped countryside, public open space or a residential garden.

2.4 Since the earlier application the land has become unmanaged and overgrown. Its condition has deteriorated and it has become a focus for anti-social behaviour and vermin. Sensitive redevelopment would secure active management, natural surveillance and

environmental improvement, removing an unattractive and problematic gap within the built-up area.

3. Relevant Planning History

3.1 The site has a history of permissions for the stationing of caravans for human habitation. An appeal concerning continued caravan use was dismissed in 1981, in part because the then policy objective was to phase out caravans and enhance the residential character and development potential of the locality. That history supports, rather than undermines, the residential redevelopment of the site.

3.2 Enforcement action relating to caravan storage was pursued in 2020. The associated material recorded the fallback position as the stationing of caravans for holiday use and confirmed the site's developed planning history.

3.3 Application APP/20/01064 sought full permission for four dwellings with associated works. The application progressed to an advanced stage and a planning obligation was drafted. It was refused on 2 January 2025 for five reasons: Habitats Regulations mitigation for water quality; recreational disturbance mitigation; flood risk, including the Sequential and Exception Tests and site safety; off-site ecological mitigation; and long-term management of the sustainable drainage system. Each reason requires an identified response; the permission in principle route does not, by itself, remove the underlying issue.

3.4 The Council did not identify overriding harm to character, neighbouring amenity, trees, access or parking. The applicant's response to the refusal reasons is as follows.

a) Water-quality effects require a nutrient assessment and an available, enforceable mitigation arrangement – this is resolvable through the Council's own mitigation scheme or the various alternative private schemes.
b) Recreational disturbance requires the applicable mitigation financial contribution.
c) Off-site ecological mitigation requires updated evidence identifying the necessary mitigation.
d) Flood risk is addressed now through the updated technical evidence, including the Sequential and Exception Tests.

The applicant considers the reasons capable of resolution without changing the proposed residential use or amount of development.

4. Planning Policy Context

4.1 The statutory development plan comprises the Havant Borough Local Plan Core Strategy (2011) and the Allocations Plan (2014). Given their age and the acute shortfall in housing land supply, the weight attributable to restrictive housing policies must be considered in the light of the current national policy framework.

4.2 National policy supports sustainable development and the efficient use of land, with substantial weight attached to the value of using suitable brownfield land within settlements for homes. Where the authority cannot demonstrate the required supply of deliverable

housing sites, the decision-taking balance is engaged, subject to the effect of any policies which protect areas or assets of particular importance.

4.3 Core Strategy Policy CS9 concerns housing delivery. Policy CS15 addresses flood and coastal erosion risk and requires development to be safe, to avoid increasing risk elsewhere and to incorporate appropriate drainage. Policy CS17 directs development to the Borough's urban areas, including Hayling Island, and gives priority to making effective use of redundant and underused land. The site's urban location and previously developed status accord strongly with that spatial strategy.

4.4 Other development-management policies are relevant to the eventual technical details, but they do not determine the location, land use or maximum amount of development now sought. Detailed compliance relating to design, amenity, ecology, trees, transport, parking, drainage infrastructure and mitigation can properly be secured at the technical details consent stage.

4.5 The Council's emerging Building a Better Future Plan reached Publication stage in 2026 and consultation closed in September 2026. It is not adopted and remains subject to examination and possible modification. Its policies may therefore attract only very limited weight at this stage. The emerging plan does not displace the immediate need to determine this application against the adopted development plan and current national policy, nor the importance of delivering small sites promptly.

5. Material Considerations

Permission in Principle

5.1 Permission in principle separates the decision on whether a site is suitable in principle for housing-led development from the later assessment of detailed technical matters. At this stage the Council is asked to determine only the location, land use and amount of development. The technical details consent must subsequently demonstrate that the approved principle can be implemented acceptably.

Sequential Test Guidance and Planning Practice Guidance

5.2 The national flood-risk guidance was materially revised in September 2025. It requires a proportionate approach focused on realistic alternatives in areas of lower flood risk that could meet the same development need. A reasonably available alternative must be suitably located, capable of meeting that need and have a reasonable prospect of development at the same time as the proposal.

5.3 Havant Borough Council's January 2026 Sequential and Exception Test guidance distinguishes a site-specific FRA from the Sequential Test. An FRA addresses safety and the effects of development; the Sequential Test addresses whether a realistic lower-risk alternative exists. The Council's guidance identifies Hayling Island as the relevant area for minor residential development of nine dwellings or fewer and adopts a pragmatic approach to previously developed sites within settlement boundaries.

5.4 The applicant relies on the Council's pragmatic approach to previously developed sites within settlements as the basis for a site-limited search. This is the applicant's primary interpretation of the guidance, subject to the Council's assessment, rather than an agreed exemption arising from the four-dwelling scale. If the previously developed classification or the site-limited scope is not accepted, the external search is advanced independently over Hayling Island, considering suitability, reasonable availability, comparative flood risk and a comparable delivery timescale.

Housing Land Supply and Delivery

5.5 The August 2026 Rook Farm appeal records Havant's housing land supply as 1.3 years against the five-year requirement. This significant shortfall gives substantial weight to additional housing, including modest windfall sites capable of early implementation.

5.6 The Housing Delivery Test is also a material indicator of past delivery performance. Whether considered through the presumption in favour of sustainable development or as a freestanding material consideration, the persistent under-delivery of housing materially strengthens the case for granting permission in principle on a suitable, small urban site.

6. Planning Assessment

Principle of Residential Development

6.1 The location is suitable for residential development. It lies within the established urban area of Hayling Island, is surrounded by housing, is accessible to services and public transport, and makes efficient use of a small previously developed site. Four dwellings represent a proportionate amount of development consistent with the site's context and the Council's earlier assessment.

6.2 The previous application demonstrates that the principle of housing was accepted and that other concerns were matters of detail or mitigation. Permission in principle would not approve a particular layout or design. The technical details process provides the appropriate stage to secure a scheme which responds to neighbouring properties, trees, access, parking, ecology, drainage and Habitats Regulations requirements.

Managing Flood Risk

6.3 Donnager's FRA Addendum dated 3 November 2026 confirms present-day Flood Zone 1 and assesses future tidal risk as Flood Zone 3a in the 2122 upper-end scenario. It retains finished floors at 4.80 m AOD, approximately 200 mm above its locally derived 4.60 m AOD future harbour estimate; the separate coastal-boundary benchmark is 4.67 m AOD. The assessed future access route has depths of 0.1– 0.5 m and moderate hazard, with lower-hazard ground approximately 40m away.

6.4 The original FRA provides the drainage strategy, which the Addendum retains. The Sequential Test addresses alternatives, while these reports separately address lifetime safety and effects elsewhere. The original report's present-day Flood Zone 1 reasoning must

therefore be read as updated by the Addendum, not as dispensing with assessment of future risk.

6.5 The recent appeal decision concerning Rook Farm, land off St Mary's Road, Hayling Island (Appeal Ref: 6004299, 14 August 2026), provides relevant planning context concerning the management of tidal flood risk and emergency access on Hayling Island. In paragraphs 12–19, the Inspector considered concerns relating to the potential flooding and temporary closure of Langstone Bridge, including the implications for public safety and access to emergency services.

6.6 At paragraph 15, the Inspector identified several mitigating factors, including the relatively short duration of the flooding events considered, the availability of advance flood warnings, the island's existing healthcare and emergency-response facilities and the emergency planning framework maintained by the Council. The Inspector concluded that, taken together, these factors were sufficient to outweigh the low risk associated with temporary closure of the bridge and the potential need for off-island emergency care during such events.

6.7 Although the circumstances of Rook Farm differ materially from the application site, particularly because The Bus is assessed as being subject to future tidal Flood Zone 3a conditions, the appeal demonstrates that temporary disruption arising from coastal flooding need not, in itself, render residential development unacceptable. The significance of such disruption depends upon the assessed flood hazard, duration of inundation, availability of warning and the adequacy of appropriate safety and emergency arrangements.

6.8 For the present application, these matters must be considered alongside the site-specific findings of the Donnager Flood Risk Assessment Addendum, including the projected flood depths and moderate hazard affecting the access route. The applicant does not rely upon the Rook Farm decision as demonstrating that flooding at Avenue Road would necessarily be of short duration, but as relevant support for a proportionate assessment of residual risk, informed by the particular circumstances of the application site.

Flood Risk: Primary Case

6.9 The applicant’s primary case under the Council’s January 2026 guidance is that the application site itself is the appropriate area of search, relying on previously developed land within an established settlement. This position is subject to the Council’s assessment of both that classification and the guidance’s application. The four-dwelling scale and regeneration benefits support a proportionate approach but do not, independently, establish exemption from the Sequential Test. If the Council does not accept the site-limited case, the external assessment below is relied upon without depending on acceptance of previously developed status.

Flood Risk: Alternative Case (Sequential Test)

6.10 The alternative search covers Hayling Island, reflecting the Council’s guidance for residential proposals of nine dwellings or fewer. The Hayling Island Sequential Test Site Analysis dated 05 November 2026 forms Appendix 1 and considers current permissions,

current applications and SHELAA sites. The search area is advanced independently of the primary case as set out above.

6.11 The Sequential Test Site Assessment at **Appendix 1** excludes completed schemes and sites identified as having equivalent future flood risk. It assesses the relevant sites on the basis of availability, delivery or housing-market reasons.

6.12 The applicant's position is that no suitable, reasonably available lower-risk alternative is available and deliverable.

Exception Test

6.13 The applicability of the Exception Test is assessed under current national policy F6, supported by the lifetime-safety requirements of F7, having regard to the confirmed flood-risk assessment and residential vulnerability classification. It does not follow simply from whether the Sequential Test involves an external search. Given Donnager's assessment of future Flood Zone 3a and the More Vulnerable residential use, the applicant has submitted an Exception Test on that basis, subject to the Council's determination of the applicable policy requirements. The evidence comprises DTM Planning's Exception Test Part (a): Wider Sustainability Benefits, dated 05 November 2026, and the Aqua Callidus FRA as updated by Donnager's 03 November 2026 Addendum.

