

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE PO9 2AX



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Website: [www.havant.gov.uk](http://www.havant.gov.uk)

## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Standing Deputies: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick, Councillor Julie Thain-Smith and Councillor Joanne Thomas

**Meeting:** Development Management Committee

**Date:** 5 March 2020

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

David Brown  
Monitoring Officer

25 February 2020

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

Page

### PART A - (Items Open for Public Attendance)

**1 Apologies for Absence**

To receive and record apologies for absence.

**2 Minutes**

1 - 8

To approve the minutes of the Development Management Committee



held on 23 January 2020.

**3 Site Viewing Working Party Minutes To Follow**

To receive the minutes of the Site Viewing Working Party held on 27 February 2020.

**4 Declarations of Interest**

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

**5 Chairman's Report**

The Chairman to report the outcome of meetings attended or other information arising since the last meeting of the Committee.

**6 Matters to be Considered for Site Viewing and Deferment**

The Committee are invited to consider any matters they wish to recommend for site viewing or deferment.

**7 Applications for Development and Development Control Matters 9 - 12**

**Part 1 - Applications Viewed by the Site Viewing Working Party**

**8 APP/19/00427 - Land at Lower Road, Havant 13 - 128**

Proposal: Development of 50 new dwellings together with access, landscaping and open space.

[Additional Information](#)

**Part 2 - Applications Submitted by Havant Borough Council or Affecting Council Owned Land**

**Part 3 - All Other Applications for Development**

None

**9 APP/19/01131 - Land Adjacent to Mandai, St Peters Road, Hayling Island 129 - 158**

Proposal: Use of Land for touring holiday/tourism caravan site and erection of utility block (Resubmission)

[Additional Information](#)

**Part 4 - Enforcement and Other Development Control Matters**

None

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: [www.havant.gov.uk](http://www.havant.gov.uk). Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

Members of the public are welcome to attend the Public Service Plaza and observe the meetings. If you wish to address the Committee on a matter included in the agenda, you are required to make a request in writing (an email is acceptable) to the Democratic Services Team. A request must be received by 5pm on **Tuesday, 3 March 2020**. Requests received after this time and date will not be accepted

In all cases, the request must briefly specify the subject on which you wish to speak and whether you wish to support or speak against the matter to be discussed. Requests to make a deputation to the Committee may be sent:

By Email to: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk) or [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the "Democratic Services Team"



# Havant

## BOROUGH COUNCIL

### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman
- Councillors may only take part in the debate if they are present at the meeting: video conferencing is not permissible
- A member of the Committee may not ask a standing deputy to take their place in the Committee for part of the meeting
- The report or matter submitted for discussion by the Committee may be debated prior to a motion being proposed and seconded. Recommendations included in a report **shall not** be regarded as a motion or amendment unless a motion or amendment to accept these recommendations has been moved and seconded by members of the Committee
- Motions and amendments must relate to items on the agenda or accepted by the meeting as urgent business
- Motions and amendments must be moved and seconded before they may be debated
- There may only be one motion on the table at any one time;
- There may only be one amendment on the table at any one time;
- Any amendment to the motion can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the motion.
- The mover with the agreement of the seconder may withdraw or alter an amendment or motion at any time
- Once duly moved, an amendment shall be debated along with the original motion.
- If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion on which any further amendment may be moved.
- If an amendment is rejected different amendments may be proposed on the original motion or substantive motion.
- If an amendment is lost, other amendments may be moved to the original motion or substantive motion
- If an amendment is lost and there are no further amendments, a vote will be taken on the original motion or the substantive motion
- If no amendments are moved to the original motion or substantive motion, a vote will be taken on the motion or substantive motion
- If a motion or substantive motion is lost, other motions may be moved

#### Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the

item;

- An amendment must be voted on before the motion
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A Councillor may request that his/her vote be recorded in the minutes

## **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

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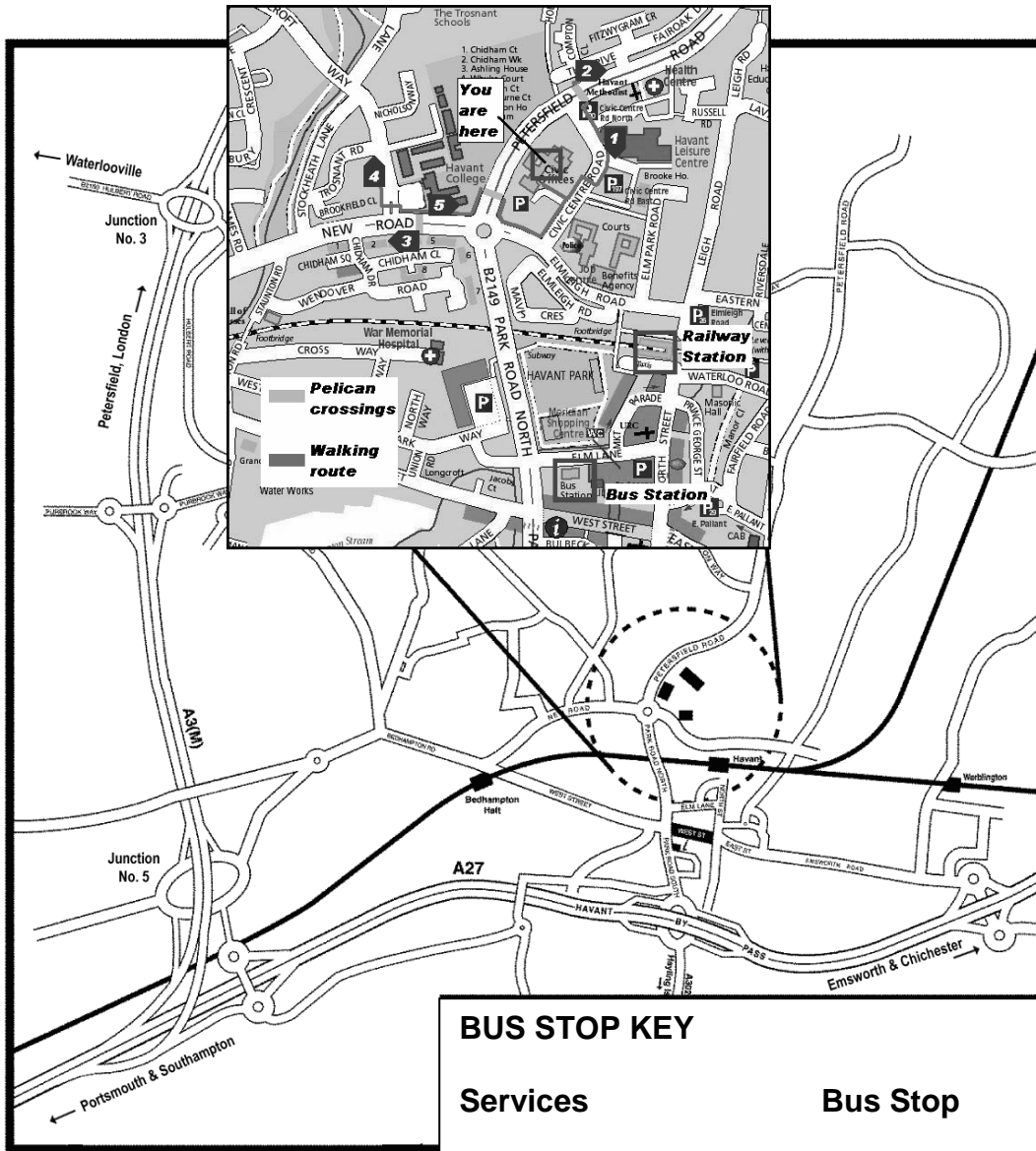
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**BUS STOP KEY**

Services	Bus Stop
20, 21, 39, 63	1
20, 21, 36**, 39	2
23, 36**	3
23, 27**, 37	4
23, 27**, 36**, 37	5

\*\* - also stops "hail and ride" opposite Stop 1 in Civic Centre Road



**Havant**  
BOROUGH COUNCIL

Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX



## HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 23 January 2020

Present

Councillor Satchwell (Chairman)

Councillors Crellin, Howard, Keast, Lloyd, Lowe and Patrick (Standing Deputy)

Other Councillors Present:

Councillor(s): Robinson

### **1 Apologies for Absence**

Apologies for absence were received from Councillor Mrs Shimbart.

### **2 Declarations of Interest**

There were no declarations of interests relating to matters on the agenda.

### **3 Chairman's Report**

The Chairman reminded the members that the next meeting of this Committee would be held on 27 January 2020.

### **4 Matters to be Considered for Site Viewing and Deferment**

There were no matters to be considered for site viewing and deferment.

### **5 APP/19/00427 - Land at Lower Road, Havant**

(The site was viewed by the Site Viewing Working Party on 5 December 2019)

Proposal: Development of 50 new dwellings together with access, landscaping and open space.

The Committee considered the written report and recommendation from the Head of Planning to grant permission

The Committee received the supplementary information, circulated prior to the meeting which:

- (1) updated the calculated sizes of the open space, the developable area, and the density of the development;
- (2) amended the site description under page 8, paragraph 1.5 of the submitted report;

- (3) updated the number of representations and gave a summary of those representations received since the report was published;
- (4) amended condition 2 of the report: and
- (5) recommended a conditional removing the permitted development rights for plots 1,10,11, 22, and 28.

The Committee noted that the information set out in the supplementary information did not affect the conclusions and recommendations of the submitted report. The Committee was advised that the cards received in support of the application referred to in the supplementary information had not been received by the Council in response to the statutory consultation but were forwarded to the Council by the applicants.

The Committee was addressed by the following deputees:

- (a) Mr Tate, on behalf of the Bedhampton Heritage Alliance and local residents, who objected to the application for the following reasons:
  - 1. there was a lack of supplementary evidence to support the application;
  - 2. the heritage statement did not adequately address the impact on the area's heritage assets and its conclusions were unsupported;
  - 3. the proposals fell short of a sustainable development;
  - 4. the transport assessment was inaccurate, inconsistent and flawed;
  - 5. the traffic likely to be generated by this proposal would exacerbate the existing traffic problems in the area and cause undue interference with the safety and convenience of vehicles and pedestrians;
  - 6. the development would destroy the historic Narrow Marsh Lane, which ran across the application site;
  - 7. the proposal would have a detrimental impact on the tranquillity of the area and deter visitors;
  - 8. the development would have a detrimental impact on the nearby heritage assets (including The Elms listed building), the Conservation Area, the ecology of the area and existing wildlife habitats;
  - 9. the principle of the development of this site should be determined at the forthcoming Local Plan Enquiry before an application for development of the site is considered; and

10. the proposal would harm the character of Bedhampton.
- (b) Mr Beck, on behalf of the applicant, who supported the officer's report and made the following additional comments:
1. the proposal had been submitted after extensive public consultation and amended to address concerns raised during this consultation period and at the pre-application stage;
  2. 38 representations supported the application;
  3. the statutory consultees had not objected to the proposal; and
  4. the applicants had agreed to make contributions under a Section 106 Agreement in addition to the Community Infrastructure Levy.
- (c) County Councillor Fairhurst, who objected to the proposal for the following reasons:
1. the application site had been considered and removed from the Local Plan in 2014. There had been no changes to justify a reversal of this decision: the inclusion of Manor Farm within the Old Bedhampton Conservation Area meant that the development of this site would have a greater detrimental impact on the Conservation Area than it did in 2014;
  2. the proposal would exacerbate the existing dangers to children and pedestrians using Lower Road;
  3. the proposal would have a harmful impact on Old Bedhampton, which was a valuable asset in the Borough;
  4. the proposal, if granted, would create an undesirable precedent which would make it difficult for the Council to refuse further applications for development of other fields within the area; and
  5. the site should not be developed to enable future generations to benefit from this tranquil part of the Borough.
- (d) Councillor Robinson, who objected to the proposal for the following reasons:
1. there were more suitable sites within the Borough to enable the Council to meet its housing supply targets;
  2. the reasons for removing this site from the Local Plan in 2014 had not been surmounted;
  3. the application was not supported by sufficient evidence;

4. the proposal would damage Narrow Marsh lane, which was the subject of an application to the County Council to establish this Lane as a public right of way;
5. the roads leading to and from the site could not adequately accommodate safely the additional pedestrian traffic likely to be generated by this proposal.
6. the traffic likely to be generated by this proposal would add to the dangers of existing pedestrians using the roads to and from the application site;
7. the proposed footway improvements would not adequately address the hazards faced by current and additional pedestrian traffic likely to be generated by the proposal;
8. the assessment of the highway made by the County Council was unrealistic;
9. the transport statement was flawed;
10. the proposal was contrary to Policy CS18 as the roads leading to and from the site were narrow and inadequately lit;
11. the site was unsustainable;
12. some of the proposed dwellings did not comply with policy H1 in the emerging local plan; this policy should be fully applied and not given limited weight as suggested by the officers in their report;
13. there was a conflict of interest between the proposed Housing Association and the applicant;
14. the proposal would have a detrimental impact on the nearby heritage assets and the Conservation Area; and
15. consideration of the development of this site was premature as the inclusion of this site within the emerging plan had still to be considered at a forthcoming Local Plan Inquiry.

In response to questions from the Committee, officers advised that:

- Although the County Archaeologist did not endorse the submitted archaeology assessment, he considered that the shortcomings in this assessment could be resolved by the proposed condition 17.
- The maintenance and retention of the proposed orchard and open space would be the responsibility of the management company.

- The car parking provision complied with the Council's supplementary planning document.
- The layout and design of the late Victorian/Edwardian terracing to the west was less standardised than the development built between 1918 and 1939.
- It was acknowledged that 4 of the proposed housing units could fall short of the nationally described space standards set out in Policy H1 of the emerging local plan depending upon the occupancy of these units. In view of the objections to Policy H1 received during the pre-submission consultation of the emerging local plan, the Committee was advised that only limited weight should be given to this policy at this stage.
- The Local Education Authority had identified that the proposal sat within the catchment areas of Bidbury Infant and Junior Schools and Warblington Secondary School. It was understood that these schools could accommodate this development without the need for expansion, as the number of places currently filled by out of catchment area pupils would diminish over time.
- Although one of the doctors surgeries identified in the report was currently not taking new patients it was understood that this was only a temporary measure. It appeared that other surgeries mentioned in the report were taking on new patients.
- The Lead Flood Authority was satisfied with drainage arrangements.
- The Local Plan's Transport Assessment for the mainland included a mitigation measure associated with the roundabout at Bedhampton Hill. However, the Transport Assessment mitigation measures for this development did not require an improvement to the roundabout at Bedhampton Hill.
- With regard to Narrow Marsh Lane, the proposal included an internal footpath. The applicant had offered to provide signage lining this route to the nearby public footpath. It was understood that this route followed the same route as the right of way referred to by Councillor Robinson in his deputation.

*(at this stage:*

- (i) Mr Tate, at the request of the Chairman, advised that the proposed footpath did not follow the route of Narrow Marsh Lane; the drainage plans submitted showed that the rear gardens of some of the houses would be built over the lane; and*

(ii) *Mr Fairley, at the request of the Chairman, advised the Committee that he had submitted the application to make Narrow Marsh Lane a public right way and that the right of way applied for did not follow the proposed footpath)*

- This development would be nutrient neutral.
- The proposed Condition 19 required the applicant to demonstrate measures that would be put in place enabling no more than 110 litres of water per person per day to be consumed within the development.

In view of the concerns raised by the members, the Chairman advised that she intended to adjourn the meeting to obtain advice from the officers.

(the meeting adjourned at 6.35pm and resumed at 6.41 pm)

The Chairman advised that it was evident from the questions raised by members that there were a number of issues that required clarification before the Committee could reach a decision on this application and therefore proposed that the Committee defer consideration of this application. Before taking a vote on deferral she requested the Committee to discuss and list the issues on which they needed further advice.

In response to a question, it was confirmed by officers that when this application is resubmitted to the Committee it will be considered afresh, and the standing deputies would only be invited to attend if a committee member was unable to attend.

RESOLVED that consideration of application APP/19/00427 be deferred to enable the officers to clarify the issues set out below and report back to the Committee:

- (a) how the education authority would manage a situation where Bidbury infant and junior schools could not accommodate pupils living on the proposed development and how these arrangements would affect existing pupils who lived outside the catchment area;
- (b) impact of the traffic likely to be generated by this proposal on the Bedhampton Hill roundabout and how this impact (if any) would be mitigated;
- (c) how the likely new registration requests from people living in the area of the proposed development would be accommodated by the existing GP surgeries;
- (d) how the occupancy of the affordable housing and the right to buy properties will be managed to ensure that households are provided with properties of a suitable size;
- (e) the route of the historic Narrow Marsh Lane compared to the route of the proposed footpath to be provided within the application site; and

- (f) how the proposed archaeological condition would overcome the concerns raised by the County Archaeologist and the procedure that would be put in place if major finds were uncovered during the preliminary survey.

**The meeting commenced at 5.00 pm and concluded at 6.50 pm**

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**Chairman**

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## HAVANT BOROUGH COUNCIL

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### Development Management Committee

### APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS REPORT BY THE HEAD OF PLANNING

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#### **Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon prior to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal. The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

HPS	Head of Planning Services
HCSPR	Hampshire County Structure Plan - Review
HBLP	Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012)
HWLP	Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan
NPPF	National Planning Policy Framework 2012
HBCCAR	Havant Borough Council Conservation Area Review
AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
LB	Listed Building included in the list of Buildings of Architectural or Historic Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SPA	Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention
SSSI	Site of Special Scientific Interest
FP	Definitive Footpath
POS	Public Open Space
TPO	Tree Preservation Order
HBC	Havant Borough Council
GPDO	Town & Country Planning (General Permitted Development) Order
DMPO	Town & Country Planning (Development Management Procedure)(England) Order 2010 amended
UCO	Town & Country Planning (Use Classes) Order
S106	Section 106 Agreement
Ha.	Hectare(s)
m.	Metre(s)

## RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

### **Implications**

#### **Resources:**

None unless detailed in attached report.

#### **Legal:**

Details set in the individual reports

**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

**Background Papers:**

Individual Applications with Case Officers

Simon Jenkins  
Head of Planning

David Brown  
Monitoring Officer

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## HAVANT BOROUGH COUNCIL

### DEVELOPMENT MANAGEMENT COMMITTEE 5 MARCH 2020

#### Update report re APP/19/00427 – Land at Lower Road, Havant

**Proposal: Development of 50 new dwellings together with access, landscaping and open space.**

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#### Introduction

Planning Application APP/19/00427 for the development of 50 new dwellings together with access, landscaping and open space on land at Lower Road, Havant, was deferred from the Development Management Committee meeting of the 23 January 2020 as it was evident from the questions raised by members that there were a number of issues that required clarification before the Committee could reach a decision on the application.

In more detail, the Committee resolved that consideration of application APP/19/00427 be deferred to enable the officers to clarify the issues set out below and report back to the Committee:

- (a) how the education authority would manage a situation where Bidbury Infant and Junior Schools could not accommodate pupils living on the proposed development and how these arrangements would affect existing pupils who lived outside the catchment area;**
- (b) impact of the traffic likely to be generated by this proposal on the Bedhampton Hill roundabout and how this impact (if any) would be mitigated;**
- (c) how the likely new registration requests from people living in the area of the proposed development would be accommodated by the existing GP surgeries;**
- (d) how the occupancy of the affordable housing and the right to buy properties will be managed to ensure that households are provided with properties of a suitable size;**
- (e) the route of the historic Narrow Marsh Lane compared to the route of the proposed footway to be provided within the application site; and**
- (f) how the proposed archaeological condition would overcome the concerns raised by the County Archaeologist and the procedure that would be put in place if major finds were uncovered during the preliminary survey.**

The original officer report presented to the 23 January meeting, as amended by the update sheet circulated prior to the meeting, is included in the papers below.

#### Representations

In addition to the representations set out in the attached committee report, since the deferral of APP/19/00427 3 further objections have been received which have been summarised in the bullet points below. Responses from relevant consultees have been sought in relation to the additional matters raised, and these are also set out below.

- ***There is a lack of consideration to the Bechstein's bats that forage on the land south of Lower Road. The mitigation provided in the final HBC report was to provide a number of bat boxes but I feel this is grossly inadequate and misses the point. The Bechstein's bats have legal protection.***

#### **Response from HBC Ecologist**

*There is no evidence that the site supports Bechstein's bat. The bat surveys carried out did not record this or similar species and impacts to suitable Bechstein's foraging/commuting habitat are extremely minimal. It is my judgement that Bechstein's bats are not a constraint at this site.*

*The Bechstein's bat buffer area is being revised to reflect the most recent data (it will require constant revision as new information comes in). It's purpose is to highlight the potential presence of the species in the landscape, not to show where the bat is present. It is based purely on a 3km buffer zone around known records – it does not infer that all habitat within that zone is suitable or occupied. On current data the species is most likely to occur where a combination of ancient woodland, parkland and unimproved grassland occurs and records are from a concentrated zone around Horndean and Rowland's Castle.*

From the response from HBC Ecologist it is apparent that the impact on Bats has been considered and the mitigation is appropriate to addresses the impacts.

- ***The DMC report does not include:***
  1. ***A statement recognising the signed petition submitted to HBC reference this site***
  2. ***The fact that a previous independent inspection removed this site from the current local plan due to the harm it would cause***

#### **Officer Response**

It should be noted that the petition was submitted in 2018 prior to the submission of the application and not in respect to the detailed planning application now under consideration. Whilst the site was not allocated under the current local plan, under the draft Local Plan 2036 it has been necessary to review sites for allocation for delivery of the 5 year housing land supply.

- **The Council have recently refused APP/19/01083 - Retrospective change of use of existing building from B8 to mixed use of B1/B2/B8 and retention of six external storage bays; and proposed change of use of agricultural land with associated hardsurfacing to form circulation and loading area – at land adjacent to Old Manor Farm in Lower Road.**
- **There are considered to be significant inconsistencies between this decision and the recommendation made in respect of the housing proposal at Lower Road. The interpretation of guidance and policy used to determine the Barn application must be consistently applied to the housing application and a different conclusion and recommendation.**

#### **Heritage Officer response**

*Applications APP/19/01083 and APP/19/00427 have a commonality in their locations being adjacent to the Old Bedhampton Conservation Area, in particular, Character Area 5 – Old*

*Manor Farm. However, there are significant differences between the two applications in planning terms, primarily relating to the form and scale of development. On the subject of Narrow Marsh Lane, it is not disputed that this is a historic route leading south from Lower Road however, as has been previously discussed, this is not a designated heritage asset in its own right.*

*The form and scale of development relating to APP/19/01083, to the west side of the Old Manor Farm (Character Area 5), significantly differs to the development proposed on the H20 site. Development to the west of the site comprises an inappropriate industrialisation of the site including the retention of outside storage areas, industrial containers, piles of builder's detritus etc, with minimal screening. As such, the development is considered to have an adverse impact on the setting of the CA, which in turn is harm to its significance. As the application site only forms part of the setting of the conservation area, the harm caused by the development is found to be less than substantial, as it would not result in a total loss of significance.*

*I understand from the objector's response that he believes that the LPA have taken measures to protect the setting of Character Area 5 to the west by refusing APP/19/01083 and that this should be carried on through to APP/00427, by protecting the rural setting to the south and east?*

*However APP/19/01083 was refused as it was considered to be a harmful form of development to the rural setting and character of Character Area 5. The H20 development as proposed would also be within the setting of Character Area 5 and the wider Old Bedhampton CA. However, this application proposes a different form of development, that being low density, residential development. So whilst it is considered from a heritage perspective that less than substantial harm would still arise as a result of the erosion of part of the open countryside which lies south of the CA, it is considered that the impact of this development can be moderated to a degree through the design, more specifically the proposed layout of the scheme with mainly single storey development being closest to the CA and the proposed use of high quality materials.*

*From a heritage perspective therefore, both forms of development are considered to result in harm, but of a less substantial nature. It is therefore necessary to weigh up this harm against the public benefits of the proposal including, where appropriate, its optimum viable use. With regard to APP/19/01083, it was considered that there are no public benefits to the scheme, hence the subsequent refusal of the application.*

Officers would highlight that both the main body, and the conclusion of the Committee report discuss the less than substantial harm caused to the Conservation Area by the housing proposal under consideration – and that this has been weighed against the benefits of the scheme before reaching a recommendation in this case.

## **Matters for clarification**

Following the deferral of consideration of application APP/19/00427, officers have consulted with relevant Consultees and the responses are provided below followed by an updated recommendation in respect of the application, which supersedes that set out in the original officer report.

### **(a) Education**

***How the education authority would manage a situation where Bidbury infant and junior schools could not accommodate pupils living on the proposed development and how these arrangements would affect existing pupils who lived outside the catchment area;***

Officers have consulted with HCC Education, who have provided the following response:

*The pupils moving into the development could be offered a place at either the Trosnant or Riders pair of schools if no places were available at the Bidbury Schools. The parents from Lower Road could then ask to be placed on the waiting list at Bidbury if they wished to try and access a place at one of these schools.*

A further clarification has been received from HCC Education that under the Admissions Code it is not possible to hold open places in schools to cater for any new housing developments within the catchment area. Also, it is anticipated that there would be 2 pupils per year group from the proposed development.

From this response it is apparent that HCC Education consider that the educational demands arising from the development can be met in local schools.

### **(b) Highways**

***The impact of the traffic likely to be generated by this proposal on the Bedhampton Hill roundabout and how this impact (if any) would be mitigated;***

Officers have consulted with HCC as Highways Authority, who have provided the following response:

*To understand the vehicular impact of the Lower Road development on the local road network, the Highway Authority requested that the applicant undertook junction modelling for the Bedhampton Hill junction with the industry standard roundabout modelling software known as ARCADY. This modelling exercise included assessing the operation of the roundabout against a future year scenario of 2024.*

*Under the 2024 'with development' assessment, it was noted that the roundabout was marginally over capacity in the AM and PM peak hours. However, when compared against the total flows through the roundabout during the peak hours in the 2024 'without development' scenario, the vehicular trips of 17 in the AM and 15 in the PM equated to a 0.75% and 0.58% increase in traffic in the respective peaks. This results in an additional movement at the roundabout approximately every 4 minutes. Instead, the additional traffic flow at the roundabout will primarily be generated by background growth. The Highway Authority have secured a contribution towards improving sustainable transport infrastructure from the development to the catchment schools, which will further lessen the number of vehicular trips at the roundabout every minute during the peak hours.*



*Against this context, the Highway Authority did not consider that a contribution towards the roundabout would meet the 3 CIL tests, specifically that it is necessary to make the development acceptable in planning terms. Should a contribution have been sought, the development would only have been able to fund a proportionate level of the cost of the works. Given that the roundabout is likely to require signalisation, this would have been a small proportion of the overall improvement scheme.*

Officers consider that this response, which supplements that in the main officer report, demonstrates that HCC Highways have had regard to the impact of additional traffic passing through the Bedhampton Hill roundabout; and sets out that the contribution that the Lower Road development would make to those traffic flows is so small as not to require mitigation. Any impacts are further lessened by the improvements secured to sustainable transport infrastructure from the development to the catchment schools, which can be anticipated to further lessen the number of vehicular trips on the network in general, and at the roundabout specifically, during peak hours.

### **(c) Surgery capacity**

#### ***How the likely new registration requests from people living in the area of the proposed development would be accommodated by the existing GP surgeries;***

Officers have consulted with the South East Clinic Commissioning Group (SECCG), who have provided the following response:

*As identified in our response the surgeries which are most likely to be impacted by this development are the two surgeries at Havant Health Centre, Homewell Curlew Practice and Staunton Surgery, and Bosmere Medical Practice which are closest to the development. There are no plans currently to make any structural changes to Bosmere Medical Practice. We have been advised by NHS Property Services, the landlord of Havant Health Centre, that there is no capacity for either of the surgeries based there to expand the space required for their practice operations. As all accommodation within the health centre is fully occupied any further developments to increase the practices will require the landlord, Practice, CCG and other building tenants to work together to ensure that space can be released, which may be possible by the reconfiguration of existing space or by procuring additional accommodation. Please note that the NHS reimburses the costs of any additional space required for the provision of primary care (GMS) services.*

Further discussion with the SECCG has clarified that the reimbursement from the NHS referred to is in respect of the ongoing costs in respect of works to accommodate the additional patients, such as the premises' rental cost, as opposed to the capital costs in undertaking the works in the first instance. In addition, in respect of reconfiguration, one of the options open to them is to convert administration space to clinical space to provide additional capacity to serve new patients. It is therefore considered that the financial contribution being sought to enable those practices impacted to make suitable building adaptations to facilitate the growth in demand that the development will generate is an appropriate response to this issue.

### **(d) Affordable Housing**

#### ***How the occupancy of the affordable housing and the right to buy properties will be managed to ensure that households are provided with properties of a suitable size;***

Officers have consulted with the Council's Housing Manager, who has provided the following response:

*Right to Buy- this doesn't actually exist yet (and may never do) for housing association tenants. For them it's the Right to Acquire with a discount of between £9K and £16K depending on how long they have lived in their social housing home. Council tenants, like Portsmouth, Winchester, and Southampton have the Right to Buy and the discounts are calculated differently. In essence both HA and LA tenants do have the opportunity to apply to buy their home but the schemes are different.*

*When available social homes become available for let they are advertised on Hampshire Home Choice (HHC), the Council's waiting list. The adverts are uploaded to the system by the landlord (any one of the numerous housing associations, or RP's that develop or have existing stock in the borough) and the ad is checked for completeness by us before going live. Each property has a minimum and maximum number of permitted occupiers. So say for example when Vivid (the RP for Lower Road) get an 8 week notice that a 2 bed 3 person house is due to be handed over they will put the advert on HHC as suitable for a minimum of 2, and a maximum of 3 persons. The way HHC is set up applicants are assessed on their bedroom need depending on the number in the household and other housing needs. Only those people that would fit in a 2 bed 3 person home would be able to see the advert and bid. Types of households could include a couple with one child, a lone parent with 2 children, a parent with an adult child, 2 joint applicants that are not related but have an established household, a couple with medical needs that need a second bedroom for a carer, equipment, or just need two separate bedrooms. As you can see there are lots of possibilities here and we have all types of households on our waiting list. In short only households that would not overcrowd a property at the outset would be considered by us to be nominated to the RP.*

*I have had a look at the documents submitted with the application and can see my original response on 16/07/19 where I commented on the sizes of the affordable as outlined in the original Affordable Accommodation Schedule. Following these comments Vivid reviewed their provision and their letter dated 25th September 19, uploaded to the documents on 03/10/19 confirms that they are intending to provide affordable houses with increased GIA, however the bungalows at 62sqm remain the same and meet the NDSS requirements as being suitable for 3 persons.*

*The houses have increased in size and do meet NDSS for 2 bed 3 persons, and 3 bed 4 person, however as we have said before NDSS are not policy yet and could have viability consequences which I believe is going to be tested further before we submit the Local Plan for inspection. The new increased sizes are far more in line with the older Housing Quality Indicator Standards which were abolished after our Housing SPD was adopted. Those standards detailed:*

*2B3P between 57-67sqm*

*2B4P between 67-75sqm*

*3B5P between 82-85sqm*

*Using these standards the proposals for a 2 bed houses at a minimum of 70sqm means they would be able to accommodate up 4 persons, and the 3 beds at 84sqm could accommodate up to 5 persons. It will be interesting to see how the RP describes the maximum occupancy for each type of home. If we measure by NDSS these houses meet the requirements for 3 or 4 persons, if we use the previous measures, the ones we used up until we drafted the new Local Plan the houses could accommodate 4 in the 2 beds, and 5 in the 3 beds.*

In light of the Housing Manager's comments, officers have investigated the floor areas of the affordable units in the context of the Nationally Described Space Standards (NDSS), issued by the Government in 2015 but not currently part of the adopted Local Plan. It has been confirmed that all the proposed affordable homes meet the Nationally Described Space Standards as set out in the table below.

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

With respect to the market housing all but 6 units meet the Nationally Described Space Standards.

It can therefore be concluded that the allocations process associated with Hampshire Home Choice, the Council's housing waiting list, makes due allowance for the size of dwellings when households are invited to apply for accommodation. A significant proportion of the dwellings also meet the Nationally Described Space Standards – even though this requirement only has limited weight in policy terms.

**(e) Narrow Marsh Lane**

***The route of the historic Narrow Marsh Lane compared to the route of the proposed footway to be provided within the application site;***

In investigating this issue officers have liaised with Hampshire County Council's Countryside Access Team who are in receipt of an application to designate Narrow Marsh Lane as a public right of way. The Countryside Access Team have overlain the route of Narrow Marsh Lane as shown on the 1895 OS map on contemporary mapping as below:-



The Countryside Access Team have advised that they have compared the route of Narrow Marsh Lane as shown on the submitted housing layout plan with the the historical mapping, and consider that the housing layout plan provides a reasonable identification of Narrow Marsh Lane based on the historical mapping. It is therefore considered that the determination of the application on the basis of the submitted layout plan will not prejudice the outcome of the right of way claim.

In addition, archaeological investigation works are currently being undertaken on behalf of the applicants, in liaison with the County Archaeologist, to confirm the width of the lane. Based on the works to date the width of the lane would appear to be 2m. This lends further support to the view that the line of the former lane would not be impeded by the proposed development so, if the lane were to be reinstated at some time in the future as a public right of way, there would be no difficulty in doing so in relation to the development proposed.

**(f) Archaeology**

***How the proposed archaeological condition would overcome the concerns raised by the County Archaeologist and the procedure that would be put in place if major finds were uncovered during the preliminary survey.***

Officers have consulted with the County Archaeologist, who has provided the following response:

*When advising the planning authority on archaeological matters we base that on the evidence that is in the Historic Environment Record (NPPF 187 & 189), what it tells us directly about an area and what we can infer. It is rare that we can be absolutely certain about the archaeology that is on a site and it is the nature of archaeology that you cannot fully predict what you will encounter. By that token does it follow that every development site should be subject to an archaeological survey prior to the determination of the planning application? Consideration must be given to the likelihood (as opposed to certainty) that an overriding archaeological constraint might be present. The planning response must be*

*proportionate (NPPF 189) and this can include “where necessary” (NPPF 189) a field evaluation – that is an archaeological survey prior to the determination of the planning application.*

*I only advise planning authorities to require an archaeological evaluation prior to the determination of a planning application if there is a sound argument to suggest the presence of an archaeological site whose significance would override the need for development or whose significance is such that the burden of the archaeological work secured by archaeological condition would be ‘unreasonable’ (or a refusal by imposition of a condition that cannot be delivered), i.e. that the burden of a pre determination evaluation (NPPF 189) is a proportionate response. There is no archaeological evidence that I am aware of to suggest that a site of such significance might exist at Lower Road, although as I have noted there is no absolute certainty in archaeology.*

*It is a matter of informed judgment. The archaeologists retained by the applicant to help them manage their archaeological risks have not identified the potential for an overriding archaeological constraint. The evidence on the HER, and my experience as a local archaeological curator, do not lead me to suspect an overriding archaeological constraint. Therefore my ‘proportionate’ response is to recommend the use of an archaeological condition. I recognise the potential to encounter archaeological remains and the need for archaeological survey prior to development, but I do not anticipate an overriding archaeological constraint and therefore it would seem disproportionate to require such a survey prior to the determination of the planning application.*

*It is of course possible to conjure a wording for an archaeological condition that makes some provision for preservation of archaeological remains if a site of such significance emerges. It is a question of making such a condition reasonable and proportionate. Such preservation it might secure would need to be of a scale that it could be accommodated within the development, perhaps for instance equivalent to the open space provisions.*

*A more precautionary approach to archaeological survey by requesting pre determination evaluation in any case where there is uncertainty (which is generally speaking most large scale development) would lead to delays in determining planning applications, would result in redundant archaeological costs where the application was subsequently refused for other reasons and in some cases inflict ground and ecological damage from trenching on what might be sensitive locations. The burden of a pre determination archaeological evaluation must be a proportionate response. None the less I would request an archaeological evaluation prior to the determination of a planning application if I believed this was an appropriate, necessary and proportionate response. In the case of Lower Road I do not.*

In order to address the archaeological concerns raised at the Committee meeting of the 23 January the applicant has commissioned archaeological investigation works in consultation with the County Archaeologist, who has advised he has visited the site and as the investigations are:

*‘not fully completed I cannot fully anticipate the results, but so far they have found only a few isolated small scale and possibly prehistoric features (pits and post holes) much as I was anticipating and consistent with the area having been used for grazing and peri harbour activity, but not substantive settlement. ‘*

In addition the County Archaeologist has advised:

*'the direction of travel based on what I saw this morning, is archaeology being present but not overriding or constraining (but we must await excavation of all of the trenches before we can be certain of course).'*

The County Archaeologist has identified in respect of Narrow Marsh Lane that:-

*Three of the trenches did cut across the routeway that been a basis for local concern. As I did explain in one of my emails the archaeology of such tracks are likely to be 'erosive' and so the earliest manifestations probably removed during the continued use. But at present there appears to be a small hollowed path consistent with a route, and that has been back filled with post medieval material (will need to see the report but it looked late 19th early 20th century to me) and then capped off with a chalk surface. My guess is this may have been done about the time that the railway line went in when it became 'the' route to cross the railway line instead of just one of several locally.*

The report in respect of the investigations is to be provided in advance of the 5 March Committee meeting, however, as this is not currently available the proposed archaeological conditions have been reworded in consultation with the County Archaeologist and now comprise 3 elements: -

- That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.
- That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
- Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

These conditions are included in the revised recommendation below (condition nos. 17 to 19) but may require rewording following conclusion of the trial trenching and submission of the Archaeological report.

### **Conclusion**

The foregoing additional information and analysis is considered to have addressed the reasons for deferral of Planning Application APP/19/00427 from the meeting of the Development Management Committee held on 23 January 2020. It is therefore recommended that planning permission be granted for the reasons set out in the officer's report, as supplemented by the additional information presented in this update paper, on the basis of the following revised recommendation:

**REVISED RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00427 subject to:

(A) a Section 106 Agreement securing the matters as set out in paragraph 7.138 of the attached officer report; and

(B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

1 The development must be begun not later than three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning

Application Form

Infrastructure Delivery Statement

CIL Assumption of Liability Form

CIL Additional Information Form

Planning Design & Access Statement

Affordable Housing Statement

Statement of Community Involvement

Compliance statement

**Architect's Plans**

- 17.043.102 Rev P – Site Layout
- 5992-601-C- GENERAL HIGHWAY ARRANGEMENTS
- STREET SCENES SHEET 1 OF 2Rev B
- STREET SCENES SHEET 2 OF 2Rev B
- 201 – House Type B
- 202 – House Type C

- 204 Rev E – House Type E
- 17.043.205 Rev D – House Type F terrace
- 17.043.205A – House Type F Terrace staggered
- 17.043.205B Rev A – House Type F Terrace Affordable
- 17.043.206 Rev D – House Type F – Semi - Affordable
- 207 – House Type G
- 208 - House Type H
- 209 - House Type J
- 210 - House Type K Plans
- 211 - House Type K Elevations
- 212 - House Type L Plans
- 213 - House Type L Elevations
- 214 House Type M
- 17.043.215 Rev D – House Type N – Affordable
- 17.043.216 Rev E – Car Barn and cycles
- 218 – Double detached garages
- 219 – Single detached garages
- 17.043.220 Rev C – House Type HA
- 221 – House Type AA
- 222 – House Type JA
- 223 – House Type O
- 17.043.225 Rev B – Sub-Station
- 17.043.226 Rev B – Street Scenes 1
- 17.043.227 Rev B – Street Scenes 2
- 1860-TF-00-00-DR-L-1002 Landscape Rev 07 (sheet 1 of 5)
- 1860-TF-00-00-DR-L-1003 Landscape Rev 05 (sheet 2 of 5)



- 1860-TF-00-00-DR-L-1004 Landscape Rev 04 (sheet 3 of 5)
- 1860-TF-00-00-DR-L-1005 Landscape Rev 07 (sheet 4 of 5)
- 1860-TF-00-00-DR-L-1006 Landscape Rev 05 (sheet 5 of 5)
- (MJA Consulting) Drainage Strategy Layout 5992:P01 Rev. G (14.10.19)
- (MJA Consulting) Level Strategy Layout 5992:P02 (Rev. )
- (MJA Consulting) Road and Sewer sections 5992:P10 (Rev. )
- (MJA Consulting) Surfacing Strategy Layout 5992:P05 (Rev. A)
- (MJA Consulting) Sections Through Attenuation Basin, Reed Bed and Wet Pond 5992:P11 (Rev. A)
- (MJA Consulting) Proposed Residential Development, Manor Farm, Bedhampton, Hampshire, SuDS Management & Maintenance Plan (Rev. B) Ref. SS/19/0185/5992
- (MJA Consulting) Exceedance Flow Plan 5992:P06 (Rev. )
- (MJA Consulting) Manor Farm, Bedhampton, Surface Water Network MicroDrainage Calculations
- EV Charging point plan

### **Highways**

Transport Assessment

### **Ecology**

Ecological Assessment (Aluco, April 2019)

### **Miscellaneous**

Acoustic report provided by 24 Acoustics

Flood Risk Assessment & Development Drainage Strategy Rev B(MJA Consulting)

Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019

Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017)

Letter from Vivid dated 25th September 2019

**Reason:** - To ensure provision of a satisfactory development.

**Landscape and materials**

- 3 No above ground development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
  - ii) Planting methods, tree pits & guying methods,
  - iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
  - iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
  - v) Manner and treatment of watercourses, ditches and banks,
  - vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
  - vii) Means of enclosure, in particular boundary walls and planting around properties and including their frontages, including any retaining structures,
  - viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution
  - ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**Ecology and trees**

- 5 Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning

Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (Aluco, April 2019) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be implemented in accordance with the agreed details and maintained in perpetuity in a condition suited to their intended function, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 6 Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, April 2019) and including measures to address the impacts, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). Development shall be implemented in accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

- 7 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019 shall be installed. No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

**Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

### **Environmental**

- 8 No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved Plan shall be adhered to throughout the construction period. The plan should include, but not be limited to:

- An indicative programme for carrying out of the works

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- The arrangements for deliveries associated with all construction works • Loading and unloading of plant and materials • Storage of plant and materials used in constructing the development
- Location of temporary site buildings, compounds, construction material, and plant storage areas
- Access and egress for plant and machinery
- Protection of pedestrian routes during construction
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 - 18.00 hours on Mondays to Fridays and 08 00 and 13 00 hours on Saturdays and; at no time on Sundays and Bank Holidays • Procedures for emergency deviation of the agreed working hours
- Control measures for dust and other air-borne pollutants • Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- The parking of vehicles of site operatives and visitors
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate • Wheel washing facilities
- A scheme for recycling/disposing of waste resulting from demolition and construction works

**Reason:** To protect the amenities of nearby residential premises during the demolition/ construction phase of the development and having regard to PolicyCS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Environmental – Soil, contamination**

9

The development hereby permitted shall be carried out in accordance with the recommended Remedial Works and Contamination Discovery Strategy outlined in sections 11.2 & 13.0 of the Geo-Environmental Services Ltd. Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017), unless otherwise agreed in writing by the Local Planning Authority.

Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report must;

a) demonstrate the adequate segregation of made soils deemed inappropriate for use in private garden areas, and either the appropriate 'off-site disposal' or 'within-development placement' of this material to ensure that no unacceptable exposures arise, and;

b) document any assessments &/or remedial actions required to be taken in accordance with the Contamination Discovery Strategy, or if no actions were required; provide a positive declaration that no relevant discoveries of previously undocumented 'suspected contaminated' soils were made.

**Reason:** Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], contamination impacted soils have been identified within a discrete deposit at the site where contaminants are likely to exceed levels considered appropriate for use private gardens, allotments or soft-landscaped public amenity land. This condition aims to secure an appropriate use or destination for these soils, to ensure that no unacceptable exposure to harmful contaminants may occur.

### **Noise**

- 10 The development shall be built in accordance with the noise mitigation recommendations outlined in the acoustic report provided by 24 Acoustics (Technical Report: R6954-1 Rev 1 dated 28th March 2019) attached to the planning application namely:

The specification measures outlined in Parts 5.7 - 5.10 of the report.

The agreed details shall be fully implemented, and validation test results submitted to the Planning Authority before the use hereby approved is commenced and/or any part of the development is occupied.

The measures are based on the units being of cavity masonry construction. Any divergence from this method of construction would require a further acoustic report to reflect the changes, to be submitted, as further mitigation measures may be required in that instance.

**Reason -** To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interest of residential amenity and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Drainage and Flood risk**

- 11 No development shall begin until a detailed surface water drainage scheme for the site, based on the principles accepted under application reference APP/19/00427, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- o Provide unit type, and sizing for the Upflow unit and show it is sized adequately for the area it is draining. Please indicate type of unit (manhole or vault to be provided) and show this within the drawing.
  - o Due to the sensitivity of discharging to a deep borehole soakaway, please

provide details of what emergency procedures would be in place to ensure an oil/contamination spillage is promptly dealt and the penstock shut-down mechanism activated to prevent any contamination from reaching the borehole.

o Provide details of the treatment level using the CIRIA Simple Approach Index level provided by the Multi-Stage Treatment Filter” from Hydro International unit. provided by the “Multi-Stage Treatment Filter” from Hydro International.

o Provide details showing how the top layer of the infiltration borehole will be sealed details of what measures such as screening will be provided to prevent entry of debris into the borehole soakaways.

**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 12 The development hereby permitted shall not be commenced until a scheme for water quality monitoring of surface water drainage discharging to the boreholes, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure controlled waters (groundwater) are protected, and that there is no direct discharges of pollutants to groundwater in line with paragraph 170 of the National Planning Policy Framework, and having due regard to policy DM10 of the Havant Borough Adopted Core Strategy [2011].

### **Highways**

- 13 Prior to first occupation the visibility splays shown for the vehicular access and two pedestrian accesses shall be provided so that any obstruction within the splays between 0.6m and 3m above the level of the carriageway shall be removed. These splays shall be maintained in this condition thereafter.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 Prior to use at least the first 16m of access measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material and shall be maintained in this condition thereafter.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire

County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Archaeology**

- 17 No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

**Reason:** To establish the location, extent and character of any archaeological remains within the site and to secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results. and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

- 18 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

**Reason:** To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

- 19 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and

approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

**Reason:** To ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

#### **Water efficiency/sustainability**

- 20 The development hereby permitted shall not be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority. All measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

#### **Electric Charging points**

- 21 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

#### **Removal of permitted development rights**

- 22 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order (as amended), no extension, building or



structure permitted by Part 1, Classes A/B/C/E/F and H of the 2015 Order, as amended, shall be erected within the curtilage of Plots 1, 10, 11, and 22 to 28 inclusive without the prior written approval of the Local Planning Authority.

**Reason:** To safeguard the amenities of the Conservation Area and occupiers of neighbouring property and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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Whilst the Borough has a five year supply, this is reliant on development identified in the Pre-Submission Local Plan, including this site, coming forward. Without these developments, the Borough would inevitably not be able to maintain a constant five year supply of housing land. Therefore, national policy considerations may be placed in the planning balance against the conflict with the current development plan

The proposal has been subject to extensive review and consultation resulting in the plans being improved and amended to address concerns - revising the design, layout and improving landscaping, which has improved the relationship of the development in respect to the Conservation Area and neighbouring residential properties. The application is supported by an Infrastructure Delivery Statement (IDS) together with specialist reports in respect to the key issues, including heritage, landscape impact, ecology, archaeology, highways and drainage. Full extended publicity has been undertaken on the initial and amended plans including consultation, notification of neighbours, site notices and advert in the press.

The proposal is for a cul-de-sac development with dwellings of traditional design, ranging in size from 2 bed to 4 bed and in height from single to 2 storeys. The proposed dwellings would be constructed to a high design standard in high quality materials. 30% of the dwellings would be affordable. Vehicular access would be off Lower Road and would take the form of a single vehicular access. Pedestrian and cycle links connect the site to Lower Road with proposed connection around the communal open space, which would provide a community orchard, and children's allotments, with opportunities for outdoor activity.

Following further review and consultation in respect to vehicle, pedestrian and cycle access to the site, the submitted details have been amended in agreement with the Highway Authority. The modelling of the assessed junctions has been extended to 2024 including the 'Forty Acre Farm' site (planning reference APP/18/00450) as a committed development. The Highway Authority does not consider that the development will lead to an unacceptable impact on highway safety or a severe impact on the road network and as such no objection has been raised in relation to this issue.

The impact, including access, of the development on Heritage has been assessed. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. Whilst the site in question does not lie within the Old Bedhampton Conservation Area, it does affect that Conservation Area's setting.

It is therefore relevant to take account of paragraph 194 of the NPPF, which states

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration, destruction, or from development within its setting), should require clear and convincing justification'...

Overall, it is however, that harm could be moderated through the careful design and layout of the proposals. Therefore, it is concluded that less than substantial harm would result. In accordance with NPPF, that is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

In respect to the landscape impact, there is a negative, especially in the short term and this needs to be given weight in the overall balance of the planning considerations.

The site is in flood zone 1 and the Environment Agency and Local Lead Flood Authority have raised no objection to this development subject to conditions, and are content with the

measures in place to ensure that the development is free from the risk of flooding and that the site is sustainably drained.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several of the Solent's European Sites. The subsequent Appropriate Assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy, Position Statement on Nutrient Neutral Development and the Solent Waders and Brent Goose Strategy Guidance together with a Construction Environment Management Plan. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the European Sites which would otherwise have been likely to occur. Natural England were consulted and concur with the findings of the Habitats Regulations Assessment.