6.14 DTM's Part (a) Statement weighs the wider community benefits against the assessed flood risk. Its principal benefits are up to four additional homes in the context of a significant housing land supply shortfall and lasting regeneration and management of the site. It gives secondary weight to economic activity and prospective environmental improvements. It acknowledges the future tidal flood risk. The applicant concludes that the benefits outweigh the assessed risk.

6.15 The Donnager Assessment concludes that the technical requirements described locally as Part (b) are satisfied through raised floor levels, the retained drainage strategy and management of residual risk, including future access. The proposed floor level is assessed against the future harbour-level estimate without assuming that planned strategic defences lower that benchmark. The assessment also considers the anticipated protection from ODU15 coastal defences and management of residual access risk, including delayed defence delivery or failure.

Other Technical Matters

6.16 Detailed layout, dwelling design, arboriculture, ecology, biodiversity, access, parking and drainage implementation will be assessed through technical details consent.

7. Planning Balance

7.1 The planning balance draws on the accompanying Exception Test Part (a): Wider Sustainability Benefits, particularly paragraphs 4.3 – 4.8, read alongside Aqua Callidus' original FRA and Donnager's Addendum. The site is presently in Flood Zone 1. The assessed 2122 upper-end scenario identifies future tidal exposure and moderate hazard on

the access route, with depths of 0.1–0.5 m. Proposed finished floors at 4.80 m AOD sit above the Addendum's 4.60 m AOD future harbour estimate. Raised floors, the drainage strategy and advance warning and evacuation arrangements provide the response to internal flooding, runoff and access risk. The assessment gives appropriate adverse weight to residual flood risk and weighs it against the proposal's Sustainability Benefits.

7.2 The earlier application was preoceeding to a recommendation for approval and identified no unacceptable harm to character, neighbouring amenity, access, parking or trees. Paragraph 3.4 identifies the response to the matters raised in the reasons for refusal.

7.3 Principal positive weight is attached to housing delivery and lasting site regeneration. The August 2026 Rook Farm appeal records a housing land supply of 1.3 years. Four additional dwellings would make a modest but meaningful contribution to the significant housing land supply shortfall. This would be provided on a sustainable urban site that is previously developed. The small scale nature of the proposal would provide diversity in a slow housing market dominated by larger scale volume housebuilding products. The opportunity for early housing delivery further supports the proposal.

7.4 Redevelopment would secure efficient reuse, improved townscape, natural surveillance and continuing maintenance within an established residential neighbourhood. The urban location makes use of existing services and public transport without extending the settlement onto greenfield land. Landscaping, biodiversity enhancement and low-carbon design provide further opportunities to improve the development's environmental performance.

7.5 Construction activity and subsequent household expenditure provide additional economic support. The Part (a) statement's national benchmarks indicate approximately 14 jobs supported during construction and approximately £140,700 in annual expenditure across four households. These illustrative economic effects carry additional weight alongside the principal housing and regeneration benefits.

7.6 The applicant concludes that the combined Sustainability Benefits outweigh the assessed residual flood risk and satisfy the sustainability requirement of F6, corresponding to HBC's Part (a). Housing delivery and lasting regeneration provide the strongest benefits, reinforced by economic activity and environmental opportunities. These benefits commence with development and occupation, while the assessed tidal exposure develops over the future climate-change horizon. The original FRA and Donnager's Addendum identify the raised-floor, drainage and residual-risk measures underpinning this balance. The conclusion rests on that specific risk-management response and the comparative assessment in the accompanying Part (a) statement.

7.7 The sustainability assessment and Donnager's technical assessment together support the applicant's conclusion that the Exception Test is satisfied. The original FRA and Addendum address lifetime safety and flood risk elsewhere under F6 and F7, including implementation of the identified management measures. The separate Sequential Test case is set out in section 6 and **Appendix 1**. The proposal would deliver additional homes and lasting regeneration within an established residential area, supported by a defined flood-risk response. The applicant therefore considers the planning balance favourable and requests permission in principle for up to four dwellings.

APPENDIX 1 – Alternative Sites Sequential Test

1a - Current Planning Permissions

Reference	Ward	Site address	Proposal / residential element	Dwelling form	Gross residential units	Existing units lost / replaced	Indicative net additional units	Register status	Decision outcome	Decision date	Assumed 3-year expiry	Implementation status	Physical check needed?	Flood risk check	Source	Further Assessment	Reason
APP/23/01002	Hayling West	Rosecot, 15 New Cut, Hayling Island, PO11 0NB	Demolition of existing single-storey detached dwelling and construction of 2 detached two-storey four-bedroom chalet-style dwellings.	Dwellinghouses	2	1	1	Decision Made	Approved	06/08/2024	06/08/2027	Completed	Yes	FLZ 1	From HBC Portal	**EXCLUDED**	Development completed
APP/24/00618	Hayling East	21 Mengham Road, Hayling Island, PO11 9BG	Prior approval / change of use from Class E to 3 no. one-bed dwellinghouses (Class C3).	Flats	3	0	3	Decision Made	Approved	28/02/2025	28/02/2028	Unknown	No.	FLZ1	From HBC Portal	**EXCLUDED**	The schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/25/00638	Hayling East	8 Selsmore Avenue, Hayling Island, PO11 9PB	Division of site into two to allow construction of a three-bedroom detached bungalow to rear; partial demolition/remodelling of front property.	Dwellinghouses	1	0	1	Decision Made	Approved	08/07/2026	08/07/2029	Unknown	Yes	FLZ 1	From HBC Portal	**EXCLUDED**	Below 4-unit threshold
APP/24/00315	Hayling East	115 Elm Grove, Hayling Island, PO11 9ED	Conversion of business premises, existing two-bedroom flat and garage block into 7 one-bedroom flats with associated parking.	Flats	7	1	6	Decision Made	Approved	23/12/2025	23/12/2028	Unknown	No.	FLZ 1	From HBC Portal	**EXCLUDED**	The site provides a greater numerical quantum of C3 accommodation. However, the schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/25/00766	Hayling East	13 Elm Grove, Hayling Island, PO11 9EA	Prior approval for change of use from Class E to mixed use including up to two flats (Class C3).	Flats	2	0	2	Decision Made	Approved	22/01/2026	22/01/2029	Unknown	Yes	FLZ 1	From HBC Portal	**EXCLUDED**	The schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/23/00377	Hayling East	Land rear of 25 Mengham Road, Hayling Island, PO11 9BG	Conversion and partial demolition of existing bakery and offices to 4 self-contained flats: 1 x 3-bed, 1 x 2-bed and 2 x 1-bed.	Flats	4	0	4	Decision Made	Approved	03/10/2023	03/10/2026	Completed	No.	FLZ 1	From HBC Portal	**EXCLUDED**	Development completed
APP/24/00200	Hayling East	Land rear of 25 Mengham Road, Hayling Island, PO11 9BG	Conversion and partial demolition of existing bakery and offices to 5 self-contained flats: 1 x 2-bed and 4 x 1-bed.	Flats	5	0	5	Decision Made	Approved	01/11/2024	01/11/2027	Completed	No	FLZ 1	From HBC Portal	**EXCLUDED**	Development completed
APP/24/00269	Hayling East	25 Mengham Road, Hayling Island, PO11 9BG	Conversion of part of vacant retail unit to form 1 self-contained flat with amenity space, parking and bin/cycle storage.	Flats	1	0	1	Decision Made	Approved	30/08/2024	30/08/2027	Unknown	No	FLZ 1	From HBC Portal	**EXCLUDED**	The schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/25/00970	Hayling West	55 Station Road, Hayling Island, PO11 0EB	First-floor extension to existing commercial unit to provide a two-bedroom self-contained flat.	Flats	1	0	1	Decision Made	Approved	10/04/2026	10/04/2029	Unknown	No	FLZ 3	From HBC Portal	**EXCLUDED**	The schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/23/00458	Hayling West	Newtown House Hotel, Manor Road, Hayling Island, PO11 0QR	Proposed 1 two-bedroom first-floor flat over existing flat roof to hotel annexe; ground-floor side extension for new entrance.	Flats	1	0	1	Decision Made	Approved	15/11/2023	15/11/2026	Unknown	No	FLZ 3	From HBC Portal	**EXCLUDED**	The schemes serve materially different housing needs and market sectors. The site is therefore not considered a realistic alternative capable of meeting the same development need for the purposes of the Sequential Test
APP/21/01434	Hayling West	Rook Farm, Land off St Mary's Road, Hayling Island	Outline permission for up to 300 dwellings; strategic greenfield development subject to reserved matters, infrastructure, ecological mitigation and other planning requirements.	Outline (assuemnd Dwellinghouses and Flats)	300	0	300	Decision Made	Allowed	14/08/2026	14/08/2029	Unknown	No	FLZ 1	From HBC Portal	**EXCLUDED**	Gladman are a land promoter, not a developer. The site will marketed as a single deveklopment opportunity to a volume housebuilder who will progress Reserved Matters. As no marketing exercise has yet copmmenced, the development is highly unlikley to dleiver in the 5 year periiod and if it does, it will be towards the latter part of this period a considerable period after delivery from the application site.

1b - SHELAA Sites

SHELAA Ref	Site name	SHELAA Category	Yield / capacity	Further assessment	Reason
HI04	Rear of 107 Havant Road	**Developable**	94	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI05	Havant Road and Castlemans Lane	**Developable**	62	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI07	Land between Manor Road and West Lane	**Developable**	244	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI08	North of Saltmarsh Lane	**Developable**	280	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI10	West of Glebe Close	**Developable**	140	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI11	Land north of The Oysters	**Developable**	29	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI15	Fathoms Reach	**Developable**	51	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI16	Rook Farm	**Developable**	300	**EXCLUDED**	SHELAA states delivery in 6-10 year period
HI17	115 Elm Grove	**Developable**	7	**EXCLUDED**	See Canditate Permissions List
HI33	Hayling Island Holiday Park	**Developable**	200	**EXCLUDED**	Site is promoted for over 55s accommodation
HI01	Northney Marina	**Discounted**	40	**EXCLUDED**	Equivalent flood risk
HI02	West of 207 Havant Road	**Discounted**	40	**EXCLUDED**	Equivalent flood risk
HI03	Land off Victoria Road	**Discounted**	22	**EXCLUDED**	Equivalent flood risk
HI06	Fleet Meadows	**Discounted**	65	**EXCLUDED**	Equivalent flood risk
HI09	South of Saltmarsh Lane	**Discounted**	60	**EXCLUDED**	Equivalent flood risk
HI12	Land at Hayling College	**Discounted**	45	**EXCLUDED**	Unavailable according to landowner
HI13	Land north of Tournerbury Lane	**Discounted**	65	**EXCLUDED**	Unavailable according to landowner
HI14	Land east of 17-29 Laburnum Grove	**Discounted**	24	**EXCLUDED**	Equivalent flood risk
HI21	North of Selsmore Lane	**Discounted**	47	**EXCLUDED**	Equivalent flood risk
HI22	Beachlands Public Car Park & Toilets	**Discounted**	28	**EXCLUDED**	Equivalent flood risk
HI23	Beachlands Amusements & Cafe	**Discounted**	32	**EXCLUDED**	Equivalent flood risk
HI24	Funlands Amusement Park	**Discounted**	113	**EXCLUDED**	Equivalent flood risk
HI25	186 Sea Front	**Discounted**	7	**EXCLUDED**	Alternative development type (Park Home for over 55s)
HI26	Eastoke Corner	**Discounted**	20	**EXCLUDED**	Equivalent flood risk
HI27	Nab Car Park	**Discounted**	35	**EXCLUDED**	Equivalent flood risk
HI28	Southwood Road Open Space	**Discounted**	12	**EXCLUDED**	Equivalent flood risk
HI29	Fishery Lane	**Discounted**	16	**EXCLUDED**	Equivalent flood risk
HI32	Land at Avenue Road	**Discounted**	22	**EXCLUDED**	Equivalent flood risk
HI09	Land rear of 25 Mengham Road	**Below threshold**	<5 dwellings	**EXCLUDED**	See Canditate Permissions List
HI18	Land rear of 13-21 Mengham Road	**Below threshold**	<5 dwellings	**EXCLUDED**	See Canditate Permissions List
HI30	Coastal Yard	**Below threshold**	<5 dwellings	**EXCLUDED**	Equivalent flood risk
HI31	Old School Drive	**Below threshold**	<5 dwellings	**EXCLUDED**	Equivalent flood risk

Source: Havant Borough Council Strategic Housing and Economic Land Availability Assessment

1c - Current Planning Applications

Reference	Ward	Site Address	Proposal	Dwelling Form	Gross residential units	Net Additional Residential Units	Register Status	Physical Check Needed?	Flood Classification	Source	Further Assessment	Reason
APP/26/00633	Hayling West	Land adj St Patricks RC Church, Manor Road, Hayling Island, PO11 0QU	Construction of Two Detached Three-Bedroom Bungalows with new vehicular access	Dwellinghouses	2	2	Under Consultation	Yes	FZ1	User HBC register screenshot	**EXCLUDED**	Below the 4 unit threshold
APP/26/00379	Hayling West	Land at Gutner Farm, Gutner Lane, Hayling Island	Application for Prior Approval to convert Barn C into a 2 bedroom dwelling. All other buildings and structures on site are to be demolished except for building D (the stable Block) which is to be retained and kept as is.	Dwellinghouses	1	1	Under Consultation	Yes	FZ3	User HBC register screenshot	**EXCLUDED**	Below the 4 unit threshold and equivalent flood risk
APP/25/00781	Hayling West	1 Sea Front, Hayling Island, PO11 0AG	Change of use from commercial fair site to residential site for 55 flats in 5No. 4 storey blocks with associated parking and landscaping	Flats	55	55	Under Consultation	Yes	FZ3	User HBC register screenshot	**EXCLUDED**	Equivalent flood risk and alternative form of development
APP/25/00337	Hayling West	234 Sea Front, Hayling Island, PO11 0AU	Redevelop existing vacant building to create five residential apartments. Utilise the land to the rear and construct a Coach House with parking at ground floor level and two residential apartments above. Improve the aesthetics of the site with new material applications which compliment the location.	Flats	7	7	Under Consultation	Yes	FZ1	User HBC register screenshot	**EXCLUDED**	Alternative form of development
APP/25/00572	Hayling West	Norfolk Mews, Sea Front, Hayling Island	Change of use of existing store to residential and its extension to create a one bedroom flat.	Flats	1	1	Recommendation Made	Yes	FZ1	User HBC register screenshot	**EXCLUDED**	Alternative form of development

APPENDIX 2 – Previous Tree Survey, AIA and Tree Officer Comments

Dear Patrick and Lesley,

Thank you for the consultation.

I raise no objection to this proposed scheme and require an AMS and TPP that can be conditioned if permission is given for the scheme.

ATB
J

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Soil amelioration

To improve the soil structure in the rooting area, the macropores will be reopened via a process known as de-compaction. This process will also help to reinstate the correct soil biology where it may be lacking (compacted soil will have a dramatically reduced Soil Food Web). Compressed air will be injected to a depth of 600mm at 1m spacings, by way of a perforated soil probe (e.g. Terravent; Vogt etc.) to create fissures within the soil profile. This forces compressed air through the soil to create fissures within the soil. A mixture of Terramol and enriched biochar will then be injected into the newly fissured soil, again using the same high-pressure system. The Terramol will have the effect of physically holding open the new gaseous exchange pathways. Application rates will be determined by the specific equipment used and will be specified by the specialist contractor.

Site investigations

Site investigations are to be undertaken within the RPAs of retained trees to determine the size, depth and location of any roots that may be present for the purpose of informing foundation design.

All excavation within the RPAs are to be initially undertaken to a minimum depth of 800mm deep for any excavation or to the full depth of the proposed foundations, hard surfacing or underground services. The soil is to be loosened with the use of a fork or pick and then cleared with the aid of an air-spade and air-vac using a specialist arboricultural contractor; If an air-spade is not used and all excavations are to be undertaken using hand tools (forks, shovel, trowel, brush). Soil will be loosened with the aid of a fork or trowel and the spoil removed from with the aid of a shovel. Where an air spade or specialist arboricultural contractor is not employed, all excavations are to be undertaken under direct arboricultural supervision. All roots are to be retained in situ and the project arborist will visit the site to recorded and photograph the depth, location, and size of any roots present; during this visit the project arborist may be able to cut specific roots with the use of a hand saw or secateurs. The edge of the excavation closest to the retained trees and all uncovered roots will be covered over with a minimum of two layers of damp hessian to prevent drying out, and where necessary be shuttered to prevent soil collapse or contamination. If appropriate soil beneath the depth of 800mm may be sheet piled with any deeper excavations being undertaken by a machine with an appropriate bucket under direct arboricultural supervision. If a decision is made for a machine to be used it must work form outside of the RPA or have appropriate ground protection in place to move and work upon.

Upon the completion of the site investigations all trial excavations are to be back filled with the original material or inert fill. It may be suitable to insert a root barrier in locations where the proposed roots are not present or are beginning to enter to prevent root activity within areas deemed to be root free.

'No Dig' Surfacing

Trees can be impacts by construction within the RPAs either through the direct damage caused by the removal of roots, compaction of the rooting environment or secondary damage such as poisoning through leaks and spills (oils, fuels, etc.) or through de-icing (road salt, etc.).

Proposed hard surfacing within the RPAs of retained trees is to be designed so that it can be situated above the existing soil level and to minimise any adverse impact upon the tree RPAs. The use of traditional foundations can result in excessive root loss, through direct removal of roots during excavation and by compaction of the soil beneath the excavation, as such this 'traditional' type of foundation should be avoided.
When designing hard surfacing that is to be situated within RPAs, the design team need to pay particular attention to the proposed usage (pedestrian, domestic traffic, delivery vans, Emergency vehicles, HGVs etc.), the existing and proposed levels of hard surfacing and finished floor levels, edging types and details, proximity to tree trunks and surface rooting, contamination capture, SUDs, etc.

Possible sub-bases (foundations systems) for hard surfacing situated within the RPAs of retained trees could include:

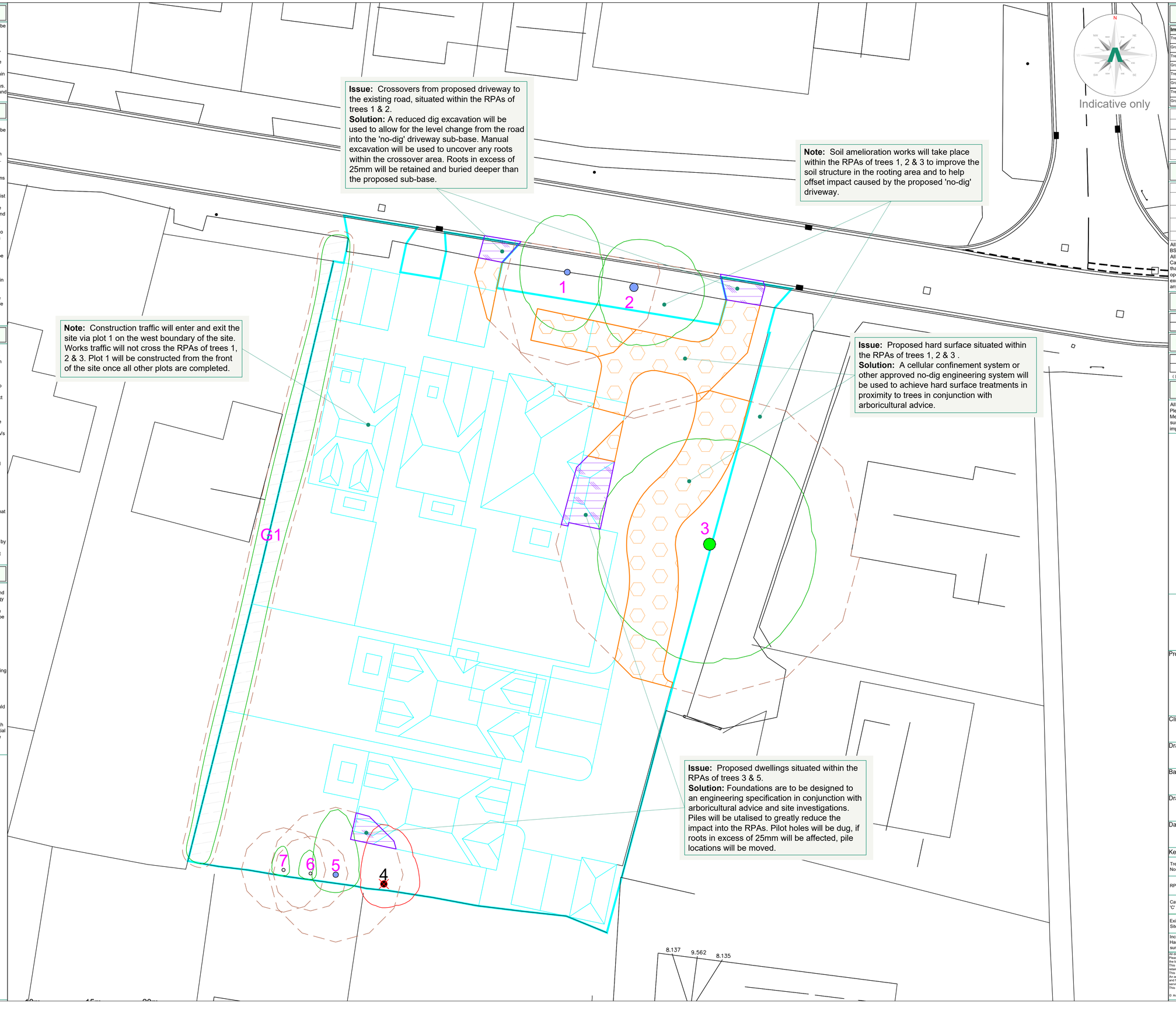
- A proprietary system such as a multi-dimensional confinement system (Cellweb TRP or similar);
- Engineered solution such as a road deck, bridge, etc.

An engineered solution is likely require a level of excavation for site specific investigations to locate roots to aid in foundation design so that a suitable foundation can be designed to avoid roots and for the installation the structure.

NB: The use of a multi-dimensional confinement systems and or an engineered solution will affect the finished level of the hard surfacing by raising the levels and needs to be taken into consideration when designing foundations and setting the finished floor levels of adjacent buildings.

Utility apparatus

Underground utility apparatus
Mechanical trenching for the installation of underground apparatus and drainage severs any roots present and can change the local hydrology in a way that adversely affects the health of the tree. For this reason, particular care should be taken in the rout and methods of installation of all underground apparatus. Wherever possible, apparatus should be routed outside of RPAs. Where this is not possible, it is preferable to keep apparatus together in common ducts, all inspection chambers should be sited outside of the RPAs.
Where underground apparatus is to pass within the RPAs, detailed plans showing the proposed route should be drawn up in conjunction with the project arboriculturist. In such cases trenchless insertion methods should be used with entry and retrieval pits being located outside of the RPAs. If this option is not feasible and providing roots can be retained and protected excavations should be undertaken using hand held tools (air-spade, forks, shovels) or a combination of trenchless and manual excavation (broken trench).
Any design and installation should be undertaken in accordance with the National Joint Utilities Guidelines (NJUG).
Above-ground utility apparatus
Above-ground apparatus(including CCTV cameras and lighting) should be sited to avoid the need for detrimental tree pruning, as such the current and future crown size of the tree should be assessed.
Tree branches can be pruned back with care to provide space, though it is not appropriate for repetitive and significant tree work to bean initial design solution unless this is a suitable management outcome for the tree. Any pruning should be undertaken in accordance with BS3998:2010



Issue: Crossovers from proposed driveway to the existing road, situated within the RPAs of trees 1 & 2.
Solution: A reduced dig excavation will be used to allow for the level change from the road into the 'no-dig' driveway sub-base. Manual excavation will be used to uncover any roots within the crossover area. Roots in excess of 25mm will be retained and buried deeper than the proposed sub-base.

Note: Soil amelioration works will take place within the RPAs of trees 1, 2 & 3 to improve the soil structure in the rooting area and to help offset impact caused by the proposed 'no-dig' driveway.

Note: Construction traffic will enter and exit the site via plot 1 on the west boundary of the site. Works traffic will not cross the RPAs of trees 1, 2 & 3. Plot 1 will be constructed from the front of the site once all other plots are completed.

Issue: Proposed hard surface situated within the RPAs of trees 1, 2 & 3 .
Solution: A cellular confinement system or other approved no-dig engineering system will be used to achieve hard surface treatments in proximity to trees in conjunction with arboricultural advice.

Issue: Proposed dwellings situated within the RPAs of trees 3 & 5.
Solution: Foundations are to be designed to an engineering specification in conjunction with arboricultural advice and site investigations. Piles will be utalised to greatly reduce the impact into the RPAs. Pilot holes will be dug, if roots in excess of 25mm will be affected, pile locations will be moved.

Indicative only

Arboricultural Impacts

Impacts	Nos. of trees
Trees to be removed	1
Groups / Hedges to be removed (Partial removal of groups)	0 (0)
Trees with proposed incursions into RPAs	4
Groups / Hedges with proposed incursions into RPAs	0
Trees that will require pruning	0
Groups / Hedges that will require pruning	0
Trees to be transplanted	0
Groups / Hedges to be transplanted	0

No.	Species	Proposed structure	Incursion
1	Sycamore	Crossover & Driveway	RPA
2	Lime	Crossover & Driveway	RPA
3	Oak	Driveway & Dwelling	RPA
5	Oak	Dwelling	RPA

Tree Work Schedule

No.	Species	Works	Category
1	Sycamore	Soil amelioration. Compressed air and biochar injections into soil.	B12
2	Lime	Soil amelioration. Compressed air and biochar injections into soil.	B12
3	Oak	Soil amelioration. Compressed air and biochar injections into soil.	A12
4	Oak	Fell tree to ground level; grind out stump.	C1

All tree work is to be undertaken in accordance with British Standard BS 3998:2010 Tree work - Recommendations.
All arising's are to be removed and the site is to be left as found.
Care is to be taken of the ground around retained trees to make sure that it does not become compacted as a result of tree surgery operations. No equipment or vehicles such as timber lorries, tractors, excavators or cranes shall be parked or driven beneath the crowns of any retained trees, to prevent subsequent compaction and root death.

No. of individual trees to be removed

U	A	B	C
0	0	0	1

No. of groups / hedges to be removed

U	A	B	C
0 (0)	0 (0)	0 (0)	0 (0)

( ) = Partial removal of a groups

Arboricultural Method Statement

All tree work is to be undertaken in accordance with British Standard Please refer to Arbtech Consulting Ltd. Tree Schedule, Arboricultural Method Statement and Tree Protection Plan, for full details of all surveyed trees and how all aspects of the development maybe implemented without detriment to retained trees.

ARBTECH
Unit 3, Well House Barns, Chester, CH4 0DH
https://arbtech.co.uk, 01244 661170

Project:
The Bus,
The Avenue,
Hayling Island,
Hampshire,
PO11 0LX

Client:
Mayfair Hayling Island Ltd

Drawing:
Arboricultural Impact Assessment

Based on:
1885-01

Drawing No:	Rev:
Arbtech AIA 01	

Date:	Scale:	Drawn:
Sep 2020	1:150 @ A1	AJN

Key:

Tree Nos.:	1	Tree Canopies:		Trunks:	
RPAs:		Category 'A' trees:		Category 'B' trees:	
Category 'C' trees:		Category 'C' groups:		Trees to be removed:	4
Existing Site:		Proposed Site:		Incursion - Structures:	
Incursion - Hard surfacing:					

All dimensions should be checked on site. No dimensions are to be scaled from this drawing.
Please notify us of any discrepancies found. Arbtech Consulting Ltd. cannot be held responsible for inaccuracies in the base drawing in which this plan is based.
This drawing is designed to reflect the principles of the layout or design only, and relates only to the protection of retained trees.
This drawing is not to be read as a definitive part of the engineering or construction designs or method statement. An architect or structural engineer should be contacted over any matters of construction, detailing or specification and for any standards or regulatory requirements relating to proposed structures, hard surfacing or underground services.
This drawing was produced in colour - a monochrome copy should not be relied upon.

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APPENDIX 3 – Previous Officer's Report

DELEGATED OFFICER REPORT

Site Address:	The Bus, Avenue Road, Hayling Island, PO11 0LX		
Proposal:	Proposed 4 No. dwellings together with associated works		
Application Type:	Full Planning Permission		
Application No:	APP/20/01064	Expiry Date:	15/01/2021
Applicant:	Mr Barney Mayfair Hayling Island		
Agent:	Dr Parry Nova Planning	Case Officer:	Lesley Wells
Ward:	Hayling West		

Recommendation: **REFUSE PERMISSION**

1 Site Description

1.1 The site of The Bus lies on the south side of Avenue Road, with an existing access in the north-west corner. The land is relatively flat. The area of the site is 0.19 hectare.

1.2 There are three trees the subject of a Tree Preservation Order on the site, two on the northern boundary (front) and one on the eastern boundary. There are also trees along the southern boundary which are not protected. In addition, there is hedging along the southern, western and northern boundaries.

1.3 Immediately to the east of the site is an access drive to three properties.

1.4 The site is located in a residential area, with a mixture of house styles, including bungalows and two storey dwellings.

1.5 The site is currently vacant but has previously been used for the siting of caravans.

1.6 The site currently falls within Flood Zone 1 of the Environment Agency's flood map, but due to climate change it is at risk from future flooding as identified by the Partnership for South Hampshire Level 1 Strategic Flood Risk Assessment dated February 2024.