To conclude, it is considered that the scheme would contribute to the need for housing in the Borough, providing both market and affordable dwellings on a sustainable site which has been allocated for housing in the draft plan. As such this should be given substantial weight. In assessing the proposal (including associated evidence) against the adopted local plan, the National Planning Policy Framework (NPPF), in combination with the direction of travel of the emerging local plan, and given the need to maintain a five year supply of deliverable housing sites, the benefits are considered to outweigh the harm and the proposal is recommended for permission.

## **1 Site Description**

- 1.1 The site is located on Lower Road in Bedhampton to the west of Havant town centre and to the north of Langstone Harbour and comprises approximately 3.8ha of arable agricultural land (classification of Grades 1 and 2). It is located approximately 1km west of Bedhampton railway station, Bidbury Mead Recreation Ground and Bidbury school.
- 1.2 Bedhampton is predominantly a low rise residential area, of varying styles and materials. With the exception of the Old Manor Farm development, the development that has taken place is mostly north of the development site.
- 1.3 To the east of the site, beyond an existing mature line of conifer trees which enclose the eastern boundary, the area is designated as a Conservation Area (CA) – the Old Bedhampton Conservation Area. This area to the east comprises the main part of the Conservation Area and is divided into two by the railway line which was constructed in 1847. The boundary of the Conservation Area has recently been reviewed and now includes the Old Manor Farm site, which adjoins the northern boundary of the site.
- 1.4 The Conservation Area includes a number of listed buildings, including The Old Rectory, The Manor and Bidbury House. Part of the site (north facing) fronts onto Lower Road with the remaining northern boundary abutting the small development of farm buildings that have been converted into residential dwellings (Old Manor Farm). The western boundary is not defined and is part of the open field. The southern boundary faces the railway line with some landscaping whilst further to the south is the A27 (Havant Bypass).
- 1.5 The site boundary to Lower Road comprises mature hedging, broken by a gap in the north east corner to provide access. Along Lower Road, adjacent to the site are a

number of dwellings which vary greatly in their vernacular style. Dwellings range from small period terraced cottages to large detached two storey houses, with a number of single storey and chalet style bungalows

- 1.6 To the east of the site is the Old Bedhampton Conservation Area, divided into two by the railway line which was constructed in 1847. Compared to the density of Bedhampton as a whole the density of the Conservation Area is relatively low and features a number of character buildings. The materials found in the Conservation Area are predominantly brick with tiled roofs, some with parapet detailing as with The Old Rectory and Bidbury House. Most buildings do not exceed 2.5 storeys and generally feature a pitched roof structure. A Heritage Statement has been submitted in support of this planning application.
- 1.7 The site, which is located within Flood Zone 1, is covered by an Area Tree Preservation Order in respect to the now mature conifer trees on the eastern boundary. The land is located south of Portsmouth Water Ground Water Source Protection Zone One (SPZ1) and the southern part provides secondary habitat for Brent Geese and Waders. Overall the land falls by around 3 metres towards the west/south corner.

## **2 Planning History**

- 2.1 GEN/17/00884 - Development Consultation Forum (DCF) on 23 May 2018 – in respect to a residential proposal for 50 new homes (30% affordable housing).
- 2.2 The Old Bedhampton Conservation Area Appraisal and Management Plan (CAAMP) has recently been reviewed to include a new Character Area 5 which includes the Old Manor Farm buildings, being adjacent to the development site. The CAAMP which does not include the application site was adopted by the Full Council on 25th September 2019.

## **3 Proposal**

- 3.1 The proposal is for the erection of 50 dwellings including a 30% provision of affordable homes, provision of public open space, community orchard, allotments and associated infrastructure.
- 3.2 The development, which would be accessed off Lower Road, would provide a variety of dwellings ranging from 2 to 4 bedrooms in size comprising 22 x 2 bed, 18 x 3 bed and 10 x 4 bed. The majority of the development would consist of 2 storey houses, with some single storey bungalows (5) adjacent the northern boundary with Old Manor Farm. The proposed development will embrace a very traditional appearance, taking inspiration from the surrounding vernacular, particularly the older properties located in the Old Bedhampton area and the Old Manor Farm development. Clay and slate tiled roofs, brick chimneys with brick elevations are proposed with some timber boarding to key buildings, garages, car barns and porches. The window fenestration will have Georgian and cottage style glazing bars to give a traditional appearance, and the built form would incorporate Brick Chimneys, Timber Boarding, Black Rainwater Goods, Exposed Rafter Feet, Timber Framed Porches and Dormer Windows.
- 3.3 The application proposes the ultimate replacement of the mature TPO conifers enclosing the eastern boundary of the site, once the proposed planting to the east has established they are to be replaced with native species of a similar mix to the planting proposed to the east, namely; field maple, alder, oak and holm oak standards with a

native understorey of field maple, hazel, hawthorn, holly and blackthorn to ensure a good mix of fast-growing and legacy species with native species for biodiversity and to respect the character of the paddocks to the east with the added screening benefit of evergreens.

3.4 The proposed scheme for the site has continued to evolve since the submission of the original application in response to comments from the internal and external consultees, local residents and officers at the Council. The amendments made to the scheme from the original submitted layout include: -

- Improved to footpaths along Bidbury Mead
- Improvement to the site access to aid the movement of a refuse vehicle and other large vehicles/footpath
- Retention of hedging
- Additional landscaping including hedging and more native tree planting to replace the mature conifers on the eastern boundary
- More detailed drainage plans
- Improved garden provision to accord with the Borough Design Guide
- Siting of the development to have regard to a potential right of way referred to as Narrow Marsh Lane to allow for the public to transverse this route.

#### Nature of housing proposed

3.5 In terms of the proposed 50 dwellings (22 No. 2 bed, 18 No. 3 bed and 10 No. 4 bed), 30% (15 dwellings, 7 No. 2 bed houses, 4 No. 2 bed bungalows and 4 No. 3 bed houses) would be delivered as affordable units.

#### Drainage

3.6 The development provides approximately 2ha of open space and a Sustainable Urban Drainage scheme (SUDs) would deal with surface water flows at the site. This is outlined in section 7 of this report.

#### Allotment and Orchard

3.8 The proposal includes the provision of approximately 2ha of open space including allotments and an orchard, which are located to the south of the residential development.

#### Proposed Access and parking

3.7 The site would be served by a single vehicular access onto Lower Road and car parking within the scheme has been designed in line with the Havant Borough Council Parking SPD (July 2016, revised 2019). In accordance with this document there is a total of 136 parking spaces with 127 spaces for residents and 9 visitor parking bays, which consist of garages (3 x 6m), open parking spaces in private parking courts, on-curtilage parking, lay-bys and visitor spaces. The development would also provide 120 cycle parking spaces in accordance with adopted standards.

3.8 The planning application includes the following documents:

Statement of Community Involvement  
Statement of Conformity with the emerging Local Plan  
Air Quality Assessment  
Archaeological Desktop Assessment  
Land Contamination Assessment  
Ground Conditions Report  
Affordable Housing Statement

Infrastructure Delivery Statement  
 Ecological Mitigation and Management Plan  
 Wintering Bird Survey Report  
 Report to inform Habitats Regulations Assessment Stage 1 and 2 – August 2019  
 Reptile Survey Report  
 Bat Activity Survey Report  
 Extended Phase 1 Habitat Survey  
 Transport Assessment  
 Sustainability Review Report  
 Arboricultural Impact Assessment and Method Statement  
 Flood Risk Assessment  
 Landscape Masterplan  
 Landscape & Visual Impact Assessment  
 Tree Report  
 Tree Protection Plan  
 Noise Impact Assessment  
 Planning, Design & Access Statement

#### **4 Policy Considerations**

##### National Planning Policy Framework 2019

The National Planning Policy Framework (the ‘NPPF’) states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is a general presumption in favour of sustainable development unless material considerations indicate otherwise. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment). Local circumstances should also be taken into account, so they respond to the different opportunities for achieving sustainable development in different areas.

##### Havant Borough Local Plan (Core Strategy) March 2011

Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require a local planning authority determining a planning application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan. The proposed development is not supported in principle by the Development Plan.

##### The following policies are particularly pertinent to the determination of this application:

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)



- CS9 (Housing)
- DM1 (Recreation and Open Space)
- DM10 (Pollution)
- DM13 (Car and Cycle Parking on Residential Development)
- DM6 (Coordination of Development)
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

The following policies are particularly pertinent to the determination of this application:

- AL1 (Presumption in Favour of Sustainable Development)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
- DM23 (Sites for Brent Geese and Waders)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Local Plan Housing Statement

The Local Plan Housing Statement (the Housing Statement) was adopted by the Council on 7 December 2016. It represented the first stage in the preparation of the Havant Borough Local Plan 2036. The Housing Statement also identified that it was necessary to maintain a supply of housing onto the market in order to meet the requirements for a five year housing land supply.

As such, sites were identified for 'early release' and that the Council would support the principle of development on the sites prior to the adoption of the Havant Borough Local Plan 2036. The Housing Statement was revoked at the same time as the Pre-Submission Havant Borough Local Plan 2036 was approved by the Full Council. Nonetheless, the preparation of the site began during the lifetime of the Housing Statement and it represents a significant step to the site coming forward.

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan's preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded limited weight, dependent on the extent to which there are unresolved objections to relevant policies.

The relevant planning policies of the emerging Local Plan are:

- DR1 – Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 – Improving Transport Infrastructure
- IN3 – Transport and Parking in new development
- IN5 – Future management and management plans
- E1 – High Quality Design
- E2 - Health and wellbeing

E3 – Landscape and settlement boundaries  
 E6 – Best and most versatile agricultural land  
 E9 - Provision of public open space in new development  
 E12 – Low Carbon Design  
 E13 – Historic Environment and heritage assets  
 E14 – The Local Ecological Network  
 E15 – Protected Species  
 E16 – Solent Special Protection Areas  
 E17 – Solent wader and Brent Goose feeding and roosting sites  
 E18 – Trees, hedgerows and woodland  
 E19 – Managing flood risk in new development  
 E20 – Drainage infrastructure in new development  
 E22 – Amenity and pollution  
 H1- High Quality Homes  
 H2 – Affordable Housing  
 H3 – Housing Density  
 H4 – Housing mix  
 H5 – Retirement and specialist housing  
 H20 – Land at Lower Road

#### Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:  
 Havant Borough Council Borough Design Guide SPD December 2011  
 Havant Borough Council Parking SPD July 2016

Listed Building Grade: No Listed Buildings lie within the application site.  
 Conservation Area: Site lies adjacent to the Old Bedhampton Conservation Area.

## **5 Statutory and Non Statutory Consultations**

### **Planning Policy**

Policy Status:

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan, provide the development plan for the borough. The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies are of particular relevance:

- • CS17 – Concentration and Distribution of Development within Urban Areas
- • AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Pre-submission Plan the following policies are of particular relevance:

- • DR1 | Delivery of sustainable development
- • E3 | Landscape and settlement boundaries
- • IN1 | Effective provision of infrastructure
- • IN3 | Transport and parking in new development
- • IN5 | Future management and Management Plans
- • E1 | High quality design
- • E2 | Health and wellbeing
- • E9 | Provision of open space in new development
- • E12 | Low carbon design
- • E13 | Historic environment and heritage asset

- E16 | Solent Special Protection Areas
- E17 | Brent Goose and Wader feeding and roosting sites
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- H20 | Land south of Lower Road

Principle of Development:

In the adopted local plan, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development in these locations, except in exceptional circumstances. I do not consider that any of the exceptions in the policy apply here, the proposal being a residential development on greenfield land.

The site is however identified as a proposed allocation in the Pre-Submission Local Plan under Policy H20. This continues the direction of travel that was set out in the Local Plan Housing Statement (now revoked) in 2016 and the subsequent Draft Local Plan consultation in 2018.

Overall, whilst the adopted Local Plan resists the principle of development in this location, the emerging plan clearly supports the principle, and this must be given weight in the determination of this application. In terms of the latter, the applicant has submitted a Statement of Conformity but does not include an assessment against all of the relevant policies in the Pre-Submission Local Plan and is limited in terms of the information provided.

Development Requirements:

The emerging site allocation policy sets out development requirements which should be considered in the determination of this application.

High Quality Design and Heritage:

The development proposals are subject of a detailed planning application reflecting the proximity of the Old Bedhampton Conservation Area in line with Policy H20. Criteria b. of the emerging policy (H20) sets out which nearby heritage assets and their setting must be addressed. The Council's Conservation Officer will be able to advise whether these have been satisfactorily addressed as part of the applicant's Heritage Statement.

Ecology:

The site is identified as a Low Use Site for Solent Waders and Brent Geese (SWBG) under emerging policy E17 in the Pre-Submission HBLP 2036, and within the Brent Goose and Wader Strategy (October 2018) (SWBGS). Development proposals on, or adjacent to, sites which are used by Solent Waders and/or Brent Geese need to be assessed in line with the appropriate regulations. The proposals will, therefore, require a project level Habitats Regulations Assessment (HRA) and, if necessary, an Appropriate Assessment (AA).

Policy E17 states that development proposals on Low Use Sites will be permitted where:

- i. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Council and Natural England; or*
- j. A financial contribution is provided consistent with the SWBG Strategy.*

On this basis, the submitted Ecological Assessment suggests the development proposals will contribute to appropriate avoidance measures through a Section 106 agreement.

The site also lies in an Opportunity Area as defined by the Local Ecological Network Map where there are opportunities to recreate or restore habitats. The Council's Ecologist will be able to provide further advice on this matter.

#### Source Protection Zones:

The site lies outside, but in close proximity to the Groundwater Source Protection 1c for Bedhampton and Havant Springs. Policy DM10 (in the Adopted Local Plan) and emerging Policy E21 (in the Pre-Submission Local Plan) are therefore of relevance. It is also noted that there are multiple mapped 'solution features' within 500m of the site. The Environment Agency and Portsmouth Water will be able to provide further advice in terms of where solution features are present, and if any conditions should be imposed.

The site overlays a Principal Aquifer and the developer should be aware of the possible constraints to construction methods with regard to protection of the water environment in line with policy E21 and/or further advice from Portsmouth Water.

#### Conclusion

The principle of the development of this site is supported by the emerging policy position in the Pre-Submission HBLP 2036.

In terms of the detailed development management policy considerations, an assessment will need to be made regarding the weight which should be afforded to emerging policies. The applicant's statement of conformity with the emerging Local Plan should be used to inform that assessment and further information is required in this regard.

#### **Conservation Officer**

##### Initial Comments

##### *Background*

The application site is located in Bedhampton and is currently used as farmland. The site is adjacent to the Old Bedhampton Conservation Area and is positioned to the south west of the conservation area boundary, just south of Lower Road. To the south of the site lies the railway line and further south of this is the A27.

The site has been identified as a housing allocation site (Policy H20) in the new Draft Local Plan 2036, which is currently going through the adoption process. It was also proposed as a housing site in the Council's Local Plan Housing Statement 2016, which identified the site in principle for up to 50 dwellings.

The Old Bedhampton Conservation Area is also in the process of being reviewed with a revised Character Appraisal and Management Plan updating the original appraisal from 1980. This has been through the public consultation process and is awaiting final adoption by the Council.

There are some site constraints set out in Draft Policy H20 which relate directly to heritage. These are as follows:

- The site is adjacent to the Old Bedhampton Conservation Area
- The Old Manor Farm is adjacent to the north and is of local historic interest
- The site is near the Grade II listed buildings of the Church of St Thomas, the Old Mill House, the Elms, Manor Cottage, Bidbury House, Spring Lawn and Manor House.

The application has been submitted with the inclusion of a Heritage Statement by

Terence O'Rourke Ltd, which assesses the impact on the nearby heritage assets.

### *Proposal*

The proposal is for 50 dwellings with access taken from Lower Road and includes a mixture of single storey and two-storey dwellings. In the northern part of the site, the dwellings would be set back from Lower Road with the existing hedgerow retained and include detached dwellings, with single storey dwellings adjacent to the Old Manor Farm buildings. The development includes a central green space and also a landscaping buffer to the rear of the site, which will include an attenuation basin. The footbridge over the railway (not a PROW) will remain in situ. The new dwellings would be of a traditional design, proposing materials such as clay and slate roofs, brick, chimneys, black rainwater goods, timber windows, and timber framed porches.

### *Policy Considerations*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The recently published Good Practice Advice Notes 1, 2, 3 from Historic England, supersede the PPS 5 Practice Guide which has now been withdrawn by Government. The Historic Environment Good Practice Advice (GPA) in Planning Note 2, states at paragraph 4: The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan, and the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

Of particular relevance for this application, given its location adjacent to the Conservation Area, is Good Practice Advice (GPA) Note 3 – The Setting of Heritage Assets. This note provides advice on understanding setting, how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. This guidance note also advises that setting is not a heritage asset or a designation in itself, but its importance lies in what it contributes to the significance of the heritage asset. The National Planning Policy Framework (NPPF) 2019 sets out the policies that the Council must take into account when determining planning applications. The NPPF sets out, in Section 16, the proposals regarding Conserving and Enhancing of the Historic Environment. The following paragraphs are of particular relevance:

Para. 189 advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including the contribution made by their setting.

Para. 192 advises that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

Para. 194 states that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused.

Para. 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed up against the public benefits delivered by the proposals.

Current Local Plan Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) at section 4, advises that planning permission will be granted for development whereby it protects and where appropriate, enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy DM20 from the adopted Allocations Plan 2014 advises that planning permission will be granted for development that conserves and enhances the historic assets of the Havant Borough and that a heritage statement is expected for developments which have the potential to affect heritage assets.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation must be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

*Key points from Heritage Statement (Terence O'Rourke Ltd) and Draft CAAMP (Havant Borough Council)*

The Heritage Statement by Terence O'Rourke Ltd describes the significance of Old Bedhampton in Chapter 3, detailing the key listed buildings and the general growth of the village. Para. 3.6 makes reference to the Figure 2 map (1810) which shows large square fields parallel to the coastal road and two narrow routes leading south from Lower Road to Broad Marsh. Para. 3.8 makes reference to the 1868 map (Figure 3) which shows the area beneath Lower Road as a single large field parcel, with the route south to the marshes retained and crossing a bridge over the new railway. Para. 3.10 highlights in the introduction of Manor Farm in 1909 which was a new farm comprising planned courtyard of farm buildings and three houses on the south side of the road. Housing on the north side of Lower Road continued to emerge up until the 1950s.

The Old Bedhampton Conservation Area, which was first identified in 1980 has recently been reviewed with the inclusion of Manor Farm (adjoins the application site) and an updated Character Appraisal and Management Plan (CAAMP).

Para. 2.7 of this appraisal identified 'the immediate setting of the Conservation Area is an important aspect of its significance, particularly areas such as Bidbury Mead, lands to the south of Bidbury Lane and farmlands to the south and south west of Lower Road. These lands have provided a rural setting of the Conservation Area and settlement. Any proposed development with these areas would have to meet the requirements set out in Listed Buildings and Conservation Areas Act 1990. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area'.

Para 2.8 goes on to identify – ‘Apart from changes to the mill lands to the south and southeast, the conversion of Manor Farm and development to the north side of Lower Road, the historic landscape and field patterns remains remarkably intact, including the network of routes, tracks and paths, some of which have their origins recorded as far back as the 1770s’.

Para 2.9 – ‘Exceptions include the intrusive row of non-native coniferous trees that form a new boundary line between the fields to the south of Lower Road. Also the route of Narrow Marsh Lane which is known to have existed in circa. 1709 and on historic map dating from 1797 (Figure 6), which leaves Lower Road and leads to a bridge over the railway line to the land beyond. Recorded as a route in the late 18th century, it is now a track. The link to the harbour was severed by the construction of the A27 by pass’.

Para 4.7 identifies the existing urban grain – ‘Due to the limited periods of change, the spatial and contrasting urban grain and development patterns are legible. For example, the nucleated yet loose pattern within the historic core sits in contrast to the interwar and post-war development to the north and west. The late Victorian / early Edwardian terracing to the west is distinct in terms of its grain and density being much tighter than that of the interwar development north of Lower Road and the large detached dwellings sitting within ample grounds within the historic core. The rural setting to the settlement is a key feature of its character including the location of buildings that had a link with the working landscape’.

Para 4.12 - The farmlands to the south and south west of the current lanes are considered to reinforce the rural origins of the settlement. This role is evidenced by the surviving farm group to the south side of Lower Road and the farmland with the historic route / footpath leading to another bridge providing access to the severed area south of the railway line. The presence of the line of non-native conifers intrudes into this setting but does not remove the sense of that connection.

Responses from local residents were made during the consultation on the draft CAAMP, that the boundary of the Conservation Area should be reviewed to include the land south of Lower Road (including former farm buildings and agricultural lands) (amongst other areas), as these have important historic connections to the Conservation Area. However, the Council’s response was that ‘although these areas form part of the setting to the Conservation Area, and historic connections can be evidenced from mapping and other sources, they are mainly fields that do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Therefore, these areas were not included within the recommended revised boundary of the Conservation Area’.

#### *Assessment*

The NPPF makes clear the importance of identifying and assessing the particular significance of any heritage asset and explains that this needs to be taken into account when considering the likely impact that development proposals may have. The NPPF also requires that ‘a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it’.

The NPPF also advises that ‘the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses

in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.'

In this regard the heritage assets are the Old Bedhampton Conservation Area and the listed and locally listed buildings which form part of the Conservation Area. The significance of the Old Bedhampton Conservation Area derives from a dispersed pattern of development, with expansive green spaces and fields to the East, South and South West. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal, loose knit appearance, which is reinforced by the network of narrow, often windy lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries. This gives the Conservation Area a sense of tranquillity and rural character, in spite of its proximity to the more suburban development that sits to the west and north of the area.

Part of the analysis on the impact on setting, is to establish whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution. Both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.

The Conservation Area's setting to the south and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from 20<sup>th</sup> century developments that encroached onto the area.

The introduction of new dwellings south of Lower Road, will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm, although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings.

However, as in the case of the impact on the setting of the Conservation Area, detailed above, it is considered that the overall extent of harm to the setting of the Conservation Area, would be **less than substantial**.

This view is formed by the understanding that the direct impact to the listed buildings and their immediate settings would be low and that the proposed development has been designed in such a way that it would minimise harm (to a degree) through the proposed site layout.

The proposed development would be set back from the existing dense boundary hedgerow to the south of Lower Road and would be only marginally visible from further up Lower Road, when travelling south, moving outside of the Conservation Area boundary. The lowest density of housing is proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed which is positive, which appear to be well suited to the palette of materials in the local vernacular.

*Conclusion*



Overall, is it considered the development would not either preserve or enhance the setting of the Conservation Area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, as the harm to the significance of the heritage asset can be moderated to a degree, it is concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

Please note at time of this response, the Old Bedhampton CAAMP 2019 is still awaiting final adoption by the Council. If further changes are made to this document, then an updated response will be provided.

### Further Conservation Response

This further response is provided following the formal adoption of the Old Bedhampton Conservation Area Appraisal and Management Plan (CAAMP) by the Full Council on 25th September 2019. Please refer to the original heritage response for background, legislation and assessment which still forms part of the overall heritage response.

This further response considers what impact the revised CAAMP has following its recent adoption. The original heritage response concluded that overall, it is considered the development would not either preserve or enhance the setting of the Conservation Area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, as the harm to the significance of the heritage can be moderated to a degree, it was concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal.

#### *Final adopted version of the Old Bedhampton CAAMP 2019*

The Council resolved to alter the boundary of the Conservation Area to include three new Character Areas (3, 4 and 5)

Of most relevance to the consideration of the proposal APP/19/000427, is the new Character Area 5 which includes the Old Manor Farm buildings, being adjacent to the development site. These buildings have been included within the Conservation Area as whilst they are no longer in their original agricultural use, they retain some interesting architectural features and the relationship between the buildings is distinctly that of a farmyard arrangement.

In the original response, the impact of the proposal on Old Manor Farm was considered as a locally listed building. As these buildings now form part of the Conservation Area, greater weight is attached to its status as a designated heritage asset. As stated in the original response, the Conservation Area's setting to the south and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of

character, from 20th century developments that encroached onto the area.

The introduction of new dwellings south of Lower Road, will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm, although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings.

However, as in the case of the impact on the setting of the Conservation Area, including the new Character Areas and in particular Character Area No. 5, it is considered that the overall extent of harm to the setting of the Conservation Area, would be **less than substantial**.

This view is formed by the understanding that the proposed development has been designed in such a way that it would minimise harm (to a degree) through the proposed site layout, with the lowest density of housing being proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed which is positive, which appear to be well suited to the palette of materials in the local vernacular.

If the application is to be approved, it is advised that a condition requiring materials samples to be provided and agreed prior to any above ground development taking place is included on any decision.

### **Historic England**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### **Hampshire Highways**

#### Initial comments

#### **Existing Conditions**

##### Walking and Cycling

Lower Road is a rural style road with limited footway provision. Across the site frontage there is currently no footway on the southern side of Lower Road and on the north side provision at its junction with Lodge Road and a short section leading in to and just around the sharp bend at the eastern end of the site. There is another section commencing about 50m. to the north all the way to Brookside Road. There is a link from Lodge Road to Bedhampton Road via Footpath 107 which also connects the site to the wider provision in Bedhampton.