2 Planning History

APP/18/00029 - Crown lift by 4m, 1No. Oak (T6). Subject to TPO 1032., PERM,19/03/2018
80/17498 - Continued siting of two caravans for personal holiday use, UNK,24/04/1980
79/17498 - Continued siting of two caravans, UNK,17/12/1979
78/17498 - Continued use of two caravans (renewal of temporary permit which expired 31st March, 1978), UNK,22/05/1978
69/17498 - The renewal of consent for siting of two caravans at The Bus, Avenue Road, Hayling Island, UNK,28/04/1969
72/17498 - Siting for two caravans at: The Bus, Avenue Road, Hayling Island, UNK,20/06/1973
65/17498 - The continued use of land at 'The Bus' Avenue Road, Hayling Island, for the siting of two caravans, UNK,03/03/1966

APP/20/00423 – Enforcement appeal – use of land for the storage of caravan - appeal dismissed 20 August 2020
APP/20/00012/TP1 - TPO , UNK,17/11/2020

3 Proposal

3.1 The proposal is for full planning permission for 4 No. detached dwellings, together with associated works. The area of the site is 0.19 hectare, with a proposed housing density of 21 dph.The number of bedrooms per unit are as follows:

Plots 1 & 2: 3 bed
Plots 3 & 4: 4 bed

3.2 Plots 1 and 2 would face onto Avenue Road; with an improved access for plot 1 and a new access for plot 2. Plots 3 and 4 would be located to the rear of the site and would be serviced by a new access in the form of a new driveway with a width of 4.8m for the first 6m in the northeast corner, which would go around the protected tree on the eastern boundary.

3.3 Plots 1, 3 and 4 would be of a traditional chalet style design, with part hipped/part cat slide roofs, with a gable element to the front. Plot 2 would be a two storey traditionally designed dwelling, with a pitched roof, with a gable element to the front and a garage port. All 4 units would have a single storey flat roof section to the rear, with a single lantern.

3.4 Plot 3 would have an integral garage, (3m x 6m in size). Plot 4 would have a proposed car port in the south east corner (3m x 5m x 3.7m).

3.5 The proposal has been amended since its submission, which includes:

Reduction in numbers of dwellings from 5 to 4;
Replacement of the two rear dormers on Plots 1, 3 and 4 with cat slide roofs and roof lights;
The access serving Plots 3-4 has been widened to 4.8m for the first 6m, and moved around the protected tree on the eastern boundary; and
Full sprinkler system to be included in Plots 3 and 4.

4 Policy Considerations

National Planning Policy Framework (the Framework)
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Housing Delivery Position Statement March 2022

Havant Borough Local Plan (Core Strategy) March 2011

CS9	(Housing)
CS11	(Protecting & Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Erosion Risk)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)

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

Arboriculturalist
Final Comment - No Objection

Raise no objection to the proposed scheme and require an AMS and TPP that can be conditioned if permission is given for the scheme.

Interim Comment – Objection

I am afraid that in my opinion there is still excessive development within the RPA of T1, T2 and T3 with the combination of Cellwebb and Rootbrdge - there will be an impact of 20% loss of gaseous / moisture exchange in just the Rootbridge section and this will then be compounded in the cellwebb portion of the already compromised RPA.

To withdraw my objection, I would need to assess a revised layout whereby the tree RPA are either encroached on to a lesser degree or completely avoided on this site to ensure that the trees continue to live on unaffected and in harmony with a development.

My other comments are still relevant in that we would require an engineer's report for the unit encroachment in terms of foundations, supported by yourselves for one unit, and a site specific TPP will also be required prior to determination.

Initial Comment - Objection

Building Control
The window on the side elevation of plot 2 (facing plot 1) should be less than 1m2 in area.

It has been noted that it has been proposed to use a misting system on plots 4 & 5 to overcome Requirement B5. Hampshire Fire & Rescue are currently advising that full sprinkler systems are used in these situations.

No public sewers on the site.

Officer comments: *The above comments to plots 4 & 5 now relate to plots 3 and 4 following the deletion of one unit from the proposal. A full sprinkler system for these two dwellings would form part of the Building Regulation application and approval for the proposal if permission is granted.*

Community Infrastructure
CIL Liable: http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule. Additionally, pending a response from Natural England on the HRA, instructions should be passed by the Case Officer to the CI Team to:
(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy.
(b) Issue the Nutrient Neutrality Unilateral Undertaking. See https://www.havant.gov.uk/nitrogendevelopers

Former Councillor Clare Satchwell - Hayling East
No comment.

Former Councillor I Scott Hayling West
No comment.

Former Councillor Joanne Thomas
No comment.

Ecologist -
Final Comment - No Objection

There is now a letter by Chevron Green (Sep 2021), details the location and management of the reptile translocation area and the original report by Arbtech (April 2020), as well as phase 2 report by Peach Ecology (Sep 2020).

I can confirm that their mitigation and translocation is acceptable and providing they are implemented I would raise no outstanding concerns relating to this proposal. I can also see that their recreational mitigation for the Solent has now been included.

I would recommend the following condition is added to the planning permission:

Development shall proceed in accordance with the measures set out in Section 5 of the Peach Ecology Phase 2, Ecology Assessment report (Sep 2020) and translocation of reptiles will be to the receptor area within North Common (Letter by Chevron Green, Sep 2021). Reason: To protect biodiversity in accordance with the Wildlife & Countryside Act (1981), NERC Act (2006), NPPF and with Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer Comment: *Following on from the above final comments from the Ecologist, the position as to North Common has changed. The intention of the Council is now to prepare a Management Plan for the site, to ensure it is appropriately managed. This would involve the widespread removal of scrub, creating an unsuitable habitat for reptiles. Therefore, as the site would be unsuitable, there is no mitigation strategy before the LPA for the translocation of reptiles.*

Initial Comment - Further Information Required
Thank you for your consultation that is supported by Peach Ecology Phase 2 Ecological Assessment. There has been a phase one survey mentioned that hasn't been submitted. Please could you ask the client to forward this on so I can see the baseline information.

The client has identified the need for payment for mitigating recreational pressure

impacts onto the Solent SPA/RAMSAR sites. Natural England have requested an Appropriate Assessment is undertaken by the local authority. I would agree that there is a small risk of recreational impacts and an AA should be undertaken.

Bat roosts, reptiles, nesting birds and hedgehogs have been recorded onsite and/or are likely to be impacted by the works. Mitigation measures are set out, however before I can condition the works, a receptor site for the reptile translocation needs to be found and details of its location included in this application. When I have reviewed the phase one survey and reptile receptor site, I shall make some comments for a condition.

Crime Prevention - Minor Apps
No comment.

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangement

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.

- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Officer comment: *If permission is granted the requirement for a formal connection to foul main drainage would be an informative. A management and maintenance plan for the SuDs drainage would be a requirement of the associated Section 106 agreement, if permission is granted.*

Environment Agency
No comment.

Estates - No Comment

Hampshire Highways - *No Objection subject to minor amendments.*

Site plan no. 1885-01 has been submitted in support of the above planning application. Three dropped kerb accesses are present on plans to serve the five dwellings. The western most dropped kerb access looks to already be existing and provides gated access to the field, this would serve a single dwelling (plot 1). Plot 2 as shown on the site plan will be served by a similar dropped kerb arrangement with parking located to the front of both dwellings directly adjacent to the highway. Vehicles would be required to egress onto the highway in a reverse gear, after reviewing the neighbouring situation where there are very similar access arrangements and Avenue Road being unclassified with limited traffic flow due to being a no through road, this can be considered acceptable.

Plots 3-5 as shown on site plan no. 1885-01 will be served by a single dropped kerb with Kingsway it would be requested that the initial section of driveway is widened to a minimum of 4.8 metres for the first 6.0 metres to allow vehicles accessing and egressing to pass off the highway. Plans should be updated to show this.

In regard to the proposed location of the dropped kerb, there is no objection in principle to this however if this planning application is approved by Havant Borough Council as Local Planning Authority, the applicant should be made aware that they will still require a highway license in order to construct the access. More information can be found at the following link:
https://www.hants.gov.uk/transport/parking/droppedkerbs

Parking has not been fully assessed as this is a function of Havant Borough Council as Local Parking Authority, however it is noted that 12 car parking spaces are outlined in plans. Thirteen spaces are proposed initially however this is not represented on the plans, it is requested that the parking quantum on site is clarified.

In regard to application APP/20/01064, no objection is made from HCC as highway authority, subject to minor amendments as outlined above.

Officer comment: *An updated plan (No. BO1 Rev A) has widened the driveway to serve plots 3 and 4 to 4.8 metres for the first 6.0 metres to allow vehicles accessing and egressing to pass off the highway. It is confirmed that 12 parking spaces would be provided, which would exceed that required by Havant's Car Parking SPD by 2 spaces. As to the need for a licence to drop the kerb from HCC this would be an informative if permission is granted.*

Natural England Government Team
Final Comment – No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Nitrogen Neutrality Your appropriate assessment, dated 1 st June 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. Provided that your authority is assured and Page 2 of 3 satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget.

Solent recreation mitigation

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

The Appropriate Assessment has taken this into consideration, therefore, providing the

appropriate mitigation is secured by any approval, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site, and has no objection to this aspect of the application.

SPA functionally linked land

The proposals are in close proximity to and have the potential to affect SPA functional land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context. The site affected H102 is identified as a Secondary Support Area in the Solent Wader and Brent Goose Strategy.

As a result, Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. Natural England advises that a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by your retained ecologist that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on the adjacent Chichester and Langstone Harbours SPA, Ramsar and the SPA's functional land mentioned above.

The CEMP should address the following impacts:

- Noise/visual/vibrational impacts
- Visual screening (for SPA birds)
- Storage of construction materials/chemicals and equipment;
- Dust suppression
- Chemical and/or fuel run-off from construction into designated sites
- Waste disposal.