Lower Road makes up part of Havant Borough Council's formal cycle network, signposting cyclists westwards across Rusty Cutter Roundabout or south along Harts Farm Way. Given the lack of footway or other shared use path provision, cycling along Lower Road takes place within the carriageway.

#### **Bus**

The closest bus stop to the development sits c.550m to the north on Bedhampton Road. The facilities here consist of a bus shelter, flagpole and timetable which are considered sufficient for encouraging the uptake of bus travel from the site. Bus service 21 operates every 10-15 minutes, while service 23 operates every 15 minutes, providing journeys to Portsmouth, Southsea and Havant.

## **Rail**

The nearest train station (Bedhampton Rail Station) is c.1000m northeast of the development, providing regular journeys to destinations further afield. While the station does not benefit from a car park, cycle parking spaces are provided, representing a potential method of travel to replace the private car.

## **Local Highway Network**

Lower Road can accommodate two way vehicular traffic and is subject to a 30mph speed limit. Automatic Traffic Surveys have been undertaken by the applicant to establish vehicle speeds along the road in proximity of the site. The wet weather 85<sup>th</sup> percentile speeds were recorded as 20.6 mph heading eastbound and 18.2 mph westbound. Vehicular flow has been recorded as 60 two-way movements in the AM peak hour, and 58 in the PM peak hour. Pedestrian and cyclist movements along Lower Road have also been recorded, highlighting Sunday as the busiest day for pedestrians with 149 two-way movements and Friday for cyclists with 104 two-way movements across the day. This level of pedestrian and cycle movements indicates that Lower Road currently operates as a shared surface.

Lower Road terminates to the west of the site, providing vehicular access to approximately 30 dwellings. There is a shared use footpath/cycleway link to the Rusty Cutter Roundabout beyond the end of the carriageway.

## **Personal Injury Accident Data**

Personal Injury Accident (PIA) data has been collected from Hampshire Constabulary for the period between 01/05/11 to 31/01/2018 covering Brookside Road, Lower Road and Lodge Road. No Personal Injury Incidents on these roads were recorded across the study period, indicating that there are no existing highway safety issues in the area. The Highway Authority is therefore satisfied that there are no existing safety issues on these roads.

## **Traffic Impact**

To ascertain the likely number of vehicular trips generated by this development, the TRICS database has been consulted to provide trip rates for the AM and PM peak hours. Based on the criteria selected, the total two way trips are identified as 0.518 in the AM peak and 0.517 in the PM peak, corresponding to vehicle trips of 26 in both the peak hours. The Highway Authority has carried out its own review of the likely number of trips from the development and confirm that the trip rates provided are acceptable.

The distribution of these vehicular trips has been split into commuting and business trips, with 46% of trips being for employment and 54% for other purposes (leisure, education, etc.). The distribution assumption for both of these categories has then been calculated. For commuting trips, National Census Journey to Work data has been used for output area Havant 018 MSOA. To understand other journey purpose trips, a gravity model has been by the applicant, focusing on destinations within a 35 minute drive. Combining the outputs for the above places Bedhampton/Havant as the highest trip attractor with 42.02% of all trips, followed by Portsmouth at 22.23% and Waterlooville/Horndean at 11.93%. These trips have been assigned onto the local road network in figures TF6 and TF7 and are considered acceptable.

## **Junction Modelling**

Junction modelling has been undertaken at the following junctions:

- Site Access/Lower Road;
- Brookside Road/Bedhampton Road; and

- Bedhampton Road/Bedhampton Hill roundabout.

Within the modelling assessment, a 2017 base has been used to assess the operational performance of the junctions and 2019 with/without scenario used as a 'future year' to ascertain how development traffic will affect the operational performance of these junctions. Whilst this approach is considered acceptable in principle, we are in 2019, and this should be used as the base year within the modelling, rather than as a future scenario. A 5 year future scenario to 2024 should be assessed to gauge how the identified junctions operate following the assignment of development trips on the network. Additionally the Highway Authority require committed developments to be included, in this case the development to the west of A3(M) known as Forty Acre Farm will need to be taken into account. Detailed modelling comments cannot be provided until clarification is provided on these matters.

## **Site Access**

### Vehicular

Proposed vehicular access into the development was progressed through a Pre-Application Design Review with Hampshire County Council. Access into the site is proposed via a bellmouth access, as shown in drawing number ITB12174-GA-002. Visibility splays have been provided at 2.4m x 43m, commensurate with the 30mph speed limit. To reduce hedgerow loss along Lower Road, a 2m wide footway is provided internally in the site, heading west to connect to the existing footway provision at the junction between Lower Road and Lodge Road with a short connection forward of the frontage hedge to the existing post box. This will require the relocation of a street lighting column and a telegraph pole. A section of footway is provided along the site frontage to the east of the access, with tactile paving provided to cross pedestrians to the existing provision on the northern side of Lower Road. It is recommended to shorten this provision by a few metres to better align with lower kerbs on the north side of Lower Road.

The access has been tracked for a super large refuse vehicle, demonstrated in drawing number ITB12174-GA-006, showing the movement is tight based on the bellmouth radii. It should therefore be investigated whether the radii of the junction can be increased slightly to aid the movement of a refuse vehicle and other large vehicles in and out of the development. In addition tracking will be required to show how a super large refuse vehicle can turn in to and out of all road 2 including accessing and egressing Lower Road.

The application includes use of an existing agricultural access for construction purposes and how an articulated vehicle can enter and leave the site. The same should be provided for a large pantechicon vehicle which has different turning requirements.

A Stage 1 Road Safety Audit has been undertaken for the proposal. Comments were raised by the auditor and considered within the designers response which have been reflected in drawing number ITB12174-GA-002. A CTMP will be required prior to development of the site (for approval by the Highway Authority) to manage the movement of construction vehicles to and from the development and to address other issues such as preventing mud from being dragged onto the highway when egressing the site.

### Pedestrian and Cycle Access

As mentioned, the frontage of the proposed development on Lower Road does not contain a footway. To address this matter, a 2m wide footway is proposed internal to the site, linking to the junction with Lodge Road to the west via tactile paving. The offer to provide signage towards Footpath 107 and Lodge Road is welcomed, additional

signage to the west for pedestrians and cyclists may also be required and should be provided within the S278 design check submission.

Drawing number ITB12174-GA-002 details the footway connection to the east. This link is provided on the corner of Lower Road, linking to the existing footway provision on the northern side of the carriageway. North of this link, the footway terminates for 50m before recommencing on the approach to the junction with Brookside Road. The narrower carriageway at this location means a footway link cannot be provided across the missing section. However, traffic surveys have been carried out with 85th percentile speeds recorded at 21 mph and pedestrian forward visibility provided to 30m. It is therefore considered that the current safe operation of Lower Road as a shared surface across the absent section of footway is unlikely to be compromised by the additional vehicular trips generated by this development.

The distance to local facilities has been assessed from the development based on the criteria set out in the National Travel Survey 2014 which states 800m is a “comfortable walking distance”, 2 km is a “reasonable” walking distance and 3.2 km is a “maximum” walking distance. The Highway Authority does not accept the methodology for determining the likelihood of walking trips. Adopting 2 km as a reasonable walking distance and 3.2 km as a maximum regular walking distance is therefore not agreed.

The CIHT publication ‘Providing for journeys on foot’ states the preferred maximum walking distance is 2 km for commuting and sight-seeing. Acceptable walking distances are also considered for a range of journey types within this document. This places a number of destinations highlighted in table 5.2 over the maximum distance that pedestrians are prepared to walk. This matter should be reassessed within the TA before further detailed comments on sustainable access to the site can be provided.

### **Site Layout**

As mentioned above further tracking of a super large refuse vehicle is required at the entrance between Lower Road and Road 2.

It is not clear if the applicant would wish the Highway Authority to adopt the on site roads and footways/paths. If that is the case and if it includes the SUDS then they will be required to only take water draining from the highway and not any roof or other private area. Either way additional space is recommended between the edge of the road and the top of the excavation for the SUDS.

There is a step in road 2 on the north side opposite plot 5, this should be replaced with a smooth transition between the two widths or the whole road kept at a single width.

An explanation of the double line just to the north of road 2, and adjacent to plot 15 would be appreciated.

The tracking drawing for a super large refuse vehicle in front of plot 10 would suggest the most southerly of the two trees shown is unlikely to last very long.

Allocation of all private parking spaces to individual plots is required. The unallocated spaces (6 in number) are concentrated at the south west end of the site. The number is a matter for the Borough Council, but I recommend their width is increased to 2.5 m and they are distributed more evenly throughout the site.

There is a footpath shown looping through an area of Communal Open Space, the western link of which utilises a private drive serving plots 31 to 33. It is not

recommended to have public rights over a shared private drive, but this is a matter for the Borough Council.

The Highway Authority are not currently in a position to provide a positive recommendation until the outstanding information and observations on the internal matters have been satisfactorily addressed and therefore at this time advise an objection on the grounds of :-

1. Inadequate information has been provided to enable the LPA to fully understand the implications of the proposed development on the local highway network.
2. Amendments are required to the layout to make it satisfactory to the LPA.

#### Further comments

Thank you for re-consultation on the above planning application. In response to the Highway Authority's letter dated 23rd May 2019, the applicant has produced a Technical Note aiming to overcome the outstanding highway matters. The following response considers the points raised within this document.

#### *Traffic Modelling*

The original transport statement included modelling for the following junctions:

- Site Access/Lower Road;
- Brookside Road/Bedhampton Road; and
- Bedhampton Road/Bedhampton Hill Roundabout.

It was identified in the Highway Authority's previous response that the modelling has only been undertaken to 2019, which should have been considered as the base year for the assessment. To understand the impact of traffic from this development, the Highway Authority requested modelling to a future year of 2024, including the 'Forty Acre Farm' site (planning reference APP/18/00450) as a committed development.

A subsequent sensitivity test has been undertaken to model the aforementioned junctions to 2024. Under this scenario, the Portsdown Hill Road arm of the Bedhampton Road/Bedhampton Hill Roundabout increases to an RFC of 0.92 and 1.08 in the AM and PM peaks respectively. Whilst the latter is noted to be overcapacity, this is primarily caused by background growth at the roundabout, with the vehicular traffic from this development only resulting in 1 additional movement every 4 minutes across the peak hours. The predicted vehicular flows through this junction of 17 in the AM peak and 15 in the PM peak in 2024 result in an overall increase in vehicular flow of 0.75% and 0.58% in the AM and PM peaks respectively. For this reason, mitigation from this development is not considered necessary.

#### *Accessibility*

Nearby facilities were previously assessed against the National Travel Survey 2014 findings which suggested that the maximum distance that pedestrians are prepared to walk is 3.2km. This was disputed by the Highway Authority who asked for a reassessment of the identified facilities against the CIHT 'providing for journeys on foot' publication which considers 2km as the maximum walking distance.

The reassessment shows that while there are a number of employment and retail outside of the 2km bracket, the majority of the identified facilities sit within the 2km 'maximum preferred' walking distance.

The updated accessibility work did highlight that a number of the identified schools sit close to the maximum preferred walking distance. As a result, a route to school audit

was requested on the main route to these schools to understand whether there are any improvements required as part of this development to maintain safety and encourage sustainable modes travel to school. Through this assessment, a number of improvements were identified, as detailed in drawing number ITB12174-GA-007 Rev A. The Highway Authority have reviewed these improvements and have agreed to the applicant paying a £23,489 contribution towards the improvements to be secured via a S106 agreement. This is considered adequate mitigation for the forecast increase in vehicular and pedestrian movements on routes to school.

The Highway Authority is aware that there is local concern regarding the intensification of use by vehicles and pedestrians of a 50m section Lower Road with no footway. A number of improvement options have been explored; however, the limited width of the highway constrains what is achievable here. The Highway Authority has carefully considered the impact of the development on the current layout. There have been no recorded accidents over the past 20 years at this location. Vehicle use is forecast to increase by 26 trips in the AM and PM peak hours and pedestrian use by 12 in the AM peak and 8 in the PM peak. Vehicle speeds are low in the area, with 85th percentile speeds of 18.1mph eastbound and 15.7mph westbound (adjusted for wet weather). Hampshire County Council's safety auditor has reviewed the impact of the development on this section of highway and considers that the current safe operation of Lower Road will not be affected by the additional vehicular and pedestrian flows.

Given the above, the Highway Authority does not consider that the development will lead to an unacceptable impact on highway safety or a severe impact on the road network and as such no objection has been raised in relation to this issue. It is noted that there is also an alternative walking route utilising Footpath 107, which is accessed from Lodge Road. This is partially lit and surfaced; however, the footpath width is restricted. This does offer an alternative route choice, although it is appreciated it may not be attractive to all users at all times.

#### *Site Access*

To aid the turning movement of a refuse vehicle, it was requested within the previous response that the radii of the junction was increased. This amendment has been reflected in drawing number MJA 5992:601 Rev C. Also, a reduced length of footway and crossing point to the northern side of Lower Road was requested from the development to provide pedestrian access to the wider network. This amendment has also been reflected in drawing number MJA 5992:601 Rev C. This drawing has been reviewed and is considered acceptable. The access works should be delivered by entering into a S278 agreement with the Highway Authority.

#### *Internal Site Layout*

The applicant has confirmed that the internal site layout will not be offered for adoption through a S38 agreement to the Highway Authority. However, to address the comments raised regarding the internal site layout, table 4.1 has been produced by the applicant and included within the Technical Note. This sets out the comments previously raised by the Highway Authority, and how these points have been addressed in the latest drawings.

With the internal roads and footways not being offered for adoption, the Highway Authority raise no objection to the proposals. However, the developer is advised to ensure that the roads and footways are designed to the minimum industry standards and/or Hampshire County Council's best practice as set out in <https://www.hants.gov.uk/transport/developers/constructionstandards>. Developers should also be made aware of the Advanced Payment Code (APC) that will be required by the Highway Authority. Details of this can be found via the following link -

<http://documents.hants.gov.uk/transport/APCProcess-Guidancedocumentforwebsitev22018-04-02.pdf>.

### **Recommendation**

The applicant has adequately addressed the issues raised in the Highway Authority's previous response. The Highway Authority therefore recommend no objection to the application, subject to the following conditions and obligations:

#### S106 Obligations

- Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.
- Site access works, as detailed in drawing number MJA 5992:601 Rev C, to be delivered prior to occupation of any dwelling.

#### Conditions

- Prior to first occupation the visibility splays shown for the vehicular access and two pedestrian accesses shall be provided so that any obstruction within the splays between 0.6m. and 3m. above the level of the carriageway shall be removed. These splays shall be maintained in this condition thereafter.
- Prior to use at least the first 16m of access measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material and shall be maintained in this condition thereafter.
- A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

### **Arboriculturalist**

#### Initial comments

The contents of the submitted Arboricultural Assessment and Tree Constraints Plan are noted however in order to make a fully informed decision an AIA, Method Statement and Tree Protection Plan should be submitted as part of the application.

#### Amended plans/details

I have reviewed the updated Arboricultural Method Statement and Tree Protection Plan. I have no objection to the removal of the poor quality trees shown to be removed as they are unsuitable to be protected by a Tree Preservation Order. The remaining trees on and offsite can be adequately protected during the course of development by the protective fencing. The tree work specified to be carried out in the method statement is also appropriate and necessary. The work should be carried out in strict accordance with Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019. No work should commence on site until the protective fencing is in place.

### **Building Control, Havant Borough Council**

No adverse comments



### **Community Infrastructure, Planning Policy & Urban Design**

The development is CIL Liable, in accordance with our CIL Charging Schedule:  
<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued, if a permission is issued in 2019 the amount of indexation would be 39.73%, it will increase on 1/1/2020. It should be noted that the CIL Charging Schedule is currently under review alongside the Pre-submission Local Plan.

As there is an element of Social Housing, CIL Form 2 will be required to consider granting of Mandatory Social Housing Relief.

We note that the design includes Car Barns. Like garages these would be CIL liable floorspace and we would query as to whether the GIA for both of these types of car storage have been included within the figures supplied on the CIL 'Additional Information' form. If not included, a revised form will be required.

S106

This would arise from consultee responses and could include (amongst any other site-specific obligations necessary):

1. Affordable Housing
2. Monitoring Fees\*
3. SRMP\*\*
4. Management Company and Management Plan
5. SUDS and SUDS Bond
6. Highway Works (HCC)
7. Site Specific Transport Improvements (HCC)?
8. Education (HCC)
9. Travel Plan (HBC)
10. Others? Biodiversity Mitigation Measures?

### **County Archaeologist, Strategic Environmental Delivery Group, HCC**

#### Initial Comments

I would draw your attention to the archaeological assessment submitted with the application which I cannot endorse to you.

The assessment is weak and some of its conclusions are unsupported. The assessment acknowledges that the archaeological evidence of the wider vicinity indicates 'rich and varied' archaeological heritage in the area, although there are few archaeological records immediately close to the development site. The assessment inexplicably concludes that (para 7.4) "The site is likely to have remained on the periphery of human activity from the prehistoric to the early medieval...". This seems a perverse interpretation of the evidence. Where archaeological survey in the wider landscape has taken place a varied range of archaeological sites have been encountered. But the absence of any archaeological sites in an area where no archaeological survey has taken place in the past is interpreted as the area being peripheral rather than unexplored but with potential commensurate with that in the vicinity. The wider archaeological potential of the area would apply equally to this site unless some other factor suggested otherwise. No argument or factor is put forward as to why this site is 'peripheral' to the wider landscape and I conclude that it is not peripheral merely not subject to past exploration. The report does note the important impact of the proximity of Langstone Harbour in terms of archaeological sites within the study area but appears not to have reviewed the Langstone harbour evidence,

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which strongly suggest that the harbour and harbour edge was subject to exploitation and occupation from the Mesolithic onwards. This archaeological potential includes Mesolithic sites and camps, Bronze Age and Iron Age occupation sites, salt working and burials, and a rich Roman landscape. The relationship of this site to the harbour edge would suggest that it is likely to be strongly associated with this sort of evidence and not 'peripheral' as described.

The section on Mesolithic evidence recognises the richness of the evidence of the vicinity (5.2.1) but assumes perversely that the potential of the site is low (para 5.2.5) somehow concluding that the site's potential is for isolated residual finds of negligible significance only. No reason is given why this might be assumed.

The nearby presence of a Neolithic long barrow is noted (para 5.3.1) but concludes that this does not imply further Neolithic activity in the area (para 5.3.3). However what other conclusion could be drawn from the Neolithic burial monument. The conclusion that the area therefore has a low potential seems perverse.

Likewise, 5.4.2 acknowledges the wider Bronze Age activity the area and it is hard to see how the paragraph then concludes that the site has a low potential.

Para 5.6.6 suggests that as the wealth of Roman activity known in the vicinity is set away from the current site this means there is little or no archaeological potential on the site itself.

The site lies in an area on the fringe of Langstone Harbour that was exploited in the Mesolithic; the Neolithic burial mound suggests the landscape continued to be exploited subsequently. The Langstone Harbour edge is rich in Bronze Age archaeological evidence and Iron Age settlement and salt working has been found. It is a richly used landscape in the Roman period. It seems inescapable that the site has a high archaeological potential. That is the potential to encounter archaeological sites which are as yet unrecorded.

I recommend that an archaeological condition or conditions are attached to any planning permission which might be issued. These should secure a preliminary archaeological survey to establish the location, extent and character of any archaeological remains within the site. They should also secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results.

There is the potential to encounter archaeological sites which are as yet unrecorded, and the recommendation is for an archaeological condition to secure a preliminary archaeological survey to establish the location, extent and character of any archaeological remains within the site and to secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results.

Further comments in respect to Marsh Lane

The archaeology 'below' the lane is least likely to survive. Long lived routeways tend to be eroded features that cut into the ground and are brought back up by successive surfacing.

**Officer comment:** *A condition is proposed re the above recommendation.*

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**Crime Prevention -Major Apps**

No comments received.

**County Minerals**

No comments received

**Education Department**

Thank you for the opportunity to comment on the planning application for 50 dwellings at Lower Road, Havant. This development sits in the catchment areas of Bidbury Infant and Junior Schools and Warblington Secondary School. The anticipated yield from the development is 2 pupils per year group.

Although the Bidbury pair of schools are full they only achieve this by out catchment recruitment. The yield from the development at Lower Road will be able to be accommodated at the Bidbury Schools without the need for any expansion as the out catchment recruitment can diminish over time with these out catchment pupils being able to be accommodated in their catchment school. Consequently, I will not be seeking a contribution from the developers to provide any additional primary school places.

Similarly, there are places available at Warblington Secondary School to accommodate the yield of pupils at secondary age and, again, I will not be seeking a contribution to provide any additional secondary school places.

**Environmental Health Manager, Community Group**

No objections in principal to this application but note the concerns in relation to noise and vibration arising from transport noise given the proximity of the A3(M), A27 and the adjacent railway line.

I have reviewed the information provided in the Noise and Vibration Report submitted as part of the application documentation and would ask that the following conditions are included in any permission you are minded to grant:

**1. Noise**

The development shall be built in accordance with the noise mitigation recommendations outlined in the acoustic report provided by 24 Acoustics (Technical Report: R6954-1 Rev 1 dated 28th March 2019) attached to the planning application namely:

The specification measures outlined in Parts 5.7 - 5.10 of the report.

The agreed details shall be fully implemented, and validation test results submitted to the Planning Authority before the use hereby approved is commenced and/or any part of the development is occupied.

The measures are based on the units being of cavity masonry construction. Any divergence from this method of construction would require a further acoustic report to reflect the changes, to be submitted, as further mitigation measures may be required in that instance.

Reason - To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded.

**2. Construction and Environmental Management Plan (CEMP)**

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable

means to reduce the effects of noise, vibration, dust and site lighting. The approved Plan shall be adhered to throughout the construction period.

The plan should include, but not be limited to:

- An indicative programme for carrying out of the works
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- The arrangements for deliveries associated with all construction works
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Location of temporary site buildings, compounds, construction material, and plant storage areas
- Access and egress for plant and machinery
- Protection of pedestrian routes during construction
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 - 18.00 hours on Mondays to Fridays and 08 00 and 13 00 hours on Saturdays and; at no time on Sundays and Bank Holidays
- Procedures for emergency deviation of the agreed working hours
- Control measures for dust and other air-borne pollutants
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- The parking of vehicles of site operatives and visitors
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of nearby residential premises during the demolition/ construction phase of the development

#### Contamination

The Environmental Desk study was in broad accordance with the Councils opinion of the risk profile of the site, and did not identify any potential sources which could affect the site and which were previously unknown to the Council.

The intrusive investigation provided general coverage of the site, and sought to target the raised (made) ground comprising the historic track, and groundwater in the vicinity of the former above-ground storage tank (for which no record exists to inform a desk-based assessment of the risk posed by this feature).

Groundwater was not encountered during drilling, and subsequent monitoring has shown levels to be generally deeper than 3.0m below existing ground levels. Portsmouth Water has also confirmed that groundwater south of the SPZ1 is down-hydraulic-gradient of the potable abstraction points, and is (therefore) of relatively low sensitivity. No groundwater sampling was undertaken, but given the depth of the perched water, the low sensitivity to contaminants, and the lack of visual or olfactory evidence of contamination impact - I would agree that sampling was unnecessary.

Contamination was identified within two samples of made ground from the same location (WS4). In the absence of other samples, these results must be assumed to be representative of the whole volume of made soils associated with the raised access track.

The deposit of Made Ground is well defined & identifiable at the surface, and deeper samples from WS4 confirm that natural soils are unaffected (contaminants are of low mobility). Screening criteria were exceeded for several PAH congeners at depths of at least 0.4m depth (and may be found anywhere within the made soils, proven to up to 0.9m depth), and the report concludes that this is sufficient to consider the made soils unsuitable for garden areas en masse.

In the absence of sufficient samples to allow a statistical assessment, I would have to agree the conclusion of the report in this respect, and by extension, accept the recommendation that the material should be removed for use in less sensitive areas of the site. I do agree that use within a new access track or under metalled road surfaces is acceptable, given the contaminant mobility and the different exposure profiles. The report also proposes a watching brief be maintained - given that the applicant chose not to commission a UXO risk assessment, it would be sensible to secure the watching brief by means of a condition, in order to raise awareness of the potential presence for deleterious materials to be present.

[Condition 1] Implementation of Remedial Measures, and Verification Reporting (Bespoke)

The development hereby permitted shall be carried out in accordance with the recommended Remedial Works and Contamination Discovery Strategy outlined in sections 11.2 & 13.0 of the Geo-Environmental Services Ltd. Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017), unless otherwise agreed in writing by the Local Planning Authority.

Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report must;

- a) demonstrate the adequate segregation of made soils deemed inappropriate for use in private garden areas, and either the appropriate 'off-site disposal' or 'within-development placement' of this material to ensure that no unacceptable exposures arise, and;
- b) document any assessments &/or remedial actions required to be taken in accordance with the Contamination Discovery Strategy, or if no actions were required; provide a positive declaration that no relevant discoveries of previously undocumented 'suspected contaminated' soils were made.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], contamination impacted soils have been identified within a discrete deposit at the site where contaminants are likely to exceed levels considered appropriate for use private gardens, allotments or soft-landscaped public amenity land. This condition aims to secure an appropriate use or destination for these soils, to ensure that no unacceptable exposure to harmful contaminants may occur.

Air Quality

Air quality has been considered in terms of both the effect of existing air quality upon the future occupants (as introduced sensitive receptors), and the emissions associated with the occupation of the proposed dwellings.

- Exposures within development

Background levels of air pollution are high around the A27 & A3(M) carriageways and road junctions, for Nitrogen Dioxide representing close to the highest values in the Borough. The application site is however sufficiently distant that background levels would be expected to be around 13% lower within the site boundary. Some modelling & monitoring information is available from the Forty Acre Farm application, and from monitoring undertaken by Havant Borough Council in the region of Bedhampton Hill. The balance of that information shows that models predict exceedances around J5 of the A3(M) & down-prevailing-wind of the A27 carriageway, but that measured results indicate substantially better air quality than predicted. This is tentatively attributed to the levels of planting around the carriageways, and in the wider landscape. It is considered reasonable to conclude that ambient air quality within the application boundary is unlikely to exceed 75% of respective objective or limit values (i.e. acceptable with >25% 'headroom' relative to applicable standards).

- Mitigating development emissions

As a source (upon completion & occupation), the development will introduce 50 new dwellings to the area, and contribute the products of combustion from dwellings (space heating, water heating, and cooking); alongside the indirect emissions associated with energy use and the emissions associated with the transport demand of the occupants. Emerging policy requires that developments consider and seek to mitigate these impacts. Whilst this policy does not yet carry material weight, it is recognised that these proposals seek to retain a substantial amount of the existing vegetation, and to introduce a reasonable level of green space and amenity planting, alongside a mix of hard & green boundaries.

In this respect, it is noted that the Landscape & Civil Engineering team require the variety of native planting to be increased, and for the landscaping scheme to place greater emphasis on large legacy trees. It is also noted that the character assessment requires a great reliance upon boundary planting and existing screening for successful integration with Conservation Area. It would appear that both landscape & ecology requirement are likely to ensure sufficient site green infrastructure to satisfy a proportionate general contribution to mitigation of development air quality impacts (by providing pollution interception, absorption and 'sink' services via the proposed and retained green infrastructure).

This notwithstanding, I would recommend that the applicant seek to select native tree (and hedging) species are selected which have a medium or high score on the Urban Tree Air Quality Score (UTAQS), where this remains compatible with the landscape & ecology requirements.

Suitable species include Alder, Maple, Hawthorn and Birch species (high UTAQS), and Apple, Ash, Cherry, Lime, Elder, Alder, Hazel, Rowan and Sycamore (medium UTAQS). Medium score species are generally better suited to absorption of NO<sub>2</sub> & SO<sub>2</sub> pollutants, whereas high score species are pollution tolerant, and generally more efficient at filtering particulate pollutants. Species that reach large mature size (height & spread) are substantially more effective than more diminutive species, though a 3-dimensional green environment which ensures air / leaf interactions at a variety of heights is beneficial.

For the benefit of the applicant, further detail on UTAQS can be found at the following link: <http://www.es.lancs.ac.uk/people/cnh/docs/UrbanTrees.htm>, or on the ecosystem services provided by particular tree species, at [www.itreetools.org](http://www.itreetools.org).

I have also briefly reviewed the Transport assessment and comments from both the Highway Authority and the Civil Engineers. These consultees have adequately covered both the junction modelling exercise and the aspects of the proposed development which will serve to facilitate the uptake of active travel modes for local trips. I have nothing further to add at this stage.

Environmental Health would wish to be consulted on any travel plan required by a subsequent s106 agreement, and to be kept informed progress towards targets as a routine part of plan monitoring.

#### General Pollution (SuDS)

I have reviewed the scheme, and note both the DCF summary comments from the Environment Agency, and the comments of Portsmouth Water Company regarding groundwater sensitivity.

The SuDS design is considered to represent an example of best practice as regards pollution control, and the scheme can be supported as proposed.

#### General Pollution (CEMP)

I note that both the County Ecologist and Environmental Health colleague have recommended specific conditions relating to the securing of a suitable Construction Environmental Management Plan.

In light of the relative lack of additional pollution sensitivities associated with the site, there is nothing further to add to the comments already made in respect of controlling emissions from the construction phase.

**Officer comment** – *A travel plan is not required for this scale of development, however, an informative in respect to the developer providing an information pack covering the location of facilities and public transport provision is recommended.*

#### **Hampshire Fire & Rescue**

Advice provided on access for firefighting, water supplies, fire protection, fire safety systems, and timber framed buildings.

#### **Housing Manager (Development)**

##### **Housing:**

##### Initial comments

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), and the Governments Ministerial Statement published during the summer of 2016, mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; The Pre-Submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30/01/2019 can be afforded limited weight.

The demand for affordable housing remains high within Havant borough; as at 16th July 2019 there were 1675 households registered on Hampshire Home Choice seeking accommodation in our area, and of these 801 are waiting for a one-bedroom home, 562 for a two bed, 245 for a 3 bed, and 67 for a 4+ bedroom home.

The applicants are proposing 15 (30% if the 50 units are realised) affordable units comprising of a mixture of 2, and 3 bedroom homes:

Bedroom size	Number of units	Size of units S q m
2 BH	7	58.2
2 B Bung	4	62
3 BH	4	82
<b>TOTAL</b>	15	

As shown above the demand for the larger 4+ bedroom homes are the lowest on the list, however this size of property also has the lowest supply, consequently the wait can be extremely long and can result in overcrowding situations that can have detrimental effects on all household members. To help meet this need I would like to see that the applicants consider the inclusion of at least 1 no 4 bed Affordable Rent property within their proposals; plot 30 may be a possibility.

The applicants have provided details of the location, and house type, however I cannot see any note of the proposed tenure split. I am satisfied that the affordable units are well distributed around the site, will be indistinguishable from the open market homes, and I would expect a 67/33 tenure split, Affordable Rent/Shared Ownership, as this would satisfy the definition in Annex 2 of the NPPF which states that 10% (gross) of the total number of new homes, as part of the affordable provision, should be an “other affordable route to home ownership”.

HBLP 2036 at paragraph 6.3 requires all residential development to meet the nationally described space standard, or any subsequent Government standard.

2 bed houses should be between a range of 70-79sqm, depending on how many occupants they are for, the proposed units are very small at 58.2 sqm. I would expect 2-bedroom affordable homes to be able to accommodate 4 persons, so a two storey 2 bed house should be 79 sqm.

2 bed bungalows should be between a range of 61-70sqm, depending on how many occupants they are for, so the proposals at 62sqm just meet the requirement for 3 persons only.

3 bed houses should be between a range of 84 – 102 sqm; the proposed units at only 82sqm fall short of the minimum requirement for a 3 bed 4-person home. I would expect the 3-bedroom units to be able to accommodate 5 persons and be no less than 93sqm in area.

To address locally identified need the HBLP 2036 states that, as this site is 50 dwellings, 2% of the overall housing provision should be designed to meet the wheelchair accessible homes standard. This would equate to 1 of the 15 affordable homes proposed. I am happy to see several 2-bedroom bungalows included in the proposals as these could/could be made, accessible for tenants with mobility issues, or wheelchair users.

Once developed, and subsequently transferred to a Registered provider, the Affordable Rent homes will be required to be advertised through Hampshire Home Choice, and the weekly rental will be capped at Local Housing Allowance Rates at first, and every subsequent letting.



The Shared Ownership homes will be marketed through Help to Buy South, our local Help to Buy Agent, and will be available to those applicants registered as being eligible for this type of low cost home ownership product.

The location of the development on; this area is served by buses that provide transport around the borough i.e. Havant where retail, medical, and educational opportunities are available, and this should help to create a mixed and well-integrated community.

Should this proposal eventually lead to development of the site Housing would support the application pending confirmation of the exact number, type, size, internal area, and tenure of the affordable homes.

#### Further comments

I have no issue with the bungalows that are potentially large enough to accommodate three people as this would generally meet the needs of those we have registered on Hampshire Home Choice for this type of accommodation.

The Affordable Rent two beds at 70sqm, if we compare with the NDSS, could only accommodate 3 people, and these homes could soon be outgrown and overcrowded, a consequence that VIVID might want to consider further. However, as of today the 571 applicants currently registered on Hampshire Home Choice seeking 2 bedroom homes, 85% of these have either 2 or 3 household members. Taking this, and the fact that the total 2 bedroom house affordable rent provision is only 4 units, I am satisfied with the size of these units. If this were a larger site, with more affordable provision I would be expecting some of the 2 beds to be able to accommodate up to 4 persons. I see that the 2 bed Shared Ownership units are stated as being 79sqm which would accommodate 4 people so I would be interested to know the reason why these are bigger.

The 3 bed Affordable Rent homes, looking at the floor plans, have a double and 2 single bedrooms so could only accommodate 4 persons. Again, current waiting list data shows that 69% of those requiring a property of this size comprise of households with either 3 or 4 members at this point in time. As there are just 2 no 3 bed Affordable Rent properties proposed I am willing to accept this; any larger developments with a higher level of provision would be expected to provide 3-bedroom affordable homes that could accommodate up to 5 or even 6 persons.

**Officer comment:** *Policy H1 is proposed within Draft Local Plan which would secure new housing developments to provide adequate internal and external space to ensure appropriate living environments for future occupiers, in accordance with the Technical Housing Standards. However, this policy currently has limited weight by virtue of the number of objections that have been received on this policy and could not therefore, at this point in the local plan process be refused on this matter.*

#### **Landscape Team**

##### Initial comments

- The proposed variety of tree species planted along the frontage of the site is not considered to be diverse enough and is deemed not to be in keeping with the existing landscape character of Bedhampton. As such we would require an improved mixture of UK native tree species along the frontage to lower road, an emphasis of large legacy trees preferred.
- There is a lack of footway provisions to safely navigate around the site. As a minimum we require an off road footway along the primary road that services the site. Additionally the transition from footway to shared surface requires greater clarification, further details of proposed kerbs and edging are required.
- Details of the children's allotments and community orchard are required for

submission.

- Tree pit details are required for submission for trees in both hard and soft landscape.
- A landscape management plan is required to ensure the realization of the soft landscape scheme. The sites successful integration in relation to the adjacent Conservation Area relies heavily on proposed boundary planting and existing screening to detach the site from the impacting the landscape character of old Bedhampton.

#### Further comments

-We have no further comments in relation to the hoggin footpath to the south and the tree species specification to the north of the site.

-We still have concerns with the lack of off road footway within the site and it seems that my comment regarding an off road footway to service the primary road within the site has not been addressed. We feel there is room east of the site that could be utilised to essentially shift the site west by approximately 2m to afford space for the footway.

-Note no. 2 in relation to the line of conifer trees in the landscape proposals (sheet 1 of 5) states that this line of trees is proposed for removal at some point. It would be useful to understand what will be proposed in the location once the line of trees have been removed. We would want to see additional trees planted in this location to offer a more substantial landscape buffer. These trees should consist of evergreen trees to offer all year round screening.

The revised tree species mix for the frontage onto Lower road is acceptable. However the planting schedule needs to be updated and the specification for the amended trees is required for submission.

**Officer comment:** *A landscaping condition is recommended to secure the information the Landscape Team are seeking.*

#### **Langstone Harbour Board**

Object to the proposals.

The land concerned is currently agricultural and is categorised in the Solent Wader and Brent Goose Strategy as a Secondary Support Area for SPA bird species. The Langstone Harbour Management Plan states that "The open area around the harbour is part of the harbour's landscape and nature conservation value and should be retained and managed for these purposes in association with the harbour itself".

*Officer Note- This matter is considered further by Natural England and the Council's Ecologist below.*

#### **Communities Team**

Contribution of £12,500 towards a community officer, to help new residents in the development integrate into existing communities required.

#### **Natural England**

##### Initial comments

##### **Further Information Required**

The application site is within 1km of the Solent Maritime Special Area of Conservation (SAC) and the Chichester and Langstone Harbours Special Protection Area (SPA). Further information is required to determine the impact of the proposal on the SAC and SPA, specifically in relation to the impact of nutrients from the development.

##### **Deterioration of the water environment – further information required**

Natural England note the submission of a Nitrogen Load Calculation, uploaded on 4<sup>th</sup> June, however we have recently published updated guidance on the calculation methodology (attached) which we advise should be followed for this development.

### **Solent Wader Brent Goose Strategy Secondary Support Area H05A – further information required**

The development site is within land classified as a secondary support area in the Solent Wader and Brent Goose Strategy. There are records of Lapwing using the area to feed, and although the site has not been regularly used in more recent years, it provides potential opportunities for overwintering birds designated within the qualifying species and assemblage qualification of the Special Protection Areas in the Solent.

The development will result in a loss of a portion of this area, Natural England has previously discussed the proposal at the pre-application stage and has recommended the guidance set out in the SWBGS Mitigation Guidance, 2018, document is followed. The Ecological Assessment, dated April 2019, states that a monetary payment will be calculated to avoid/mitigate impacts from the development. We advise your authority that detailed compensation costs should be provided and agreed with Natural England prior to any permission being granted. Natural England advise that this is calculated in line with the methodology set out in Appendix 2 of the SWBGS Mitigation Guidance, 2018. The agreed funding should be secured via a s106 agreement.

The remaining field areas to the east and west of the site are also part of the Secondary Support Area H05A, the construction phase may result in an indirect impact on the remaining support area. As such we recommend a Construction Environment Management Plan (CEMP) is produced which addresses and mitigates the impact of noise and dust from the construction phase of the development on the adjacent support area. The CEMP should be agreed by your authority and implemented in full by any permission.

### **Solent Recreation Management Strategy – No objection subject to mitigation**

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

Provided that the applicant is complying with the SPD or policy and the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended 2017). Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

### **Biodiversity Mitigation and Enhancement – condition recommended**

In order for your authority to be assured that the proposal meets the requirements of Natural England's standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England agrees with the comments of the HCC Senior Ecologist that the application should be supported by a site wide ecological mitigation strategy, which includes the mitigation measures put forward in the Ecological Assessment, dated April 2019, to be approved by the Local Planning Authority.

### Further comments

Natural England has provided this updated response based on the further information available on the planning portal as of the date of this letter. This updated advice relates only to the headings below, our previous advice on other aspects of the application remain unchanged and of validity to the determination of this application.

### **Deterioration of the water environment**

Natural England have reviewed the revised nitrogen load calculation, dated 11 July 2019, and agree that the development will result in a negative nitrogen budget. Provided the council complies with the requirement for Appropriate Assessment under The Conservation of Habitats and Species Regulations (as amended, 2017), Natural England are satisfied that the proposal will not have potential adverse effects on the integrity of the European sites, and has no objection to this aspect of the application.

### **Solent Wader Brent Goose Strategy Secondary Support Area H05A**

Natural England note the submission of the letter from Alco Ecology Ltd, dated 30 October 2019, which provides an update on the mitigation proposal for the loss of the SWBG secondary support site. A compensation sum of £329,036.40 has been proposed. Natural England is satisfied with the approach and advises your authority that the compensation figure should be secured in the s106 agreement. The compensation should be provided in advance of the loss of the support site, although this could be phased to align with phasing of the development.

The remaining field areas to the east and west of the site are also part of the Secondary Support Area H05A, the construction phase may result in an indirect impact on the remaining support area. As such we recommend a Construction Environment Management Plan (CEMP) is produced which addresses and mitigates the impact of noise and dust from the construction phase of the development on the adjacent support area. The CEMP should be agreed by your authority and implemented in full by any permission.

### **Council Ecologist**

The application is accompanied by an Ecological Assessment (Aluco, April 2019) which provides a sound appraisal of the site's ecological features. The site comprises an arable field with narrow margins and bordered by mature vegetation such as tree lines and dense scrub. Overall, the site is a fairly typical area of south Hampshire farmland and is of generally limited ecological value.

The site has been shown to support foraging/commuting bat species (primarily around the vegetated margins), a range of widespread bird species, and a small population of common reptile species.

Overall, the proposed landscaping scheme provides a useful area of open greenspace within the south of the site. This will include areas of sown species-rich grassland, native hedgerow, trees and scrub and wetland features and should provide a valuable range of habitats. Mitigation measures are provided for the identified ecological receptors, entailing timing vegetation removal to avoid nesting bird impacts and the use of habitat modification to encourage the translocation of reptiles from the northern boundary.

I am content with the proposed mitigation, compensation and enhancement measures, if you are minded to grant permission, can I suggest that these are secured through a suitably-worded planning condition requiring the provision of a single, site-wide ecological mitigation strategy. This strategy should be in full accordance with any landscaping, drainage and lighting strategies.

Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (Aluco, April 2019) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be

implemented in accordance with the agreed details and maintained in perpetuity in a condition suited to their intended function, unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

In addition, I would suggest that a Construction Environment Management Plan (CEMP) is secured through condition, in order that potential ecological impacts are subject to assessment and avoidance/mitigation measures detailed.

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, April 2019). Development shall be implemented in accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

The site forms part of the larger Solent Waders & Brent Goose Strategy (SWBGS) Site H05a, which is listed as a Secondary Support Area. As the proposed development will result in the loss of Special Protection Area (SPA) supporting habitat, a suitable mitigation package will need to be agreed. Whilst noting that the site has not been used regularly by SPA birds in recent years (due to the unfavourable nature of the site), the site nevertheless provides potential for SPA birds and, if in suitable condition, would most likely be attractive and contribute towards the overall SWBGS network. I note that the applicant has been in discussion with Natural England and the ecology report refers to the recently-published Mitigation Guidelines produced to accompany the SWBGS. For impacts to Secondary Support Areas, a costed mitigation and monitoring package is required which provides for either a like-for-like replacement area within the same locality or a mix of on-site recreational greenspace and a proportionate financial contribution towards the protection of the wider SWBGS network. Further detail is required in relation to mitigation proposals for SPA supporting habitat impacts. Although it is for the LPA, as competent authority, to undertake a Habitats Regulations Assessment, it is for the applicant to provide sufficient detail on mitigation measures which will enable the HRA to be carried out.

The site also falls within 5.6km of the Solent SPAs and will therefore contribute towards a cumulative impact from recreational disturbance. In line with the Solent Recreation Mitigation Strategy, financial contributions will be required on a per-dwelling basis.

### **Network Rail**

Due to the proximity of the proposed development to Network Rail infrastructure, Network Rail strongly recommends the developer contacts

[AssetProtectionsWessex@networkrail.co.uk](mailto:AssetProtectionsWessex@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

In particular Network Rail's Asset Protection Team (ASPRO) require the applicant to submit for ASPRO design acceptance and if needed, risk assessment & method

statement (RAMS) for any work within Network Rail (NR) zone of influence such as:

- Traffic incursion risk assessment and management plan
- Drawings & RAMS for fence- based on trespassing risk assessment including that regarding access to the bridge and additional RAMS covering; drainage, vehicle incursion & vegetation management adjacent to NR boundary.
- Drawings & RAMS for drainage, landscaping works adjacent to NR boundary NB: No soakaways should be installed within 20m from NR boundary, bridge, embankment toe.

The applicant should also confirm with ASPRO if any covenants are applied to the land and if so comply with them.

**Officer comment** – *The agent has been made aware of Network Rail's comments.*

### **Portsmouth Water**

Portsmouth Water have no objections to the proposed development, the site is located outside a Source Protection Zone and flow of water is away from the springs and associated Source Protection Zone.

#### Drainage

The proposed surface water drainage strategy is the combination of SuDS systems with final disposal via deep bore soakaways. Prior to disposal surface water will pass through several treatments in addition the soakaway features are located to the far southern boundary of the site and therefore we have no concerns on the surface water strategy for the site.

The foul drainage strategy is disposal to an existing main sewer, this is acceptable to Portsmouth Water in relation to groundwater protection. Portsmouth Water have no further comments on foul water drainage for the site.

Portsmouth Water are not the foul water undertaker for the area and the Flood Risk Assessment & Development Drainage Strategy report by MJA Consulting incorrectly identifies and references Portsmouth Water throughout this report. Southern Water are the foul water undertakers for the area and Portsmouth Water are a supply only water company.

#### Piling & Foundations

Portsmouth Water have no concerns regarding foundations for the site as the site is located outside a Source Protection Zone for our public water supply sources.

### **Southern Water**

#### Initial comments

Occupation of the development will need to be phased to align with delivery by SW of any sewage network reinforcements required to ensure capacity and condition requested.

LLFA and HBC Engineering should be consulted re surface water drainage. If Suds is proposed the details should include responsibility and timetable for implementation, plus management and maintenance plan to secure operation for the life time of the development.

#### Further comments

The results of this assessment, to our current modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will

not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate foul sewerage disposal to service the proposed development at the proposed discharge point.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. "

All other comments in our previous response dated 29/05/2019 remain unchanged and valid.

### **Environment Agency**

The Environment Agency requests that the following condition be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Together with the following 2 e-mails, which were submitted to Havant Borough Council in association with the planning application.

-“Manor Farm, Bedhampton - EA Meeting 17.12.19”. Stewart Smith , MJA Consulting, Wed 18/12/2019 17:23

With the following attachments

- MJA EA BARGATE 17.12.19 Meeting Minutes
- 5992-P01F Drainage strategy layout (002) – (Version F, MJA consulting, 18/12/2019)

-MJA to LLFA Response 4 - Manor Farm, Lower Road, Bedhampton” Stewart Smith , MJA Consulting, 19/12/202 15:30

With the following attachments

- RE\_Manor Farm\_ Bedhampton - EA Meeting 17\_12\_19
- Drawing - 5992-P11A Sections Through Attenuation Basin-Reed Bed and Wet Pond
- Letter FAO Tom Wickens
- UFF Sizing Calculator BETA v3.0

We can confirm that we can accept the drainage strategy as proposed in “5992-P01F Drainage strategy layout (002) – (Version F, MJA consulting, 18/12/2019)”. We would agree that the pollution prevention control are satisfactory and the risks to controlled water quality are low. In particular we accept

- Given that this is a relatively small residential development, pollutant potential risks are limited. Principal risks are likely to be associated with minor roads and carparking.

- Minor roads will not drain directly to the infiltration channels but pass through a layer of topsoil prior to entering drainage network.
- The drainage plan utilises all potential shallow infiltration options prior to discharging to boreholes.
- Significant Pollution control, are present within the drainage strategy

We agree that the water discharging to the boreholes is likely to be free from elevated pollutant.

In order to completely verify though that there is no elevated pollutant in the discharge going to the boreholes, we would require monitoring to be undertaken of the surface water drainage. This monitoring should be undertaken over the first winter of occupation, on water immediately prior to entering boreholes.

Condition required in respect to the submission of scheme to monitor the drainage to boreholes of surface water quality.

### **Local Lead Flood Authority HCC**

#### Initial comments

Additional information required.

#### Final comments

The County Council has reviewed the following documents relating to the above application:

- (MJA Consulting) Proposed Residential Development, Manor Farm, Bedhampton, Hampshire – Flood Risk Assessment & Development Drainage Strategy Rev B Sept. Ref: SS/19/0185/5992
  - (MJA Consulting) Drainage Strategy Layout 5992:P01 Rev. G (14.10.19)
  - (MJA Consulting) Level Strategy Layout 5992:P02 (Rev. )
  - (MJA Consulting) Road and Sewer sections 5992:P10 (Rev. )
  - (MJA Consulting) Surfacing Strategy Layout 5992:P05 (Rev. A)
  - (MJA Consulting) Sections Through Attenuation Basin, Reed Bed and Wet Pond 5992:P11 (Rev. A)
  - (MJA Consulting) Proposed Residential Development, Manor Farm, Bedhampton, Hampshire, SuDS Management & Maintenance Plan (Rev. B) Ref. SS/19/0185/5992
  - (MJA Consulting) Exceedance Flow Plan 5992:P06 (Rev. )
  - (MJA Consulting) Manor Farm, Bedhampton, Surface Water Network MicroDrainage Calculations
  - (MJA Consulting) Response 4: 50 new dwellings together with access, landscaping and open space at Land at Lower Road, Havant, Bedhampton. APP/19/00427 MJA Ref: SS/19:0693/5992 (19/12/2019)
- 2
- Ground Appraisal Report Manor Farm, Lower Road, Bedhampton, Hampshire PO9 3NB (08/11/2017) Reference: GE16507-GAR-NOV1, Version: 1.0
  - Geo-Environmental Letter Ref: GE17736/GR03/19040 (01/04/2019) “Groundwater monitoring borehole BH102”
  - Geo-Environmental Supplementary Ground Investigation Letter Ref: GE17736/GR02/181102 (02/11/2018)
  - (The Civil Engineering Practice Residential Development, Manor Farm, Bedhampton, Note on Sustainable Drainage and Water Quality, Draft [No date or revision supplied]



- Design Data Up-Flo™ Filter
- Geo-Environmental Winter Groundwater Monitoring
- Bargate Homes letter to Tom Wickens [EA] 19/12/2019, Ref: 112/191219/RD
- Up-Flo Filter Sizing Calculator, 19/12/2019

The submitted information is considered to be acceptable at this stage such that further information can be addressed by condition.