The CEMP should ensure there is 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). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

This detail should be included in the Appropriate Assessment to ensure there is no adverse impact from the construction work on the adjacent designated sites and its functional land.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. For any queries regarding this email, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Officer Comment: *A CEMP was submitted by the applicant on which the Council's Ecologist (CE) was consulted. The Ecologist advised "The submitted CEMP (Chevron, August 2022) collates all ecological mitigation/compensation measures as detailed in the previous ecological submissions. This includes details of measures to avoid impacts to SPA supporting habitat, as requested by Natural England.". The Ecologist has advised that the CEMP is acceptable. A condition as to the CEMP and the ecological details previously submitted are recommended if permission is granted.*

Initial Comment – More Information Required
The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Nitrogen Budget
The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WwTWs If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

Nutrient Team
I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/01064.

Public Spaces
No comment.

Traffic Team - *No adverse comments*

Waste Services Manager
No comments received.

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: 12

Number of site notices: 1

Number of representations received: 18

16 representations of objection
2 representations of support

The following is a precis of the representations received.

Character & appearance of the area

- Gross overdevelopment of modest site
- 4 houses still too many
- Single storey bungalow and chalet bungalows to either side – too close to boundaries
- Out of keeping with site/area
- Out of keeping with neighbouring properties
- Area is characterised by frontage development
- Introduction of back-land development
- Size of dwellings should be in keeping with locality
- Designs are old fashioned - no solar panels, heat wasteful chimneys
- Roof lines higher and steeper than surrounding development
- Smaller dwelling for plot 3 needed

Amenity

- Obscure views
- Loss of light
- Severe impact on residential amenity
- Overshadowing
- Loss of privacy in gardens – landscaping would take years to mature
- Noise and disturbance from intensive use of land
- Driveway adjacent to property – vehicles would be a cause of noise and disturbance
- Pleased a solution found for the site
- Pleased old caravans have been removed

Ecology

- Loss of wildlife

Trees

- Adverse impact on protected trees
- Accesses would cross over roots of protected trees – ground compaction
- Plot 3 is particularly of concern – should be removed from proposal
- Result in loss of trees.
- Survival of a category Oak Tree on eastern boundary doubtful
- Previous trees/protected trees removed from site
- Boundary planting alongside trees 5,6 & 7 – assurance required that mature trees provided for screening
- No space to provide 2m fence along southern boundary

Drainage

- Drainage – foul and surface water inadequate for development.
- Lack of information on drainage – contrary to policy and Government advice
- Is water supply adequate?
- Other vital amenities for site cannot be supported
- Southern Water failed to deal adequately with the sewage/ wastewater within area – fined a number of times.
- Do they have a plan for updating their capacity?

Highways & Access

- Detrimental to highway safety
- Accesses unsafe – impact on other users of the highway.
- Increased traffic
- Insufficient parking – already a problem
- Exacerbate already congested roads, with increased traffic/parking
- Safety concerns at the junction of The Avenue and Havant Road
- Parking for plot 4 (now 3) does not benefit from the requisite 6 metre manoeuvring area for its cars!

Policy

- Does the proposal comply with development plan policy and Government guidance?
- Contrary to emerging policy.

Other

- Lack of notification of the application
- Additional time needed to make representation
- Assurance no further development of the site following permission.
- Permitted development rights should be removed.
- Development must be completed within 2 years of permission.
- No commitment to planting/landscaping/hedging to front
- No site notice for revised scheme – have the correct rules been followed.

Officer Comment: *Most of the above points are covered under Section 7 below, or in the following bullet points:*

- *There is no recourse to the Council with regard to works/loss of unprotected trees and there is no evidence of unauthorised works to protected trees.*
- *The application was advertised in accordance with normal practice, with a notice displayed on highway furniture close to the site.*
- *If permission is granted, a condition may only require when a development commences (i.e. normally within 3 years) not when it is completed.*
- *The LPA cannot guarantee that no further permission would be granted on the site, with any proposal determined on its individual merits.*
- *Conditions would be recommended if permission is granted removing permitted development rights in respect of extensions, roof conversions and hard surfaced areas and the provision of obscure glazing at first floor on the*

western elevation of Plot 1.

- *Former plot 4 (now 3) benefits from a 6m turning area.*

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA), which includes an Appropriate Assessment (AA) of the proposed development.

Recreational Pressure

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of the adopted Havant Borough Local Plan (Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

A mitigation package based on the methodology in the Developer Contributions Guide is required, such a package has not been secured. The scale of the proposed mitigation package would remove the likelihood of a significant effect by recreational disturbance. As a package to remove the likelihood of a significant effect on recreational pressure has not been secured, the proposal is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the Solent Recreation Mitigation Strategy.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced a national generic 'Nutrient Neutrality Methodology' for achieving nutrient neutrality for new development. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement on Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Sites. The applicant has not entered into a legal agreement to secure the mitigation package. As the appropriate mitigation has not been secured, the proposal cannot be legally granted, and is contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

7.1 In other respects, and having regard to the relevant policies of the development plan

and all other material considerations it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Access and Parking
(v) Impact on ecology
(vi) Flood Risk and Drainage.
(vii) Developer Contributions & CIL

(i) Principle of development

7.2 The applicant has advised that the site has been used for the stationing of caravans for the past 20 years. The Local Planning Authority's (LPA) records show that several temporary permissions were granted for the use of the land for the siting of two caravans, in the 1960s through to the early 1980s.

7.3 In 2019 dilapidated caravans were observed on the land, which were not removed voluntarily. Enforcement action was taken by the LPA to secure their removal from the land, which went to appeal. The Inspector concluded that "*The burden of proof has not been discharged by the appellant to demonstrate on the balance of probabilities that the storage of caravans on the land has subsisted for a continuous period of 10 years prior to the issue of the notice.*" The appeal was dismissed. The caravans were subsequently removed from the land.

7.4 That said, the application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The revised NPPF 2024 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high-quality buildings and places is a fundamental aim and paragraph 139 notes that:

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

7.5 As regard the Council's Housing Delivery Position Statement (March 2022) this indicates the Council has a 1.81 year supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11 of the NPPF). Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – although it is acknowledged that permission should be granted unless there are relevant policies of particular importance that provide a strong reason for refusing the application or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. These matters are considered in further detail in the succeeding paragraphs.

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

7.6 During the course of the application, the proposal has been reduced from 5 to 4 detached dwellings, following an objection from the Arboricultural Officer concerning the relationship between the development and the roots of protected trees along the northern and eastern boundaries. There were also concerns about the scale of

development on the land, having regard to the density of the surrounding area.

7.7 Following negotiations, the original plot 3 along the northern frontage of the development, which was located immediately to the west of TPO3, was deleted from the proposal. This also had the benefit of removing the hard surfaced turning area for this plot which was within the root protection area of TPO 1 and 2 along the northern boundary of the site. Following the deletion of the original plot 3, the Council's Arboricultural Officer withdrew the objection to the proposal.

7.8 Having regard to the proposals as amended, existing residential development to the west of Avenue Road is linear, with a mixture of styles including bungalows and detached dwellings. To the east of the site there is a driveway which serves three bungalows, with only one facing onto Avenue Road. To the south of the site is Rogers Mead, which is a denser form of development than Avenue Road. The application site backs onto part of this estate. Two new accesses and a driveway would be provided from Avenue Road, which would open part of the site to views from the north.

7.9 Introducing a housing development to an undeveloped site would alter its character and appearance. However, the land is located within the urban area and is surrounded by residential development. As such the proposal would be reflective of residential development in the immediate locality, and would be softened to some extent by the existing mature trees to the front of the site. The proposal would result in the loss of four trees along the southern boundary, three of which are of low quality, with the remaining one of moderate quality. The intention is to replace trees on the site with semi-mature specimens, details of which would be secured by a landscape condition if permission is granted. Landscaping of the site would further reduce and mitigate the impact of the development on the area.

7.10 The design of the 4 units is traditional in nature, having regard to the form and pattern of residential development in the locality. The use of pitched, hipped and gabled roofs and bays create variation and helps to break up the roofscape. The materials would include brick and clay tiles, with detailing in the brickwork, to create visual interest throughout the scheme.

7.11 Two detached dwellings are proposed on the northern section of the site, fronting Avenue Road with a private driveway along the eastern boundary to serve two detached dwellings to the rear of the site. The driveway, (with the protected tree in between) would be opposite the driveway that serves three bungalows to the east, two of which do not front Avenue Road.

7.12 The height of plot 1 would be approximately 7m, with plot 2 approximately 8m. The heights of plots 3 and 4 would be approximately 7m. The size of the car port in the south east corner would be approximately 3m x 5m x 3.7m.

7.13 The development has been designed to provide a good level of amenity by maintaining a reasonable degree of separation between the new dwellings and the surrounding properties, in accordance with Policy CS16 of the HBLP Core Strategy and Havant's Design Guide SPD. To retain the protected trees, the development is set off the northern and eastern boundaries, thereby ensuring the retention of the trees and the screening they would provide for the development.

7.14 The development of the site has to be balanced against the efficient use of the land for housing within the Borough as required by adopted policy and the NPPF (for which there is a recognised housing need) and the context of the trees on the site, three of

which are protected, within the built up area. The scheme has been designed to be an efficient use of land, whilst having regard to the constraints on the site and the sensitivity of the surrounding area. It is considered that the development as designed, whilst changing the site's character and appearance, would not adversely impact on the visual amenities of this urban area such as to warrant a refusal of planning permission on such grounds, having regard to Policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

(iii) Impact upon residential amenity

Amenity of Existing Occupiers

7.15 The occupiers most likely to be affected by the development are the immediate occupiers to the west, south and east.