We would recommend the following condition is applied to this application:

1. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles accepted under application reference APP/19/00427, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- o Provide unit type, and sizing for the Upflow unit and show it is sized adequately for the area it is draining. Please indicate type of unit (manhole or vault to be provided) and show this within the drawing.
- o Due to the sensitivity of discharging to a deep borehole soakaway, please provide details of what emergency procedures would be in place to ensure an oil/contamination spillage is promptly dealt and the penstock shut-down mechanism activated to prevent any contamination from reaching the borehole.
- o Provide details of the treatment level using the CIRIA Simple Approach Index level provided by the Multi-Stage Treatment Filter” from Hydro International unit. provided by the “Multi-Stage Treatment Filter” from Hydro International.
- o Provide details showing how the top layer of the infiltration borehole will be sealed details of what measures such as screening will be provided to prevent entry of debris into the borehole soakaways. Please note that Hampshire County Council as Lead Local Flood Authority will not comment on the foul drainage proposals as this is outside our remit.

### **Royal Society for the Protection of Birds**

#### Initial comments

No comment in respect to the planning application, but in respect to the pre-application consultation their response advised that the site is identified (H05A) in the Solent Wader and Brent Goose Strategy (SWBGS) as a secondary support area, and mitigation will be required.

#### Further comments

Thank you for providing the further documentation which updates the proposed mitigation. In respect of the impacts to the Secondary Support SWBGS site the financial contribution in line with the Solent Wader and Brent Goose Strategy mitigation guidance should provide appropriate mitigation for the loss of this area. It will be important to ensure that indirect impacts from the construction and operation of the site are considered and appropriately addressed as part of a Construction Environment Management Plan.

### **SE Hants Clinical Commissioning Group**

As a Clinical Commissioning Group, we have a specific interest in new residential developments and how the increased population would directly affect local healthcare

provision. We are especially interested in the types of residential properties being built to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

The increased demand would be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development; however additional workforce and building capacity within the premises will be required.

The CCG considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard.

Please see below the NHS investment projection that the CCG will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings is: 50 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m<sup>2</sup>) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease)

This means that South Eastern Hampshire CCG will be looking for a contribution of £8,000 of planning gain for health.

South Eastern Hampshire CCG identifies Bosmere Medical Practice, The Staunton Surgery and Homewell Curlew Practice could be impacted by this development in our CCG area. Therefore, we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

#### **Southern Electric**

No response

#### **Southern Gas Network**

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal. However, should your proposal change please contact us immediately and we will re-assess.

The pipeline is of prime importance to the gas supplies of this area. It is essential that you comply with the restrictions detailed below and in the document SGN/WI/SW2 in order to protect our plant and equipment and for the safety of your own operatives. A SGN representative must be contacted before any works commence.

**Officer comment** – *An informative is recommended.*

#### **Traffic**

The Traffic Team have no adverse comment to make.

#### **Waste Services Manager**

No comments received.

**Officer comment** – *the submission includes tracking for refuse vehicles.*

## **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 both at the time of the original submission and following the receipt of amendments:

Number of neighbour notification letters sent: 184

Number of site notices: 3

Statutory advertisement: Yes

Number of representations received: 173 including the 3 further representations submitted after the initial publication of the report of the 23 January 2020.

Additionally, the Council has received 38 cards of support for the scheme from the local community, but as these are dated prior to the submission of the planning application and relate to a Community Participation meeting held by the applicant, they do not have the status of formal representations.

### **Summary of representations**

#### **Principle of development**

- Premature as The Local Plan 2036 has yet to be the subject of an Independent Examination in Public, and the supporting documents have not been tested. The allocation of the site would be contrary to the NPPF 2019.
- The site was discounted as an allocation for 15 dwellings in the current local plan.
- This development of 50 homes must be assessed in the light of all the proposed developments close by, contained in the Draft Local Plan 2036: Forty Acres (320 dwellings – now approved), Campdown, Littlepark House and others.
- The cumulative growth in the whole residential area will put additional strains on the local infrastructure (traffic, school places, GP surgeries etc) which are not taken into account in this Planning Application. Sewerage pipes are near max capacity and will be over capacity if all applications are approved. Finally, entertainment for youths are non-existent.
- The introduction of the new dwellings would be against the Councils own Policy (AL8) on Local Green Space.
- Disbenefits of this development of 50 homes outweighs the benefits. Better sites elsewhere
- Not a sustainable location and future residents would need to drive to facilities causing pollution and discouraging walking and cycling with the associated health impact.
- The question of how this good agricultural land in a unique historic setting best serves the Borough should be discussed fully and openly at the Examination in Public of the Draft Local Plan 2036, only a few months away, before coming to a decision on this planning application
- Not a sustainable site. Insufficient infrastructure – schools, Health Centre

#### **Impact on Heritage the Conservation Area, and character of the area.**

- Old Bedhampton is an area of Special Interest, the Councils own report identifies:
  - *Earliest surviving network of lanes and routes;*
  - *Sections of a surviving network passing east-west through the heart of the settlement;*
  - *Protected trees including those under specific Tree Preservation Orders;*

- *Natural springs, ponds and network of streams including The Brook;*
- *The Mill complex of buildings, a number of which are listed, upper and lower, associated millponds, mill races with heads and tails, sluices, weirs and dams and Hermitage Stream;*
- *Victorian railway bridge along Mill Lane;*
- *Church of St. Thomas's and its cemetery, listed Grade II;*
- *The Manor House of 17th century origins with timber framing to rear elevation, listed Grade II;*
- *The Old Rectory, listed Grade II;*
- *Manor Cottage, Grade II listed;*
- *The Elms and its front garden, gates and piers, listed Grade II\*;*
- *Notable non-designated heritage assets including a Locally Listed Historic Park & Garden.*
- *Outside but adjacent to the boundary of the Conservation Area there remains:*
- *The sunken 'rural' lanes including King's Croft Lane and Bidbury Lane;*
- *Open green Bidbury Mead which creates a centre piece to the settlement;*
- *Rural and former coastal setting.*

- negative effect on the setting of the Conservation Area and the setting of the Old Manor Farm.
- Remove the rural nature and destroy the historical landscape of Lower Road
- Our heritage is irreplaceable. We should be preserving and celebrating every piece we still have.
- The view from the bridge on Mill Lane has already been negatively affected by the allotments on Donkey Field. After the conifers are cut down the view will be spoilt further by this development. People like walking in this area because of its historical and semi-rural feel. Please do not spoil that.
- Bidbury Lane passes through the quietest part of the Conservation Area. The development will inevitably lead to an increase in traffic here as motorists seek a 'rat-run' to bypass the traffic lights on Bedhampton Road.
- Old Bedhampton is a rare gem, unique to the Borough and a wonderfully tranquil area far removed from the hustle and bustle of local roads and shops. If this development goes ahead the character and peacefulness of this area will be totally destroyed for future generations to enjoy.
- The Farm buildings setting related to adjacent fields lost.
- Erosion of sunken lane character of Lower Road by loss of hedgerow for accesses and extended sight lines and with widened access of the junction to assist turning ability of large vehicle
- The Elms, the most important Grade II\* Listed building in the village (the star rating puts it into the top 8% in the country and one of only six in the Havant Borough) on one of the blind bends on Lower Road is missing from the application. It is a historic, prominent building, adding to the character of the village. The house is occupied by active older residents and the Waterloo Room is valued and used by the community for much needed local events. Safe access to this building by all is essential but will be compromised by the increase in traffic on the blind bend outside its gates.
- The traditional village layout and surrounding area to the harbour is beautiful and needs to be protected. Notable Artists have been drawn to and painted important view of Bedhampton. These artists and others loved the mix of rural, hill and sea views that were key to the importance of the village, with a sense of place and beauty, which would be destroyed.
- Houses of poor mediocre design, adverse impact on current sense of identity.
- Parking is already a regular occurrence on the grass verge in front of the Elms and it is being damaged. This verge will be used by traffic as cars pass each other on

- the narrow road, which is likely to completely destroy it.
- The only access to this proposed new development is through the Conservation Area via Brookside Road or the single track Bidbury Lane. The 50 houses will create a massive increase in traffic which will shatter the peace and tranquillity of the area.
- The Landscape assessment used to vindicate the planning applications conclusions is flawed. The survey was carried out in the summer when leaf cover is maximum. For nearly 6 months of the year there are no leaves which fundamentally alters the views to and from the Conservation Area and thus its setting.
- Many generations have enjoyed walking across this field to the harbour before the A27 severed the link. Ideally that right of way should be re-instated to allow a circular walk (enjoyed in recent years before the land-owner sealed it off) linking to the bottom of Mill Lane and back to St Thomas' Church.
- The ancient network of routes predates the settlement by thousands of years and thus its historic importance should not be judged solely on the past 300 years.
- The current proposal is likely to divert traffic from Brookside Road through Kingscroft Lane in order to reach Havant, thus increasing through traffic through the heart of Old Bedhampton. This arguably will undo the single most important factor that ensured the preservation of Old Bedhampton. Namely, the construction of a new turnpike along Bedhampton Road and Bedhampton Hill Road circa 1790 – 1810 resulting in the removal of through traffic. Possibly one of the Nation's "first bypasses", the powers of that time having foresight.
- There will be an adverse impact on ambiance, amenity, safety, wellbeing, soul and spirit resulting in significant harms. The balance of harm far outweighing good.

### **Highway issues**

- Inadequacy of the highway infrastructure
- The Transport Statement is inaccurate, inconsistent and misleading. An independent traffic survey should be commissioned by HBC.
- The risk of death or injury accessing the development during construction and subsequently with additional traffic has not been addressed. Conflict between motor vehicles and pedestrians/cyclist, plus impact on the access to the 2 residential homes.
- Lodge Road footpath 107 too narrow and not securely overlooked so not suitable as alternative route. The pavement along the south side of Bidbury Lane is not wide enough for a push chair or mobility aids
- The loading of additional traffic on local roads including Brookside Road, Kingscroft Lane, the Bedhampton Hill Roundabout (in all directions) and out onto the Rusty Cutter Roundabout has not been fully considered. Impact on traffic in the area will be significant resulting in delays, safety issues, tail backs, grid lock.
- Access from Brookside Road to Bedhampton Road is by turning left and feeding out to the main road to the mini roundabout. This is particularly difficult at most times and doubly so if you wish to go to Bedhampton or Havant by going round the roundabout
- The area around the Belmont roundabout would become increasingly congested. (More so recently since the new estates were built at the top of Maylands Road and off Portsdown Hill Road). In peak periods traffic backs up to the Rusty Cutter roundabout. It has been reported that to accommodate the extra cars this roundabout would be removed and traffic lights installed. This would mean residents of Lower Bedhampton and Nursery Road/Tulip Gardens wishing to drive east towards the Post Office, medical centre and shops would have to travel west down to the already congested Rusty Cutter roundabout to come back (or use the

- narrow single lane Kingscroft Lane).
- Use of Manual for Streets is designed to be a guide for urban straight streets and is not designed to be applied to semi rural bendy Lanes as exist in Brookside Road and Lower Road.
  - No comment has been made on the imminent increase in 'silent" electric vehicles and their impact on safety. There is already a problem with cyclists who do not have bells and a widespread lack of understanding that pedestrians have priority in shared spaces. If there is truly no safety concern, why have new traffic calming white lines been introduced on Lower Road recently. The Lodge Road cut to Bedhampton Hill is not a viable alternative route for anyone other than a fit pedestrian, and even then the cut is an intimidating place for ladies at night. Anyone approaching the cut cannot see the opposite entry point. Therefore anyone entering the cut on any mobility aid or with a pram meeting a similar set up coming in the opposite direction will end up with one party having to reverse to their entry point to allow the other party to pass.
  - Highways England should sign off regarding any impact on the Rusty Cutter and Teardrop roundabouts as well as A3M and A27.
  - Inadequate car parking
  - The surrounding lanes (including sunken lanes) are not built to cope with the increased traffic from a 50 house development let alone all the heavy construction traffic.
  - Proposal based on out of date information and the accuracy of the Transport Statement is questioned especially in the instances where two vehicles and pedestrians meet along the section of Lower Road between two blind bends with no pavement .There is a conflict between HBC's promotion of a national cycle route and a possible 'safe walking/cycle route' for school children from the Forty Acres development along Lower Road whilst nearly doubling the traffic at peak times along the same narrow road.
  - The proposal does not consider the impact on children accessing Bidbury Mead park and mobility users.
  - The proposed development will effectively double the domestic traffic in Old Bedhampton, exacerbated further by delivery traffic using the route. Currently there are approximately 80 houses accessed via Lower Road, and this proposed development would increase this by two-thirds There are numerous cars (up to 13 have been noted at one time and frequently 6 - 8) parked on Brookside Road, reducing the width of the carriageway. This is dangerous for pedestrians in the sections without pavements and dangerous near the junctions at both ends, where there are often cars parked too close to the junctions, narrowing the road and increasing the risk of cars colliding as they turn into/out of the road.
  - The pavement along Bidbury Lane from the junction with Lower Road is too narrow for prams, pushchairs, wheelchairs, mobility aids - and even a parent trying to hold their child's hand. Pedestrians therefore are often seen walking in the road. Increased traffic obviously increases the risks to them.
  - There is such limited access to the site, only through the Conservation Area via Brookside Road or Bidbury Lane which is single track and will be used by cars to and from the Havant area, adding to the congestion on Bedhampton Road at peak times.
  - The increased traffic will put us all at risk as will the increased car fumes.
  - Use of the Barn site for light industry and associated traffic needs to be considered
  - The traffic surveys taken over a few days may show low levels of traffic, with no recorded accidents. However, these numbers do nothing to capture the number of times I've been walking around the blind bends on the pathless Lower Road when cars speed at you from both directions, swerving cars narrowly missing each other, you and your family. Quoting 85th percentile speeds is all well and good (MOST

people sensibly understand the risks here), but I can tell you from personal experience that the real top speeds are significantly greater. And speeds on Brookside Road are higher than Lower Road, despite its narrow, non-straight and pathless nature, with children playing and dogs walking on the road at times. Any increase in traffic on these roads causes a disproportionate increase in the degree of conflict. And no previous recorded accidents does not provide a complete picture as many near misses.

- We note the survey times presented as peak are from 16:00 to 19:00, which does not include returning school traffic.
- No allowance has been made in these plans for any kind of scheme to ensure that cyclists and pedestrians are protected from the inevitable increase in traffic from these new homes
- An alternative access should be considered
- Undue reliance on guidance from the developer instead of the Council's own teams and local communities.

### **Drainage and Flooding Issues**

- Drainage issues, SuDS, Southern Water discharges into Chichester and Langstone Harbours are already a problem
- Poor drainage regularly leading to up to half the road being flooded at the south-most bend, forcing southbound traffic onto the wrong side of the road as they approach a blind bend
- In the submitted FLOOD RISK ASSESSMENT & DEVELOPMENT DRAINAGE STRATEGY:  
Para 4.17 Artificial Sources states "no recorded incidents".  
The "18 inch" water main serving Hayling Island from the Portsdown Hill Reservoir along with the sewer under Lower Road ruptured flooding Old Manor farm properties and the north side of the H20 development site with contaminated water. There was months of disruption. This disingenuous omission questions the reports accuracy.  
4.25 "no flooding from sewers in the last 10 years". There is a section of Lower Road, that floods after every significant rainfall several times a year. Occasionally filling the whole carriageway. The developers, Bargate Homes are well aware of this problem having had it brought to their attention at DCF44

### **Impact on Ecology, Natural Features and Environment**

- The proposal would completely compromise the whole of H05A. No mitigation has been proposed against the loss of this SW&BGS study field H05A which is designated as a Secondary Support Area contrary to Policy E16. The contribution should be applied to the whole 9 ha area.
- Assessment in support of planning applications should consider whether the cumulative effects of all proposed residential development, located within the zone of influence, in combination could lead to significant adverse impacts on the integrity of the European sites.
- Loss of hedging for access. This is a greenfield site, development will degrade the value of the area for our wildlife which is already under pressure
- Fields opposite Lower Road are also a site for wildlife whose habitats are under increasing threat by the ever-constant building
- Brent geese are known to have used this field for feeding in the past, and are a threatened species.
- We are very concerned that using this site for development further depletes the capacity of the area to support birds and wildlife. Also, the further loss of grades 1 and 2 agricultural land is noted.
- As part of the mitigation package we would recommend a selection of bird nesting

boxes and swift bricks designed into selected houses and a more generous tree planting programme.

- The light pollution that will occur within the night sky of the rural coastal strip that stretches along this part of the railway and A27 corridor and that could impinge upon the habitat of protected bats

### **Residential Amenity**

- Adverse health impact from air and soil pollution (nitrate saturation from agricultural use), noise and anxiety for future occupants of developing a site near major road, train station and flood zone
- Heavy goods vehicles would arrive before the conditioned work start time of 8am and park in local residential area streets, often with engines running, till they were allowed on site; If permission is granted for this application a meaningful Condition must be established to prevent this happening again.
- Why are there no electric charging points being provided
- Access to the adjoining field should be from down Lower Road past the Manor Farm buildings as the proposed access road takes it past the play and residential areas
- Overlooking, loss of privacy and over dominance
- Waste water collection in "ponds" should be assessed as there is a theoretical risk of foreign disease carrying insects being attracted to and inhabiting the ponds with global warming.
- The precedent set in items 2 & 3 of decision notice of APP/14/01040 (restricted opening and obscuration of all north facing windows, including ground floor) should be applied equally to the proposed new development. It should also be noted that the western elevation of the same property was required to be windowless, providing privacy to the western neighbour, and again this precedent should be continued in the new development.
- Inadequate consideration of the impact on the lifestyles of this mature community

### **Other Issues/comments**

- Inadequate preliminary archaeological investigation of the site
- Narrow Marsh Lane is of archaeological and historical merit and should not be 'built over'. Rather it should be preserved and re-opened as a historical right of way allowing access to the lower end of Mill Lane and thus Langstone Harbour. It should be designated as heritage assets and for their inclusion in Old Bedhampton Conservation Area
- Ownership of Marsh Lane questioned
- Adverse impact on the Conservation Area will adversely impact Tourism, as the area is highly valued by visitors.
- Because Old Bedhampton has a special character about it, properties tend to carry a price premium. The 35 dwellings being proposed next to open fields will be at the high end of that price curve This means that the remaining 15 dwellings designated as "affordable" or "starter" homes will be anything but affordable, so the Borough will not have the benefit of satisfying the Government's requirements in that regard.
- Non-authorized activity in Barn at west end of Lower Road. Loss of agricultural land
- There is a clear danger that should this development go ahead, then the argument of precedent will be used to apply to build on these two adjacent sites. What are the long-term plans for the area– will more land be built on?
- Concern regarding the Management Company arrangements.

In addition to the above, detailed reports have been received in respect to the Conservation considerations, Transport Assessment and consideration, and the Policy position. These



have been assessed by the Conservation Officer, the Highways Authority and the Planning Policy team, whose comments in respect to the proposal are set out in the Consultee responses above.

#### **Matters raised which are not material planning considerations**

- Loss of property value
- Loss of a private view/outlook

## **7 Planning Considerations**

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).
- 7.2 The Council's assessment as competent Authority under the Habitats Regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to recreational pressure, water quality, loss/degradation of supporting habitats and construction impacts. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. The third is a package of measures relating to loss of Special Protection Area (SPA) supporting habitat. The fourth is measures to control the impact on the environment during construction of the development. Natural England were consulted on the findings of the HRA.

#### **Recreational Pressure**

- 7.3 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 adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 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. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

#### **Water Quality**

- 7.4 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. NE have highlighted that there are high levels of nitrogen input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting

assessment, Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2 (August 2019), which reflects NEs latest advice (June 2019).

- 7.5 The Council's adopted Position Statement on Nutrient Neutral Development sets out that for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. 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 not emit a net nutrient load into any European Sites. The budget prepared, which has been corroborated, shows that the site will in fact lead to a net reduction in the nutrient load emitted from the site into any European Sites.
- 7.6 Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures. Appropriate planning and legal agreement measures will be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs in the long term.

#### **Wintering Birds**

- 7.7 The principle of establishing permanent refuges for overwintering birds is a key feature of the most-recent Solent Waders & Brent Goose Strategy (SWBGS) and the Pre-Submission Havant Borough Local Plan 2036. Whilst on-site avoidance and mitigation would generally be prioritised, it is accepted that the loss of some sites already used by wintering birds, but which are available on an insecure basis, can be mitigated for off-site. Such mitigation would be provided through a financial contribution. The SWBGS is accompanied by guidelines which provide a suggested framework for the level of mitigation required for each category of SWBGS site. For Secondary Support Areas, such as here at Lower Road the principle of mitigated loss through a financial contribution is acceptable. The applicant has agreed to provide a mitigation package of £329,036.40. This is in line with the methodology of the SWBGS. This element of the mitigation package will need to be secured through legal agreement.

#### **Construction impacts**

- 7.8 There is potential for construction noise and activity to cause disturbance of SPA qualifying bird species. Control measures will be included in the Construction Environment Management Plan (CEMP), these include controlling matters such as minimising idling by machinery, locating construction compounds in less noise sensitive areas of the site and maintaining machinery to further reduce these noise levels. Subject to the imposition of a condition securing these controls, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains on this issue.

#### **Appropriate Assessment conclusion**

- 7.9 The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3). Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England advised that they concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to

secure the mitigation packages.

7.10 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) Nature of Development
- (iii) Impact on heritage asset
- (iv) Impact on the Character and Appearance of the area
- (v) Residential and Neighbouring Amenity
- (vi) Access and Highway Implications
- (vii) Flooding and Drainage
- (viii) The Effect of Development on Ecology
- (ix) Impact on Trees
- (x) Impact on archaeology
- (xi) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

(i) Principle of development

7.11 As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### The Development Plan

7.12 The Development Plan consists of:

Havant Borough Local Plan (Core Strategy) (2011), the Havant Borough Local Plan (Allocations Plan) (2014), both of which cover the period until 2026. The development plan also includes the Hampshire Minerals and Waste Plan (2013). These plans continue to form the basis for determining planning applications in the Borough. The application site is located adjacent to, but outside of, the urban area. Policies in the adopted plans support appropriate residential development within the urban areas. "Exception schemes" are only supported in the countryside. This is not an exception scheme and the site is located in a non-urban area. Therefore, this application does not accord with the development plan (it has been advertised as a departure from it). Planning permission should therefore be refused unless other material considerations indicate otherwise.

#### Pre-submission Havant Borough Local Plan 2036

7.13 The Council published the Pre-Submission Havant Borough Local Plan 2036 for public consultation between 1 February 2019 and 18 March 2019. The publication of this document followed a long period of public engagement between 2016-2018, including the now revoked Local Plan Housing Statement. The Lower Road site was one of those identified for 'early release' as part of the Local Plan Housing Statement, which was part of the site's evolution. The emerging plan includes the Council's proposed new housing allocations. The application site is identified within Policy H20 for residential development, capable of accommodating 50 residential dwellings. The application site is identified as one of those necessary to deliver the identified housing need for the Borough.

7.14 Therefore, while the site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Havant Borough Local Plan (Core Strategy) it nonetheless was a site identified for early release in the Local Plan Housing Statement, is one of the sites identified for allocation and forms the

direction of travel for the emerging Local Plan.

Consistency with the National Planning Policy Framework.

- 7.15 The Secretary of State's National Planning Policy Framework (February 2019) is a material consideration which should be placed in the s.38(6) planning balance.
- 7.16 The NPPF's primary objective is to promote sustainable growth and development through a "plan-led" planning system. Paragraph 11 of the NPPF advises that a presumption in favour of sustainable development is seen as the golden thread running through both plan-making and decision making, which means; "approving development proposals that accord with the development plan without delay, and; where the development plan is, absent, silent, or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 7.17 A robust assessment has taken place of land in the Borough to inform the Pre-Submission Havant Borough Local Plan 2036 through the Strategic Housing Land Availability Assessment and the Sustainability Appraisal. This has shown that there are sufficient deliverable and developable sites upon which to meet the Borough's housing need. The application site has been assessed by officers and found to be free of any significant constraint and capable of delivering houses in the short term.

Five year housing land supply and delivery of housing need

- 7.18 The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. If this is not in place, proposals for development should only be refused if:
- The site is within particular designated areas set out footnote 6 of the NPPF. The application site in question is not within any of these areas.
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.19 The Borough's five year housing land supply was updated in December 2019. This shows that the Borough has a 5.4 year housing land supply with the necessary buffer based on the results of the housing delivery test.
- 7.20 The development proposed by this planning application is included within these five year supply calculations and is equivalent to 0.1% of the 5 year supply. As such, without the proposed development at Lower Road, the Borough would have a 5.3 year housing land supply. This would not in and of itself remove the ability of the Borough to demonstrate a five year housing land supply. Nonetheless, it is necessary to have a *continuous* five year housing land supply. Given the small level of surplus and the imminent end of the transition period of the Housing Delivery Test, maintaining a healthy supply of housing will be essential. This is a material consideration of great weight, especially in the light of the acute need for affordable housing and the 30 per cent contribution of this scheme, and falls to be part of the planning balance in the determination of this planning application
- 7.21 As such, notwithstanding that the site is located outside of the urban area in the development plan and is located in the countryside, it is proposed for development in the emerging Havant Borough Local Plan 2036. It is reasonably proximate to facilities

and services. There are no overriding environmental objections to its development and it would also deliver measurable economic and social benefits.

- 7.22 The site is required to feed into the on-going requirement of the Borough for deliverable housing land to address the Borough's housing need.
- 7.23 On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development. The justification for this conclusion is set out in more detail in the paragraphs that follow.

#### Deliverability

- 7.24 The NPPF, in annex 2, clarifies that:  
"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."
- 7.25 The application has been supported by an Infrastructure Delivery Statement (IDS) which considers the supply of water, electricity, gas and telecommunications to the site, in consultation with the utility providers. This concludes that the development could be supplied with normal network service supplies without prohibitive reinforcements to networks. As such there would not appear to be significant off-site infrastructure works arising from the development which might delay the implementation of the development. Therefore, there are no evident barriers to the development coming forward within the current 5-year period, which weighs in support of the scheme.

#### Environmental Sustainability

- 7.26 Introducing a housing estate to an undeveloped field would alter its character but it is concluded that this would have a limited impact, as any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development, whilst resulting in harm, would result in less than substantial harm to the significance of the Conservation Area. This needs to be weighed against the public benefits, and is considered in more detail further in this report. Furthermore, the provision of habitat mitigation open space comprising play areas, allotment and orchard provision is of significant benefit to this application.
- 7.27 In terms of the location of the site relative to services and facilities there is a local shopping parade with Convenience store and Post Office (less than 1km), Recreation Ground 1km, Havant Industrial Estate (1.9km), Bidbury School (1.9km), Havant College 1.8km. In addition, Bedhampton railway station is 1 km from the site, which offers stopping services towards Brighton to the east, London to the north-east and Southampton and Portsmouth to the west, and the site is well served by bus with service numbers 21 and 23 serving the bus stops on Bedhampton Road, approximately a 500m walk. These operate 7 days a week with up to 10 services per hour on a weekday providing a frequency service to Portsmouth, Havant and Southsea.
- 7.28 In accessibility terms, the site is in a sustainable location, and has realistic alternatives to the use of the car, which weighs in support of the scheme.

#### Economic Sustainability

- 7.29 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
- 7.30 The application would result in benefits from construction employment and operations and Local Authority benefits. As with any new housing the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy. In addition, the development would also create construction jobs, which would contribute towards the local economy. Furthermore, the proposed development would result in financial contributions being secured to offset certain impacts of the development, such as transport contribution towards improvements in the local network and contributions towards the provision of enhanced community infrastructure.
- 7.31 Provided they are appropriately secured and address the adverse impacts of the scheme, these elements are all considered to be benefits in the planning balance and overall it is considered that the development would be economically sustainable.

#### Social Sustainability

- 7.32 In accordance with the local plan development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist, but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community. The applicant has been working with the LPA on a draft S106 and has agreed to the principle of the obligations sought.
- 7.33 The application proposes a range of house types, sizes and tenures would be provided, including 30% affordable housing (shared ownership – 5 and affordable rented - 10) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people".
- 7.34 The proposal also proposes significant areas of open space, which has a variety of uses, which could be used by both new and existing local residents and is considered to be a significant benefit in the overall planning balance. Contributions would also be secured through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the adopted SPD on Planning Obligations.

#### Education and Health

- 7.35 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised the development site is served by Bidbury Infant and Junior Schools and Warblington Secondary School. Although the Bidbury pair of schools are full they only achieve this by out catchment recruitment. The yield from the development at Lower Road will be able to be accommodated at the Bidbury Schools without the need for any expansion as the out-catchment recruitment can diminish over time with these out-catchment pupils being able to be accommodated in their catchment school. Consequently, a contribution from the developers to provide any additional primary school places is not required. Similarly, there are places available at Warblington Secondary School to accommodate the yield of pupils at

secondary age and, again, and a contribution to provide any additional secondary school places is not required.

- 7.36 The Early Years requirement has also been assessed and given the size of this site and low child yield expected from this development, it is considered that there is unlikely to be a significant additional load on the childcare market.
- 7.37 The NHS Clinical Commissioning Group (CCG) have been consulted and advise that the resulting growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; in primary, community and secondary care settings. The CCG have outlined that the increased demand will be accommodated by the existing GP surgeries at Bosmere Medical Practice, The Staunton Surgery and Homewell Curlew Practice, however additional capacity within the premises will be required. As such a financial contribution is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth, and this will be secured through a legal agreement. Whilst the Bosmere Practice is currently closed to new patients this is understood to be a temporary situation, and new patients could register at the other 2 practices referred to above.
- 7.38 The CCG considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard. The requested contribution is £8,000 and this would be the subject of a legal agreement.

#### Prematurity

- 7.39 Concern has been expressed that the grant of planning permission would be premature in the terms of paragraphs 49-50 of the 2019 NPPF. They state: -

*'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*  
*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*  
*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'*

- 7.40 In the light of this guidance, and having taken the advice of experienced planning counsel, Officers are satisfied that the emerging plan, which has not yet been submitted for examination, is not yet at such an advanced stage, nor is the development considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.

#### Undeveloped Gaps between Settlements

- 7.41 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2, in the emerging Local Plan this is no longer considered possible. The NPPF, in paragraph 11, is clear that Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well

as any needs that cannot be met within neighbouring areas, unless there are strong reasons for restricting development. Those reasons are defined in footnote 6 of the NPPF, and do not include gaps between settlements as a particular consideration. The Council's Housing Constraints and Supply Analysis mapped constraints to development, and found that it was not possible to meet housing need on land unconstrained by nationally recognised constraints, while also protecting gaps between settlements. For this reason, a number of sites, including this site, have been put forward as proposed housing allocations in the Pre-Submission Local Plan 2036.

7.42 In conclusion on this issue,

- (1) The scheme is contrary to the development plan
- (2) National policy is a material consideration
- (3) The presumption in favour of sustainable development applies
- (4) The proposals would constitute sustainable development in policy terms.
- (5) It is deliverable now.
- (6) The scheme is not premature.
- (7) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

(ii) Nature of Development

7.43 The current application is for full planning permission for 50 dwellings with a single vehicular access off Lower Road. In respect of the proposal the following factors have been considered:

The density of residential development  
The mix of dwelling sizes and tenures  
The design and layout of the residential development

**The density of residential development**

7.44 The application seeks 50 No. dwellings which based on the developable area equates to approximately 20 dwellings per hectare(d/h). Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) '*Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form*'.

7.45 Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

*The density of new housing will depend on its design and appropriateness to its location. As guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:*

<i>High Density</i>	<i>– Minimum of 60 dwellings per hectare</i>
<i>Medium Density</i>	<i>– Minimum of 45 dwellings per hectare</i>
<i>Low Density</i>	<i>– Up to 45 dwellings per hectare</i>

Under this assessment, the density of development can be considered to be within the Low Density category.

7.46 Paragraph 6.23 makes it clear that '*It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents.*



*This is therefore best assessed through individual planning proposals through the development management process'.*

- 7.47 The NPPF states that *'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'*. Although this scheme represents a very low-density development, the proposed density of 20 dph is considered an appropriate density given the context of the site on the edge of the settlement, adjoining the Conservation Area, taking into account the character of the surrounding area, and site constraints such as the need for open space, protected trees, ecology, proximity to the A3(M), A27 and railway, and drainage requirements.

#### **The Mix of Dwelling Sizes and Tenures**

- 7.48 With regard to the type and size of proposed accommodation and its potential to create a mixed and integrated community, regard is to be had to Core Strategy policy CS9 which states that development should *'Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities.'* Paragraph 6.24 states that a mix of dwelling types is sought from terraces, semi-detached and larger detached houses. In this case, the proposal comprises a mix of detached and semi-detached houses and bungalows and short terrace housing. This is considered to be an acceptable mix for the site. 30% of the units comprising shared ownership units and affordable rent units would be affordable in accordance with policy CS9. The affordable units are located throughout the development, and in terms of building form they are reflective of the development in general, and overall are considered to be acceptably integrated.

#### **The Design and Layout of the Development**

- 7.49 The urban design qualities of the scheme pay particular regard to the character of the site layout in respect of storey heights, car parking/hardsurfaced elements, designing out opportunities for crime and having regard to its edge of settlement location and relationship with neighbouring properties. The proposed character of development comprises mainly 2 storey housing and a number of single storey properties adjoining a number of areas of open space. Garden sizes would comply with the supplementary planning guidance on this subject, and parking which complies with the adopted standards would be provided on curtilage or in small parking courts so as not to be over dominant.
- 7.50 Landscaping would include native open space trees, decorative street trees and native hedging species. The development has been carefully designed to retain the hedging on the boundary with Lower Road and new hedging would be provided to the site boundaries. In respect to the mature leylandii hedge/tree planting to the eastern boundary, ultimately this would be replaced once the proposed planting to the east has established. This additional replacement planting would comprise a similar mix to the planting proposed to the east, namely; field maple, alder, oak and holm oak standards with a native understorey of field maple, hazel, hawthorn, holly and blackthorn to ensure a good mix of fast-growing and legacy species with native species for biodiversity and to respect the character of the paddocks to the east with the added screening benefit of evergreens, providing longer term benefit to both landscape character and ecology.
- 7.51 The layout has been influenced by its constraints including its proximity to the A3(M), A27, railway line and its siting relative to the Conservation Area. The layout is traditional in its form, with the proposed housing being designed to mainly address the roads, creating active frontages and a sense of enclosure to the new streets, together with overlooking of the public areas.

- 7.52 The proposed dwellings would be a mix of single and two storeys with pitched and hipped roofs, and in response to the character of the area and adjoining Conservation Area are of high quality design to be constructed of stock bricks, timber cladding with clay and slate tiles.
- 7.53 The development will provide significant areas of Public Open Space and overall the form of development is considered to have regard to the site's context and will form an appropriate transition from the verdant character of the surrounding area, into this development.

Pre-Submission Local Plan 2036

- 7.54 The Pre-Submission Local Plan requires enhanced standards in certain policies, which are above and beyond current adopted policy requirements. An assessment of this scheme against these relevant emerging policies is considered below.

Vision and delivery strategy

- 7.55 Policy DR1 – Delivery of Sustainable development outlines the council's strategy with regards to delivering sustainable development as outlined in the NPPF. This policy outlines the amount of development required, ensuring the delivery of sustainable development, ensuring appropriate co-ordination of development. In addition, the policy focuses on innovation and the acceleration of housing delivery.
- 7.56 Policy DR2 – Regeneration outlines the Council's vision for regeneration. This encompasses both a Council led programme of regeneration and the effective use of brownfield land. This policy also focuses on boosting local skill levels and community integration. As part of this element the policy outlines that developments of this nature will contribute towards a community officer, to help new residents in the development integrate into existing communities. Following negotiations with the applicant, they have now agreed to make this contribution, and as such this application does comply with this emerging policy.

Infrastructure Policies

- 7.57 Policy IN2 – Improving Transport Infrastructure requires amongst other strategic transport requirements to facilitate the proposed development within the plan. In this case the application proposes off-site transport enhancements to the footpath provision/crossing points along Bidbury Mead to improve safety for pedestrians.
- 7.58 Policy IN3 – Transport and Parking in new development broadly follows the requirements of adopted policy CS20 of the Core Strategy. This proposal does fully comply with parking standards for each dwelling, including visitors. This policy additionally requires that electric vehicle charging infrastructure is provided for each residential unit with private off-street parking. The plans provide the infrastructure for electrical charging points for all garages to private dwellings, and sites with private parking which equates to the majority of the plots.

Environment Policies

- 7.59 Policy E9 of the Local Plan 2036 – provision of public open space in new development - seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through requiring the provision of a certain level of public open space. This policy requires that public open space is provided to a standard of 1.5ha per 1,000 population and on greenfield sites, part of this requirement is provided in the form of a community growing space. This generates a need of approximately 0.3 ha of open space. The proposal includes extensive areas of open space totalling approximately 2ha which includes central open space, southern open

space with community orchard and children's allotments. As such this proposal significantly exceeds the requirements in the emerging policies.

- 7.60 Policy E12 – Low Carbon Design seeks to ensure that new development addresses climate change through low carbon design. In residential schemes, this requires a reduction in CO2 emissions of at least 19% in the Dwelling Emission Rate compared to the Target Emission Rate required under part L of Building Regulations. In addition, the policy seeks to ensure that the development has demonstrated its long-term sustainability in the form of an assessment under the Home Quality Mark (HQM). The applicant has confirmed that this requirement will be fully met.
- 7.61 Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. An ecology strategy has been developed that recognises the key nature conservation features of the site. A key part of the landscape masterplan is the proposal for a number of attenuation basins and swales which not only provide valuable habitat in their own right, but increase the value of existing, retained habitats. Additional features have been incorporated such as the creation of species rich grasslands and tree planting, together with the installation of bat and bird boxes and reptile refuges. These features have been designed to complement habitats in the wider area., and the development is considered to achieve net gain in biodiversity, over the existing agricultural use.

Housing policies

- 7.62 Policy H1 of the Local Plan 2036 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through, inter alia, appropriate internal space standards for new dwellings.
- 7.63 The Government's policy on the setting of technical standards for new dwellings is set out in the Ministerial Statement of 25th March 2015. This statement should be taken into account in applying the NPPF. New homes need to be high quality, accessible and sustainable. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. Policy H1 is proposed within Draft Local Plan which would secure new housing developments to provide adequate internal and external space to ensure appropriate living environments for future occupiers, in accordance with the Technical Housing Standards. This application proposes that 46 (92%) of the dwellings would comply with the Nationally Described Space Standards. As such this proposal substantially complies with the emerging requirements in this policy.
- 7.64 Policy H3 – Housing density now requires that development within the Borough provides minimum housing densities, depending on their location. This is to ensure that development maximises the finite amount of land in a full and sustainable manner. The proposal delivers 20 dwellings per hectare based on the developable area. Whilst this is very low, given the context in respect to the setting of the Conservation Area and the amount of development it is considered appropriate and accords with the figure in the draft allocation.
- 7.65 Policy H4 - Housing mix outlines that development will be expected to provide a range of dwelling types to meet identified local housing need; and incorporate approximately 35% as two-bedroom homes as part of the overall housing mix. This proposal does provide a range of 2, 3 and 4-bedroom units. The proposal provides 22 two-bedroom units, which is 44 % of the total. As such this proposal complies with this emerging policy.
- 7.66 In conclusion on this matter, the Pre-Submission Havant Borough Local Plan 2036 has

not yet been submitted for examination to the Secretary of State. As such in accordance with paragraph 48 of the NPPF, and having regard to the level of objection received during the pre-submission consultation, it is considered that only limited weight can be attributed to the policies within it. Notwithstanding this, a number of relevant emerging policies have been fully or partially met and this threshold has been weighted into the overall planning balance made on this application.

(iii) Impact on Heritage Assets

7.67 The application site, whilst not within the Old Bedhampton Conservation Area, adjoins Farm Cottages which were included in the Conservation Area under the recent review. Local Plan policy CS11 - Protecting and Enhancing the Special Environment and Heritage of the Borough advises that development should protect and where appropriate, enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to consideration areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, building of local historic or architectural interests.

7.68 The Conservation Officer has provided a detailed response setting out the considerations in respect to the impact on Heritage Assets and this is reproduced below.

*Policy Considerations*

7.69 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

7.70 The recently published Good Practice Advice Notes 1, 2, 3 from Historic England, supersede the PPS 5 Practice Guide which has now been withdrawn by Government. The Historic Environment Good Practice Advice (GPA) in Planning Note 2, states at paragraph 4: The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

7.71 Of particular relevance for this application, given its location adjacent to the Conservation Area, is Good Practice Advice (GPA) Note 3 – The Setting of Heritage Assets. This note provides advice on understanding setting, how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. This guidance note also advises that setting is not a heritage asset or a designation in itself, but its importance lies in what it contributes to the significance of the heritage asset.

7.72 The National Planning Policy Framework (NPPF) 2019 sets out the policies that the Council must take into account when determining planning applications. The NPPF sets out, in Section 16, the proposals regarding Conserving and Enhancing of the Historic Environment. The following paragraphs are of particular relevance:

7.73 Para. 189 advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including the contribution made by their setting.

- 7.74 Para. 192 advises that in determining applications, local planning authorities should take account of:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 7.75 Para. 194 states that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused.
- 7.76 Para. 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed up against the public benefits delivered by the proposals.
- 7.77 Current Local Plan Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) at section 4, advises that planning permission will be granted for development whereby it protects and where appropriate, enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to Conservation Areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.
- 7.78 Policy DM20 from the adopted Allocations Plan 2014 advises that planning permission will be granted for development that conserves and enhances the historic assets of the Havant Borough and that a heritage statement is expected for developments which have the potential to affect heritage assets.
- 7.79 Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation must be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

*Key points from Heritage Statement (Terence O'Rourke Ltd) and Draft CAAMP (Havant Borough Council)*

- 7.80 The Heritage Statement by Terence O'Rourke Ltd describes the significance of Old Bedhampton in Chapter 3, detailing the key listed buildings and the general growth of the village. Para. 3.6 makes reference to the Figure 2 map (1810) which shows large square fields parallel to the coastal road and two narrow routes leading south from Lower Road to Broad Marsh. Para. 3.8 makes reference to the 1868 map (Figure 3) which shows the area beneath Lower Road as a single large field parcel, with the route south to the marshes retained and crossing a bridge over the new railway. Para. 3.10 highlights in the introduction of Manor Farm in 1909 which was a new farm comprising planned courtyard of farm buildings and three houses on the south side of the road. Housing on the north side of Lower Road continued to emerge up until the 1950s.
- 7.81 The Old Bedhampton Conservation Area, which was first identified in 1980 has recently been reviewed with the inclusion of Manor Farm (adjoins the application site) and an updated Character Appraisal and Management Plan (CAAMP).
- 7.82 Para. 2.7 of this appraisal identified *'the immediate setting of the Conservation Area is*

*an important aspect of its significance, particularly areas such as Bidbury Mead, lands to the south of Bidbury Lane and farmlands to the south and south west of Lower Road. These lands have provided a rural setting of the Conservation Area and settlement. Any proposed development with these areas would have to meet the requirements set out in Listed Buildings and Conservation Areas Act 1990. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area’.*

- 7.83 Para 2.8 goes on to identify – ‘*Apart from changes to the mill lands to the south and southeast, the conversion of Manor Farm and development to the north side of Lower Road, the historic landscape and field patterns remains remarkably intact, including the network of routes, tracks and paths, some of which have their origins recorded as far back as the 1770s’.*
- 7.84 Para 2.9 – ‘*Exceptions include the intrusive row of non-native coniferous trees that form a new boundary line between the fields to the south of Lower Road. Also the route of Narrow Marsh Lane which is known to have existed in circa. 1709 and on historic map dating from 1797 (Figure 6), which leaves Lower Road and leads to a bridge over the railway line to the land beyond. Recorded as a route in the late 18th century, it is now a track. The link to the harbour was severed by the construction of the A27 by pass’.*
- 7.85 Para 4.7 identifies the existing urban grain – ‘*Due to the limited periods of change, the spatial and contrasting urban grain and development patterns are legible. For example, the nucleated yet loose pattern within the historic core sits in contrast to the interwar and post-war development to the north and west. The late Victorian / early Edwardian terracing to the west is distinct in terms of its grain and density being much tighter than that of the interwar development north of Lower Road and the large detached dwellings sitting within ample grounds within the historic core. The rural setting to the settlement is a key feature of its character including the location of buildings that had a link with the working landscape’.*
- 7.86 Para 4.12 - The farmlands to the south and south west of the current lanes are considered to reinforce the rural origins of the settlement. This role is evidenced by the surviving farm group to the south side of Lower Road and the farmland with the historic route / footpath leading to another bridge providing access to the severed area south of the railway line. The presence of the line of non-native conifers intrudes into this setting but does not remove the sense of that connection.
- 7.87 Responses from local residents were made during the consultation on the draft CAAMP, that the boundary of the Conservation Area should be reviewed to include the land south of Lower Road (including former farm buildings and agricultural lands) (amongst other areas), as these have important historic connections to the Conservation Area. However, the Council’s response was that ‘*although these areas form part of the setting to the Conservation Area, and historic connections can be evidenced from mapping and other sources, they are mainly fields that do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Therefore, these areas were not included within the recommended revised boundary of the Conservation Area’.*

#### *Assessment*

- 7.88 The NPPF makes clear the importance of identifying and assessing the particular significance of any heritage asset and explains that this needs to be taken into account

when considering the likely impact that development proposals may have. The NPPF also requires that *'a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it'*.

- 7.89 The NPPF also advises that *'the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.'*
- 7.90 In this regard the heritage assets are the Old Bedhampton Conservation Area and the listed and locally listed buildings which form part of the Conservation Area. The significance of the Old Bedhampton Conservation Area derives from a dispersed pattern of development, with expansive green spaces and fields to the East, South and South West. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal, loose knit appearance, which is reinforced by the network of narrow, often windy lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries. This gives the Conservation Area a sense of tranquillity and rural character, in spite of its proximity to the more suburban development that sits to the west and north of the area.
- 7.91 Part of the analysis on the impact on setting, is to establish whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution. Both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.
- 7.92 The Conservation Area's setting to the south and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from 20<sup>th</sup> century developments that encroached onto the area.
- 7.93 The introduction of new dwellings south of Lower Road will alter the landscape and extend the urban boundary southwards towards the railway line and closer towards Old Manor Farm (a locally listed building, within the Conservation Area), although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal would also extend development into the wider open countryside setting that contributes to the historical significance of the Conservation Area. The resultant impact, which would diminish the perception of largely unaltered rural surroundings would thus harm the setting and the significance of the heritage asset.
- 7.94 Nonetheless, the proposed development would be set back from the existing dense boundary hedgerow to the south of Lower Road and would be only marginally visible from further up Lower Road, when travelling south, moving outside of the conservation area boundary. The lowest density of housing is proposed near the Lower Road boundary and this will include extensive landscaping and be well spaced to provide a sense of openness and a rural character. Traditional style materials are proposed

which is positive.

- 7.95 The proposed development would introduce additional traffic which would have an impact on the tranquillity of the Conservation Area. Any harm would be moderated by the constrained highway layout involving a number of tight bends, which would moderate speed, and the relatively limited scale of development.
- 7.96 However, in the case of the impact on the Conservation Area and its setting, detailed above, it is considered that the overall extent of harm to the significance of the conservation area would be towards the lower end of the **less than substantial** bracket.
- 7.97 Turning to consider the impact on listed buildings, there is a degree of separation and the site is not readily visible from the closest listed building (The Elms) and impact of the physical building works to the buildings themselves and their settings would be limited. However, given the degree of separation and respective distances involved from the northern boundary of the development site, it is considered that the impact on the closest listed building (The Elms) and its setting would be negligible.
- 7.98 However, as the harm to the significance of the heritage asset can be moderated to a degree, it is concluded that less than substantial harm would result. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

(iv) Impact on the Character and Appearance of the area

- 7.99 In addition to the impact on Heritage Assets, it is necessary to consider the impact of the proposed scheme on its wider environs.
- 7.100 The site is within Local Character Area (LCA) 13: Historic Bedhampton and comprises Landscape Character Type H: Open lower harbour plain. The key considerations in this respect relate to:
- Protect existing natural and heritage assets and the character of the Conservation Area – this has been considered in section (v) above
  - Taking design cues from the surrounding character area, avoiding suburbanisation and,
  - Protect and enhance existing habitat and green infrastructure.
- 7.101 The application is supported by a Landscape & Visual Impact Assessment (LVIA) which considers the relationship of the proposed development to the existing landscape character and context of the site in terms of views of it. The LVIA notes that the site would have a strong relationship with residential properties in Lower Road occupying a 'settlement edge' and that the coniferous shelterbelt serves to separate the more sensitive Conservation Area from the proposed development site. The LVIA categorises the effects of development on different parts of the LCA in terms of its severity and time frame over which the impact will be felt.
- 7.102 The LVIA assesses the impact under 3 areas, and concludes in respect to Area 1 (Old Manor Farm including application site), on balance, the proposed development would result in a high adverse magnitude of effect **mainly affecting the site** with the rest of the LCA less affected. Combined with a medium sensitivity, the overall landscape effect would be major/moderate adverse. This effect is considered significant in line with the methodology, and is to be expected as a result from development of the site.