7.16 As to the bungalow to the west of the site, the two detached units that front Avenue Road would lie forward of this property by approximately 8m**.** Due to the orientation of the development the front garden of this bungalow would lose some light, with a degree of overshadowing in the early morning from plot 1. However, the front elevation of the bungalow is stepped, with the principal window set back further into the site, limiting the impact of the development on the property in terms of overshadowing/loss of light to the dwelling itself. The separation distance from the bungalow would be 4.8m and on this basis it is not considered that the development would be overbearing. As to any windows overlooking this bungalow, there would be one at ground floor serving a dining area and one at first floor serving a landing. As to the former this would overlook an existing hedgerow, which would be retained and enhanced; as to the latter if permission is granted a condition is recommended that this window be obscurely glazed. The rear of plot 1 has been re-designed, so that the 2 dormers originally proposed have been removed and replaced with a cat slide roof with two roof lights, which would limit any overlooking of the rear garden to the west, which is set further back into the site. Such remaining overlooking in a suburban residential context and the loss of light/overshadowing of the front garden in the morning, is not considered so harmful as to warrant a refusal of planning permission.

7.17 Plots 3 and 4 rear gardens would back onto the rear garden of the bungalow to the west, with rear gardens of over 12m in depth. Following amended plans, the rear dormers have been removed in these two plots and replaced with cat slide roofs with rooflights, thereby mitigating any overt overlooking at first floor. The windows and doors at ground floor would be screened by the boundary hedge. Therefore, any overt overlooking to the west would be screened by the boundary treatment and would not be significantly harmful; the level of overlooking from the rooflights being limited and acceptable in the context of the site's location within an established suburban residential context.

7.18 To the south the site backs onto two residential properties in Rogers Mead. The flank wall of plot 4 would run parallel with the southern boundary, with a separation distance of just under 15m, which is well in excess of the separation distance recommended in the Borough Design Guide SPD (10 metres is recommended as a minimum) and should not give rise to a significant loss of light/overshadowing or be overbearing to the properties in Rogers Mead. As to overlooking there would be two windows on this flank elevation, one at ground floor serving a utility room and one at first floor serving a stair well. As to the former, a 1.8m fence along the southern boundary would prevent overlooking, together with proposed planting. As to the first floor window, if permission is granted, a condition is recommended that this is obscurely glazed.

7.19 Units 2, 3 and 4 would be set off the eastern boundary by a planned driveway that would traverse north to south and a large, protected Oak tree. Also, outside of the site to the east there is an existing driveway, which serves three bungalows. The separation distances from the development to the existing first two bungalows to the east would be approximately 27m. As to the third bungalow to the south there would be a 10m separation to the boundary, with any overlooking generally restricted to the front garden. A proposed car port in the south-eastern corner of the site would also limit views to the east, and would be sited opposite an attached garage, located forward of the bungalow to the east. Therefore, the proposal is not considered to be overbearing or lead to a significant loss of amenity to the occupiers of the existing properties to the east.

7.20 As to possible noise and disturbance associated with the residential use of the land, this would be similar to that normally expected on such an estate and not of a level to warrant a refusal of planning permission.

Amenity of Further Occupiers

7.21 The proposed dwellings would exceed the Government's nationally described space standards and benefit from front and rear gardens, with the latter in excess of 10m depth. Parking provision would either be within the curtilages of the plots, or in close proximity, with plots 2 and 4 having their own car port, and with plots 1 and 3 having an integral garage. The separation distances between the plots are reasonably spacious as are the separation distances with the boundaries, to avoid conflict with existing protected trees and neighbours' amenity. Each plot would have its own cycle storage and bin area. The agent has agreed that the dwellings would be energy efficient, which would cover: minimum 19% reduction on CO2 emissions compared to Part L of Building Regulations; Maximum Water Use of 120 litres per person per day; and Electric Vehicle Charging Points for all dwellings. To secure this, conditions are recommended if permission is granted.

7.22 Overall it is considered that the proposal is an appropriate layout, which would not adversely affect the amenities of adjoining occupiers and would provide an attractive living environment for future occupiers of the development in accordance with Policy CS16 of the HBLP (Core Strategy) 2011, the Design Guide SPD and the NPPF.

(iv) <u>Access and Parking</u>

Access

7.23 The Highway Authority has been consulted over the proposal to provide 2 new accesses onto The Avenue, which is an unclassified road and has raised no objection on highway safety grounds. The new accesses, which would be in a dropped kerb arrangement, would require a licence from the Highway Authority to drop the kerb. If permission is granted this would be an informative on the decision notice.

7.24 The Highway Authority however raised that the driveway to serve plots 3 and 4 should be 4.8 metres wide for the first 6m to allow vehicles accessing and egressing to pass off the highway. An amended plan was submitted which shows this change.

Parking

7.25 As to car parking 12 spaces are proposed, two of which are integral garages within

plots 1 and 3, with an internal space size of 3m x 6m; and with car ports for plots 2 and 4 with internal spaces of approximately 2.6m x 6m and 2.9m x 5m respectively. Three secured and covered cycle spaces would be provided for each dwelling, with a visitor space near the front entrance. Bin storage would also be provided for each property. The provision of parking exceeds Havant's Car Parking SPD requirements by 2 spaces.

7.26 As to plot 4 a suitable 6m turning area is provided.

Public Transport

7.27 The closest bus stops are in Havant Road to the west of the site. There are two services on the Island; Nos. 30 and 31. Both tour the major routes of the Island and then circle back to Havant bus station providing, amongst other matters, access to the Town Centre where the majority of local facilities are located and Havant railway station.

(v) Impact on ecology

7.28 All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network.

7.29 The application is accompanied by a Preliminary Ecological Appraisal (EA) and a Preliminary Roost Assessment Survey by Arbtech (April 2020), a Phase 2 report by Peach Ecology (Sept 2020) and a letter by Chevron Green (Sept 2021) detailing the location and management of the reptile translocation area. The submitted information advises the following on site constraints:
The site provides good quality habitat for common reptiles, particularly slow worms with hibernacula present in the form of deadwood, log piles and mound on the northern boundary. The Phase 2 reptile survey confirmed a low reptile population consisting of slow worms was recorded on site which were all confined to the boundary habitat of the site.

7.30 A translocation area was identified at North Common, which is within the Council's ownership. However, this site is no longer available as the Council will be preparing a Management Plan for the Common to ensure it is appropriately managed in the future, which would involve the widespread loss of scrub. As a result, North Common would no longer be suitable for the translocation of reptiles, which has been confirmed by the Council's Ecologist.

7.31 The following species are likely to be impacted by the works, with the proposed mitigation measures included.

Bats

7.32 Bats have been recorded roosting within a protected tree on the site, which would not be removed. To mitigate, new wildlife friendly landscaping on site is proposed, together with bat boxes (Schwegler 1FR or similar) on the dwellings, facing different aspects.

Reptiles

7.33 A low reptile population consisting of slowworms was recorded on site. The proposal would result in a high degree of disturbance on site and the loss of the boundary areas

of vegetation would be a net loss of a reptile habitat area. The intention was to translocate the reptiles to North Common, but as stated above, this option is no longer available to the applicant.

Hedgehogs and stag beetles

7.34 Hedgehogs were recorded on the site. When the site is cleared this would be under ecological supervision to ensure no animals are harmed. To mitigate four hedgehog hibernation features would be installed on site at the base of hedgerows.

7.35 Stag beetles are legally protected from sale in the UK. They are classed as' priority species', listed on Schedule 5 of the Wildlife and Countryside Act 1981. To mitigate a suitable habitat would either be incorporated into the landscaping for the site, or the beetles translocated off site, with North Common no longer available.

7.36 To conclude, whilst there are mitigation measures capable of being carried out on site for certain of the protected species affected by the proposals - bats and hedgehogs - there is no acceptable ecological mitigation strategy before the LPA for those species requiring off site translocation - reptiles and stag beetles - and therefore the proposal cannot be supported for this reason. The absence of an acceptable mitigation strategy results in a conflict with Policies CS11, CS16 and DM8 of the HBLP (Core Strategy) 2011, and also the NPPF.

(vi) <u>Flood Risk and Drainage</u>

Flood Risk

7.37 The site currently falls within Flood Zone 1, but taking climate change into account, the Partnership for South Hampshire Level 1 Strategic Flood Risk Assessment (February 2024) shows the site to be at risk of tidal flooding in the future**.**

7.38 In terms of development in areas at risk of flooding now and in the future Policy CS15 of the HBLP (Core Strategy) 2011 requires, amongst other matters, that:

"1. It meets the sequential and exception test (where required) in relation to PPS25

2. The site is located in a low hazard area as defined in the Strategic Flood Risk Assessment.

3. A site-specific flood risk assessment demonstrates that the development will be safe, including the access, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4. The scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site.

5. Appropriate flood warning and evacuation plans are in place."

7.39 During the determination of the application a revised NPPF has been published (December 2024).

7.40 Paragraph 170 of the Framework states "*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk*

(whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

7.41 Paragraph 173 goes on to state "*A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below."*

7.42 Paragraph 174 then sets out that "*Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test."*. Therefore, the Framework supports the overall aims and specific requirements of Policy CS15.

7.43 It is noted by the Local Planning Authority that Paragraph 175 states that "*The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."*

The applicant's agent interprets this paragraph to mean that minimal land raising would negate the need for the sequential test, subject to a site specific flood risk assessment, which has been provided. However the interpretation of officers is that a sequential test is only not required in situations whereby a site-specific FRA demonstrates (amongst other things) **no built development including land raising** would be located on an area at risk of flooding. The whole of the site, including the land to be raised, is wholly within a future flood zone. Therefore, oficers have concluded that a sequential test is required

7.44 As set out above, Paragraph 174 of the Framework requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding (ie Flood Zone 1) 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 aim of the Sequential Test is to steer new development to the areas with the lowest probability of flooding. The Planning Practice Guidance advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1, should reasonably available sites in Flood Zones 2 and 3 and future Flood Zones be considered.

7.45 In support of the application a Flood Risk Assessment has been provided, together with a subsequent Sequential Test and Exception Tests document which includes an analysis of the relevant policy context of the Sequential Test, from national to local level. The Sequential Test was undertaken in two stages. Stage 1 provides a wider search of all potential alternative sites. Stage 2 provides a focused assessment of any sites from Stage 1 which are sequentially favourable in flood risk terms, to establish whether these sites are genuine alternatives to the proposed development.

7.46 This report also covers the Exception Test. The conclusion of this report is that having

regard to the selected site parameters outlined within the report, *"…that there are no potential alternative development locations which are at a lower flood risk, or which are deliverable and developable now in HBC area. Therefore, the Site and proposed development is considered to have passed the Sequential Test. "*

7.47 As to the Exception Test undertaken the conclusion drawn by the applicants is that it can be "*demonstrating that flood risk can be managed for the lifetime of the development and consideration of the wider sustainability benefits to the community that outweigh flood risk. Thus, the proposed development is considered to pass both the first and second parts of the Exception Test."*

7.48 The conclusion of the applicant's report is that:

"An assessment of flood risks from all sources, and associated mitigation measures, as set out within the site-specific Flood Risk Assessment confirm that where flood mitigation measures are included, the proposed development is considered to have passed the Sequential and Exception Tests. There are therefore no tenable grounds for refusal on flood risk grounds."

Officer analysis of the Sequential Test

7.49 The applicant's sequential test document is helpful in spelling out the methodology and search parameters employed. These are considered appropriate, with the exception of limiting the search to '*sites with extant planning permission for between 1 and 5 dwellings*'.

7.50 Although the applicant has clearly reviewed both national and local guidance in relation to the test, this has not followed through into the search parameters, with several sources of potential supply not being considered:

7.51 The applicant has disregarded current applications, a source of alternative sites suggested in the Council's sequential test guidance. Rather, only permissions have been considered, and these, somewhat arbitrarily, end at permissions granted in October 2023. Further, the applicant appears not to have taken into account national guidance that alternative sites *'could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development'.* It is acknowledged that appeal cases have recently established that a 'series of smaller sites' implies that there should be a connection between such sites, and it is accepted that it is unlikely that such a series exists which would be available for the current proposals. However, larger sites have also not been considered by the applicant, and it seems unlikely that that there are no larger sites at lower risk of flooding anywhere in the borough that could accommodate 4 detached dwellings.

7.52 Based on these matters alone it is not possible to conclude that the sequential test has been passed. On this basis, the proposal is not supported in policy terms based on Policy CS15 of the Local Plan, and national policy and guidance on flood risk.

7.53 The PPG is clear that the sequential test should be passed before the exception test is considered. Nevertheless, this is considered below.

Officer analysis of the Exception Test

7.54 The exception test has two elements: to pass the exception test it must be demonstrated both that:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and that
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

7.55 The applicant has set out their reasoning regarding the first part of the test in section 6 of their Sequential Test report, pointing to the 'highly sustainable location', the condition of the site at present, the Council's five year supply position, as well as wider economic gain to be achieved from housing development and subsequent use.

7.56 It was noted at the time of the case officer's site visit that the plot was overgrown, but it is not considered that addressing this would outweigh the flood risk – the condition of the site could be addressed by the site owner without the need for vulnerable uses to be placed on the site. While the site is surrounded by residential development, it is not accepted that the location is 'highly sustainable', with both facilities and transport options being limited in this location in Hayling Island. A small development of 4 homes is also unlikely to make a contribution economically significant enough to outweigh the flood risk.

7.57 The five year housing supply position is accepted. Again, a 4-dwelling scheme is not considered to make a significant contribution to meeting this need which would outweigh the flood risk and pass the exception test. However, outside of the exception test, the five year supply position should nevertheless be weighed in the planning balance in reaching a final conclusion as to the acceptability of the scheme, in line with paragraph 11 of the Framework. Such a balance is set out below.

7.58 In terms of part a) of the exception test, it is not considered that the proposal would provide sufficient wider sustainability benefits to the community to conclude that these would outweigh the flood risk.

7.59 Since neither the sequential test, nor part a) of the exceptions test are considered to have been passed, the development is not considered acceptable in flood risk terms, regardless of the applicant's conclusion in the sites specific FRA that '*Proposed minimum FFLs are well above 0.5% AEP 2120AD Extreme Tidal Level and the residual flood risk is therefore tidal events in excess of 0.5% AEP 2120AD Extreme Tidal Level.'"*

7.60 Overall, it is considered that the applicant has failed to demonstrate that there would be no alternative sites for 4 dwellings within the Borough at a lower risk of flooding, that the site would be safe from flooding across its lifetime or that the proposal would not increase the risk of flooding elsewhere. The development would therefore be contrary to the aims and objectives of the NPPF as revised and adopted Policy CS15 of the HBLP (Core Strategy) 2011.

Foul Water Drainage

7.59 There is an existing 150mm public foul water sewer within Avenue Road to the front of the site. The proposed development would discharge to the existing foul public sewer within Avenue Road, and it is noted that Southern Water has raised no objections to the proposals in this regard.

Surface Water Drainage

7.61 There are no water courses on the site. The proposal is to discharge surface water to the public surface water sewer in Avenue Road.

7.62 The surface water drainage system would be designed to accommodate a 1 in 100 years plus 40% climate change and 10% urban creep rainfall event. Water butts would be installed to intercept roof water run-off, with water attenuation storage within the site to allow gravitational discharge to the public surface water sewer, in Avenue Road. The surface water strategy would be designed to mimic the existing run off regime. There should, therefore, be no adverse impact on flood flow rates outside the site, as a result of the development.

7.63 The owners would maintain individual plot drainage. Common assets would be maintained by the estate management company, which would need to be secured by an associated legal agreement, if planning permission is granted.

7.64 Southern Water has been consulted over the development and raised no objection, advising that a formal application for a connection to the public foul and surface water sewage would be required. An informative to this effect could be recommended if permission is granted. As to drainage works associated with the development these would be the subject of a Building Regulations application and approval. Therefore, there are no objection on drainage grounds to the proposal.

7.65 In view of Southern Water raising no objection to the proposal, the Local Planning Authority is satisfied, on the information provided, that adequate foul and surface water drainage could be provided for the development.

(vii) <u>Developer Contributions & Legal Agreement</u>

7.65 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 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's 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 (plus indexing) on new floorspace (measured as gross internal area) in Hayling Island.

7.66 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The gross increase in new internal floor space for the development has been calculated by the agent as 659.21 sqm, which would be £103,660.78 (subject to indexation). Exemption is not being claimed.

7.67 Additionally, a Section 106 agreement would be required, if permission is granted, in respect of:

(i) Management and maintenance plan for the lifetime of the development for the SuDs drainage (see Paragraphs 7.61 - 7.65 above) and a bond; and
(ii) Monitoring fees.

These would be in addition to any legal requirements arising from the need to address the Habitats Regulations Assessment requirements as set out earlier in this report.

8 Planning Balance

8.1 The Council cannot demonstrate a 5-year housing land supply which currently stands at 1.81 years, and as such it is necessary to apply paragraph 11 of the Framework. Paragraph 11 (d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of flood risk policy proves that to be the case here. As such, the proposal would ***not*** constitute sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour - moreover, the application of Footnote 7 of the Framework means that the 'tilted balance' is not engaged in such circumstances. Significant weight against the proposal is therefore given to flood risk associated with housing development on the site.

8.2 Nevertheless, the Framework seeks to significantly boost the supply of housing and recognises the importance of small sites in meeting the housing requirement of an area. The proposal has the potential to provide 4 dwellings reasonably quickly, due to the small scale of the development. This, along with the associated economic and social benefits, attracts very limited weight in oight of the modest nature of the proposals.

8.3 The site falls within the zone of influence of the Solent Special Protection Areas (SPA). These are areas which, as designated by Natural England, need action to be taken concerning nutrient neutrality and recreational pressure. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of the SPA. However, clause 63(1) of that regulation states that '*a competent authority, before deciding to undertake, or give any consent, permission… must make an appropriate assessment*' . An appropriate assessment is not, therefore, necessary where there is no intention to grant permission. Nevertheless, significant weight against the proposal is given to the fact that mitigation has not been provided to address the impacts on recreational pressure and water quality arising from the development.

8.4 In addition, the proposal fails to provide a mitigation strategy for the translocation of reptiles and stag beetles which would be significantly harmful to ecology to which moderate weight is given against the proposal.

8.5 No harm has also been identified in relation to the character and appearance of the area, living conditions of neighbouring residents/future residents, trees, parking, and access. Nevertheless, a lack of harm is a neutral factor so cannot weigh for or against the proposal.

8.6 Overall, the benefits of the scheme would not overcome the significant harm identified as flood risk, the lack of mitigations concerning nutrient neutrality, recreational pressure and a translocation site for reptiles and stag beetles.

Conclusion

9.1 For the reasons given above the proposal would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The proposal is therefore recommended for refusal.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE** application APP/20/01064 for the following reasons:

1 In the absence of a suitable agreement to secure appropriate mitigation measures in respect of water quality, the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken in relation to this planning application. The development would be likely to result in detriment to water quality and as such, it is contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

2 In the absence of a suitable agreement to secure appropriate mitigation measures in respect of recreational disturbance the development would be likely to have a significant effect on the Solent European Sites as specified in the Habitats Regulations Assessment that has been undertaken on this planning application. As such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations) 2014, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

3 The site lies within a future flood zone. The applicant has failed to demonstrate that there are no other sequentially preferable sites within the Borough for 4 dwellings; that the development would be safe from flood risk across its lifetime; or that the development would not increase the risk of flooding elsewhere. The applicant has also failed to demonstrate compliance with the exception test. In the absence of adequate information, the proposal cannot pass the Sequential or Exception Tests as set out within the National Planning Policy Framework and would represent an unsustainable, inappropriate form of development in an area at future risk of flooding. The proposal is, therefore, contrary to Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the aims and objectives of the National Planning Policy Framework.

4 In the absence of a suitable agreement to secure off-site ecological mitigation measures for reptiles and stag beetles, the development is contrary to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5 In the absence of a management and maintenance plan for the lifetime of the development covering a Sustainable Drainage System for the site together with a financial bond the development is contrary to Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.