The remaining Area 2 (19th and 20th Century housing) would experience a low adverse magnitude of landscape effect; whilst Area 3 (Old Bedhampton Conservation Area (north)) would experience a neutral effect. In respect to the Wider LCA it is concluded that the impact would be moderately adverse, but would diminish over time.

7.103 The moderately adverse impact reflects the fact that the change from countryside to residential would be a clear, irreversible impact that would be incapable of full mitigation, particularly when viewed close-up, however once developed and additional landscaping provided, the scheme would be viewed prominently through trees, or against the existing built up area such that the site would have limited impact on the wider LCA.

7.104 The impacts on visual receptors (dwellings and user of roads and footpaths), local residents and those travelling along Lower Road would be major/moderate adverse at the Site level only, reducing to low adverse/neutral with distance. Therefore, the effects would, at worst, be major/moderate adverse for the parts of the Site proposed for built development at the construction and operational stage (Year 1). This is due to the change in character from farmland to a residential.

7.105 However, as the planting associated with the green infrastructure areas matures through time, the landscape, ecology and visual effects would improve, so that at site level, these are expected to be no greater than minor negative due to the additional physical enclosure, landscape integration and visual softening and screening provided by the proposed planting. In turn, the effects on the parts of the character area surrounding the site would also be further tempered in the medium to long term. Furthermore, the development with a mixed planting of broadleaved and native species would provide enhancement through contributing to local green infrastructure.

7.106 In longer views from the south, views of the development site would be more distant and would be seen in the context of the existing development and overall the character and amenity of the panoramic views would be retained.

7.107 The proposed development would extend the defined settlement boundary, but given the landscape setting proposed and the characteristics of the surrounding land and the proximity of the existing development, it is considered that it would appear as a modest extension to the existing settlement.

7.108 Overall, it is considered that the layout responds to the constraints and natural assets of the site and the principle of residential development on this site is considered acceptable in terms of landscape impact and is not contrary to the objectives of saved policies or emerging planning policies.

(v) Impact upon residential amenity

*Impact on existing residents*

7.109 The main impacts in terms of residential amenity relate to the adjoining properties on the south side of Lower Road and the properties on the opposite side of Lower Road, together with wider traffic impacts which are considered further below in Section (vi).

7.110 In respect to the properties on the opposite side of the road these are elevated in respect to the application site and the road provides separation. As such the proposed development is not considered to result in unacceptable loss of light and overlooking. In respect to the properties adjoining the site boundaries to the north, and in particular Manor Barn, separation distances for habitable rooms achieve 20 metres in accordance with the Borough Design Guide SPD and additionally the proposed

dwellings backing onto these properties are single storey. Hence there is not a requirement to obscure glaze or restrict opening. There would be an impact on outlook, but given the separation distances and single storey form of the proposed development adjoining this dwelling, a refusal on over-dominance could not be substantiated.

7.111 In respect to Farm Cottages, the nearest proposed dwelling is a bungalow which is set off the boundary on falling ground and as such would not be over dominant, and in accordance with the Design Guide the separation distances between the existing and proposed dwellings are appropriate to retain amenity. As such there would be no significant loss of amenity to existing residents and the development would comply with policy CS16 of the Core Strategy, the Design SPD and the NPPF.

7.112 Regarding the general impact of increased traffic on the highway network the scale of development is relatively low and the road configuration limits speed, such that the associated loss of amenity is not so great as to support refusal.

*Impact on future residents*

7.113 Policy CS16 states that proposals for noise-sensitive development, including residential uses, which would result in the occupiers of such development being exposed to unacceptably high levels of noise will not be permitted. This policy is consistent with that of Paragraphs 170 and 180 of the NPPF, which respectively require that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings, and that the planning system should prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, amongst other things, unacceptable levels of noise pollution.

7.114 A Noise and Vibration Impact Assessment has been provided taking into account noise generated from traffic on the A3(M), A27, and railway line. The noise assessment glazing and ventilation specifications have been determined and standard thermal double-glazing specification should achieve a satisfactory internal environment in all habitable rooms. The report concludes that development can be delivered without causing significant harm to the amenity of future residents. The assessment has indicated that vibration on the area of the site proposed for development is insignificant. A post construction verification condition is proposed to ensure compliance with this requirement.

7.115 The Environmental Health Officer has assessed the impacts including air quality, noise, vibration and contamination and has raised no objection and is satisfied that subject to conditions a satisfactory environment for future residents can be achieved.

(vi) Access and Highway Implications

7.116 The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 110 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

7.117 The application provides for a Transport Statement and in response to the initial consultation from HCC Highways a Technical Note was subsequently submitted. As

part of this the following junctions have been modelled to 2024, including the 'Forty Acre Farm' site (planning reference APP/18/00450) as a committed development.

- Site Access/Lower Road;
- Brookside Road/Bedhampton Road; and
- Bedhampton Road/Bedhampton Hill Roundabout.

7.118A subsequent sensitivity test has been undertaken to model the aforementioned junctions to 2024. Under this scenario, the Portsdown Hill Road arm of the Bedhampton Road/Bedhampton Hill Roundabout increases to a capacity of 0.92 and 1.08 in the AM and PM peaks respectively, where 1.0 would represent the theoretical capacity. Whilst the latter is noted to be overcapacity, this is primarily caused by background growth at the roundabout, with the vehicular traffic from this development only resulting in 1 additional movement every 4 minutes across the peak hours. The predicted vehicular flows through this junction of 17 in the AM peak and 15 in the PM peak in 2024 result in an overall increase in vehicular flow of 0.75% and 0.58% in the AM and PM peaks respectively. For this reason, mitigation from this development is not considered necessary.

7.119 Updated accessibility work highlights that a number of the identified schools sit close to the maximum preferred walking distance. As a result, a route to school audit was requested on the main route to these schools to understand whether there are any improvements required as part of this development to maintain safety and encourage sustainable modes travel to school. Through this assessment, a number of improvements were identified, as detailed in drawing number ITB12174-GA-007 Rev A. The Highway Authority have reviewed these improvements, and this is considered adequate mitigation for the forecast increase in vehicular and pedestrian movements on routes to school. A S106 is required to secure a contribution towards the improvements.

7.120 Extensive representations have been received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular concerns are raised that the existing highway network in the vicinity and in particular Lower Road is unsuitable for the extra traffic that would be generated by the development, with the absence of footways and presence of tight bends resulting in safety issues and conflict between vehicles and pedestrians with pedestrians having to walk in the road along Lower Road, Brookside Road and Bidbury Mead.

7.121 The concerns in particular relate to the intensification of use of these roads by vehicles including mobility scooters, cyclists and pedestrians including a 50m section of Lower Road with no footway. A number of improvement options have been explored; however, the limited width of the highway constrains what is achievable here. The Highways Authority has carefully considered the impact of the development on the current layout. There have been no recorded accidents over the past 20 years at this location. Vehicle use is forecast to increase by 26 trips in the AM and PM peak hours and pedestrian use by 12 in the AM peak and 8 in the PM peak. Vehicle speeds are low in the area, with 85th percentile speeds of 18.1mph eastbound and 15.7mph westbound (adjusted for wet weather). Hampshire County Council's safety auditor has reviewed the impact of the development on this section of highway and considers that the current safe operation of Lower Road will not be affected by the additional vehicular and pedestrian flows.

7.122 Additionally there is also an alternative walking route utilising Footpath 107, which is accessed from Lodge Road. However, this is only partially lit and surfaced and of

restricted width, and whilst this offers an alternative route for some users is it not accessible to all users.

7.123 Lower Road does not contain a footway. To address this matter, a 2m wide footway is proposed internal to the site, linking to the junction with Lodge Road to the west via tactile paving. Signage towards Footpath 107 and Lodge Road would be provided.

(vii) Flooding and Drainage

7.124 The site is not located within an area at risk from flooding and the latest Environment Agency 'Flood Zone Map' (March 2019) indicates the site is located within the lowest risk category - Flood Zone 1. 'Flood Zone 1' is land assessed as having a less than 1 in 1000 (<0.1%) annual probability of flooding from a main river in each year and is not within an area of recorded river flooding. Additionally, the site is not at risk of flooding from all ordinary watercourses within the locality of the development, nor from tidal flooding.

*Surface Water Management*

7.125 The surface water management proposals have been developed in consultation with the Environment Agency (EA) and the Local Lead Flood Authority (LLFA) and comprise a SuDS scheme to collect, attenuate and convey the surface water runoff from the proposed development. Surface water from the development will be conveyed to the south of the site using swales which will connect into attenuation basins. The attenuation basins are linked to a borehole to dispose of surface water. The system has been designed in accordance with guidance which requires assessment against a 1 in 100 year event, plus a 40% allowance for climate change to mitigate any residual risk of surface water flooding to the site in its developed state.

7.126 A management company is proposed, and a Section 106 Agreement will require full details of how the SUD's are managed and maintained to ensure the optimum operation of the system.

*Foul sewerage*

7.127 There is an existing off-site sewer to the east of the site. A new sewer from the development connecting into the existing sewer network to the east will be constructed by Bargate Homes. A standard "per unit" tariff payment will be made to Southern Water to carry out any necessary upgrades. The applicant will fund the costs of these new connections and make payments directly to Statutory undertakers. Southern Water have confirmed that it's network can facilitate foul sewerage disposal to service the proposed development. The Lead Local Flood Authority and the Environment Agency have been consulted, and subject to conditions raise no objection.

(viii) The Effect of Development on Ecology

7.128 The site overall comprises a fairly typical area of south Hampshire farmland and is of generally limited ecological value. The site has been shown to support foraging/commuting bat species (primarily around the vegetated margins), a range of widespread bird species, and a small population of common reptile species.

7.129 The proposed landscaping scheme would provide a useful area of open greenspace within the south of the site. This will include areas of sown species-rich grassland, native hedgerow, trees and scrub and wetland features and should provide a valuable range of habitats. Mitigation measures are provided for the identified ecological receptors, entailing timing vegetation removal to avoid nesting bird impacts and the use of habitat modification to encourage the translocation of reptiles from the northern

boundary

7.130 The site forms part of the larger Solent Waders & Brent Goose Strategy (SWBGS) Site H05a, which is listed as a Secondary Support Area. The proposed development will result in the loss of 3.85ha Special Protection Area (SPA) supporting habitat and a mitigation package comprising a mix of on-site recreational greenspace and a proportionate financial contribution equalling £329,036 towards the protection of the wider SWBGS network is proposed in accordance with the required SWBGS.

7.131 The Council's Ecologist and Natural England have confirmed that the proposed mitigation, compensation and enhancement measures are acceptable.

(ix) Impact on Trees

7.132 A number of poor quality trees are shown to be removed as they are unsuitable to be protected by a Tree Preservation Order. These include the TPO'd conifer belt on the eastern boundary, which are approaching the end of their life, and are non-native. The remaining trees on and offsite can be adequately protected during the course of development by the protective fencing proposed and the Council's Arboriculturalist has concluded that the tree work specified to be carried out in the method statement is appropriate and necessary. The trees to be removed are all of low grading, and as such should not be considered a constraint to development. They do however provide extensive ecological benefit to the site, and the proposed landscaping plans have been amended to provide mitigation planting with native species. In summary provided that the methodology set out in the arboricultural reports is strictly adhered to there is no arboricultural objection.

(x) Impact on archaeology

7.133 The site has been considered for its below ground archaeological potential as part of an Archaeological Desk Based Assessment which has been submitted as part of this planning application. In terms of relevant nationally significant designated heritage assets, no World Heritage sites, Scheduled Monuments, Historic Battlefield or Historic Wreck sites are identified and the site contains no designated or undesignated heritage assets currently recorded.

7.134 The site lies in an area on the fringe of Langstone Harbour that was exploited in the Mesolithic; the Neolithic burial mound suggests the landscape continued to be exploited subsequently. The Langstone Harbour edge is rich in Bronze Age archaeological evidence and Iron Age settlement and salt working has been found. It is a richly used landscape in the Roman period. The County Archaeologist has assessed the submitted study and considers that it is inescapable that the site has a high archaeological potential – i.e. the potential to encounter archaeological sites which are as yet unrecorded. Notwithstanding concerns expressed about the submitted study, he is satisfied that this matter can be addressed, and his recommendation is for an archaeological condition to secure a preliminary archaeological survey to establish the location, extent and character of any archaeological remains within the site and to secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results.

7.135 The representations received raise concern that the proposed development will result in potential destruction of archaeological material in respect to Marsh Lane. The County Archaeologist has assessed this matter and advised that *archaeology 'below' the lane is least likely to survive. Long lived routeways tend to be eroded features that cut into the ground and are brought back up by successive surfacing.* In respect to

ownership of Marsh Lane the agent has confirmed that it falls within the land covered by the Notice to owners.

7.136 In conclusion, provided that appropriate conditions are secured there is no objection on archaeology grounds.

(xi) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

7.137 The impacts of the proposed development on key infrastructure have been assessed and an Infrastructure Delivery Statement submitted. The infrastructure provision in respect to highways, education, flood risk/drainage, health, open space, leisure and utilities has been considered and mitigation for the potential impacts on infrastructure proposed which would be the subject of a legal agreement as set out below.

7.138 The development is CIL liable. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect of the following matters: -

1. Affordable Housing
2. S106 monitoring fee
3. Open Space, orchard, children's allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space in managed in a Nutrient Neutral manner
4. Solent Recreation Mitigation Strategy contribution currently £33,975.70
5. SUDS bond
6. A contribution towards Health of £8,000
8. Mitigation Payment to the SWBGS of £329,036.40. for loss of secondary support habitat
7. Permissive paths
8. A contribution towards a Community worker of £12,500
9. Delivery of site access works via a S278 agreement, prior to commencement of development.
10. Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.

## **8 Conclusion**

8.1 The development site lies outside of the built-up area and is not provided for in current adopted Local Plan policy - as a result the proposal is contrary to development plan policy. The development plan is a pre-eminent consideration which must be outweighed by other material considerations in cases of conflict.

8.2 Notwithstanding that the site is located outside of the urban area in the development plan in the countryside, it is proposed for development in the emerging Havant Borough Local Plan 2036. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development. It would also deliver significant economic and social benefits. The proposed development would make an important contribution to the Borough's five year housing land supply. On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development, and this is a compelling material consideration, which indicates that that a decision could be taken that departs from the development plan.

- 8.3 The setting of the Conservation Area which lies to the south, and south west is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the Conservation Area and is important in supporting its historic separation, both physically and in terms of character, from 20th century developments that encroached onto the area.
- 8.4 The introduction of new dwellings south of Lower Road will alter the landscape and increase the urban boundary southwards towards the railway line and closer towards Old Manor Farm (a locally listed building, within the Conservation Area), although this will be separated by a narrow landscape buffer and rear gardens of only single storey dwellings. The proposal will also extend development into the wider open countryside setting that contributes to the significance of the Conservation Area, diminishing the perception of largely unaltered rural surroundings and as such must be taken into account in the balance of considerations. As such the development of this open site would have an adverse impact on the setting of the Conservation Area, although this has been found to be less than substantial, but must be taken into account in the balance of considerations.
- 8.5 In respect to listed buildings and their settings given the degree of separation and respective distances the direct impact of the built form would be negligible and any impact from traffic would reflect with those on the Conservation Area generally.
- 8.6 In respect to the landscape impact, the additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. In the longer term the replacement of the conifer tree line with native species would bring both landscape and ecological benefit.
- 8.7 The Appropriate Assessment concluded that the four avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 8.8 Following extensive review and consultation to address highways concerns, the proposal incorporates measures to improve road safety. Whilst these measures are limited owing to the existing constraints, the scheme, which has been subject to a Road Safety Audit, will allow connection from the site to Bedhampton and Havant providing acceptable sustainable access to the site and key facilities. Overall the impacts on the highway network could not be considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused.
- 8.9 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are public benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging and complex balance of heritage impact and sustainable development principles, and notwithstanding the development plan position in relation to the site, the application is recommended for permission.

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**9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00450

(A) a Section 106 Agreement as set out in paragraph 7.138 above; and

(B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning

Application Form

Infrastructure Delivery Statement

CIL Assumption of Liability Form

CIL Additional Information Form

Planning Design & Access Statement

Affordable Housing Statement

Statement of Community Involvement

Compliance statement

**Architect's Plans**

- 17.043.102 Rev P – Site Layout
- 5992-601-C- GENERAL HIGHWAY ARRANGEMENTS
- STREET SCENES SHEET 1 OF 2Rev B
  - STREET SCENES SHEET 2 OF 2Rev B
- 201 – House Type B
- 202 – House Type C
- 204 Rev E – House Type E



- 17.043.205 Rev D – House Type F terrace
- 17.043.205A – House Type F Terrace staggered
- 17.043.205B Rev A – House Type F Terrace Affordable
- 17.043.206 Rev D – House Type F – Semi - Affordable
- 207 – House Type G
- 208 - House Type H
- 209 - House Type J
- 210 - House Type K Plans
- 211 - House Type K Elevations
- 212 - House Type L Plans
- 213 - House Type L Elevations
- 214 House Type M
- 17.043.215 Rev D – House Type N – Affordable
- 17.043.216 Rev D E – Car Barn and cycles
- 218 – Double detached garages
- 219 – Single detached garages
- 17.043.220 Rev C – House Type HA
- 221 – House Type AA
- 222 – House Type JA
- 223 – House Type O
- 17.043.225 Rev B – Sub-Station
- 17.043.226 Rev B – Street Scenes 1
- 17.043.227 Rev B – Street Scenes 2
- 1860-TF-00-00-DR-L-1002 Landscape Rev 07 (sheet 1 of 5)
- 1860-TF-00-00-DR-L-1003 Landscape Rev 05 (sheet 2 of 5)
- 1860-TF-00-00-DR-L-1004 Landscape Rev 04 (sheet 3 of 5)
- 1860-TF-00-00-DR-L-1005 Landscape Rev 07 (sheet 4 of 5)
- 1860-TF-00-00-DR-L-1006 Landscape Rev 05 (sheet 5 of 5)
- (MJA Consulting) Drainage Strategy Layout 5992:P01 Rev. G  
(14.10.19)
- (MJA Consulting) Level Strategy Layout 5992:P02 (Rev. )

- (MJA Consulting) Road and Sewer sections 5992:P10 (Rev. )
- (MJA Consulting) Surfacing Strategy Layout 5992:P05 (Rev. A)
- (MJA Consulting) Sections Through Attenuation Basin, Reed Bed and Wet Pond 5992:P11 (Rev. A)
- (MJA Consulting) Proposed Residential Development, Manor Farm, Bedhampton, Hampshire, SuDS Management & Maintenance Plan (Rev. B) Ref. SS/19/0185/5992
- (MJA Consulting) Exceedance Flow Plan 5992:P06 (Rev. )
- (MJA Consulting) Manor Farm, Bedhampton, Surface Water Network MicroDrainage Calculations
- EV Charging point plan

### **Highways**

Transport Assessment

### **Ecology**

Ecological Assessment (Aluco, April 2019)

### **Miscellaneous**

Acoustic report provided by 24 Acoustics

Flood Risk Assessment & Development Drainage Strategy Rev B(MJA Consulting)

Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019

Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017)

Letter from Vivid dated 25th September 2019

### **Landscape and materials**

- 3 No above ground development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
  - ii) Planting methods, tree pits & guying methods,
  - iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
  - iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
  - v) Manner and treatment of watercourses, ditches and banks,

vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,

vii) Means of enclosure, in particular boundary walls and planting around properties and including their frontages, including any retaining structures,

viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution

ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

#### **Ecology and trees**

- 5 Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (Aluco, April 2019) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be implemented in accordance with the agreed details and maintained in perpetuity in a condition suited to their intended function, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

6 Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, April 2019) and including measures to address the impacts, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). Development shall be implemented in accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

7 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019 shall be installed. No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

**Reason:** To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

### **Environmental**

8 No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved Plan shall be adhered to throughout the construction period. The plan should include, but not be limited to:

- An indicative programme for carrying out of the works
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- The arrangements for deliveries associated with all construction works • Loading and unloading of plant and materials • Storage of plant and materials used in constructing the development
- Location of temporary site buildings, compounds, construction material, and plant storage areas
  - Access and egress for plant and machinery

- Protection of pedestrian routes during construction
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 - 18.00 hours on Mondays to Fridays and 08 00 and 13 00 hours on Saturdays and; at no time on Sundays and Bank Holidays • Procedures for emergency deviation of the agreed working hours
- Control measures for dust and other air-borne pollutants • Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- The parking of vehicles of site operatives and visitors
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate • Wheel washing facilities
- A scheme for recycling/disposing of waste resulting from demolition and construction works

**Reason:** To protect the amenities of nearby residential premises during the demolition/ construction phase of the development and having regard to PolicyCS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Environmental – Soil, contamination**

9

The development hereby permitted shall be carried out in accordance with the recommended Remedial Works and Contamination Discovery Strategy outlined in sections 11.2 & 13.0 of the Geo-Environmental Services Ltd. Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017), unless otherwise agreed in writing by the Local Planning Authority.

Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report must;

- a) demonstrate the adequate segregation of made soils deemed inappropriate for use in private garden areas, and either the appropriate 'off-site disposal' or 'within-development placement' of this material to ensure that no unacceptable exposures arise, and;
- b) document any assessments &/or remedial actions required to be taken in accordance with the Contamination Discovery Strategy, or if no actions were required; provide a positive declaration that no relevant discoveries of previously undocumented 'suspected contaminated' soils were made.

**Reason:** Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], contamination impacted soils have been identified within a discrete deposit at the site where contaminants are likely to exceed levels considered appropriate for use private gardens, allotments or soft-landscaped public amenity land. This condition aims to secure an appropriate use or

destination for these soils, to ensure that no unacceptable exposure to harmful contaminants may occur.

**Noise**

- 10 The development shall be built in accordance with the noise mitigation recommendations outlined in the acoustic report provided by 24 Acoustics (Technical Report: R6954-1 Rev 1 dated 28th March 2019) attached to the planning application namely:  
The specification measures outlined in Parts 5.7 - 5.10 of the report.

The agreed details shall be fully implemented, and validation test results submitted to the Planning Authority before the use hereby approved is commenced and/or any part of the development is occupied.

The measures are based on the units being of cavity masonry construction. Any divergence from this method of construction would require a further acoustic report to reflect the changes, to be submitted, as further mitigation measures may be required in that instance.

**Reason** - To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interest of residential amenity and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**Drainage and Flood risk**

- 11 No development shall begin until a detailed surface water drainage scheme for the site, based on the principles accepted under application reference APP/19/00427, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- o Provide unit type, and sizing for the Upflow unit and show it is sized adequately for the area it is draining. Please indicate type of unit (manhole or vault to be provided) and show this within the drawing.
  - o Due to the sensitivity of discharging to a deep borehole soakaway, please provide details of what emergency procedures would be in place to ensure an oil/contamination spillage is promptly dealt and the penstock shut-down mechanism activated to prevent any contamination from reaching the borehole.
  - o Provide details of the treatment level using the CIRIA Simple Approach Index level provided by the Multi-Stage Treatment Filter” from Hydro International unit. provided by the “Multi-Stage Treatment Filter” from Hydro International.
  - o Provide details showing how the top layer of the infiltration borehole will be sealed details of what measures such as screening will be provided to prevent entry of debris into the borehole soakaways.

**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 12 The development hereby permitted shall not be commenced until a scheme for water quality monitoring of surface water drainage discharging to the boreholes, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure controlled waters (groundwater) are protected, and that there is no direct discharges of pollutants to groundwater in line with paragraph 170 of the National Planning Policy Framework, and having due regard to policy DM10 of the Havant Borough Adopted Core Strategy [2011]

### **Highways**

- 13 Prior to first occupation the visibility splays shown for the vehicular access and two pedestrian accesses shall be provided so that any obstruction within the splays between 0.6m and 3m above the level of the carriageway shall be removed. These splays shall be maintained in this condition thereafter.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

14. Prior to use at least the first 16m of access measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material and shall be maintained in this condition thereafter.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Archaeology**

17. No development shall take place until the applicant has secured a preliminary archaeological survey to establish the location, extent and character of any archaeological remains within the site, the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority..

**Reason:** to establish the location, extent and character of any archaeological remains within the site and to secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results. and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

18. Following completion of archaeological fieldwork a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

**Reason:** To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

### **Water efficiency/sustainability**

19. The development hereby permitted shall not be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority. All measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of



Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

### **Electric Charging points**

- 20 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

- 21 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order (as amended), no extension, building or structure permitted by Part 1, Classes A/B/C/E/F//and H of the 2015 Order, as amended, shall be erected within the curtilage of Plots 1, 10, 11, and 22 to 28 inclusive without the prior written approval of the Local Planning Authority.

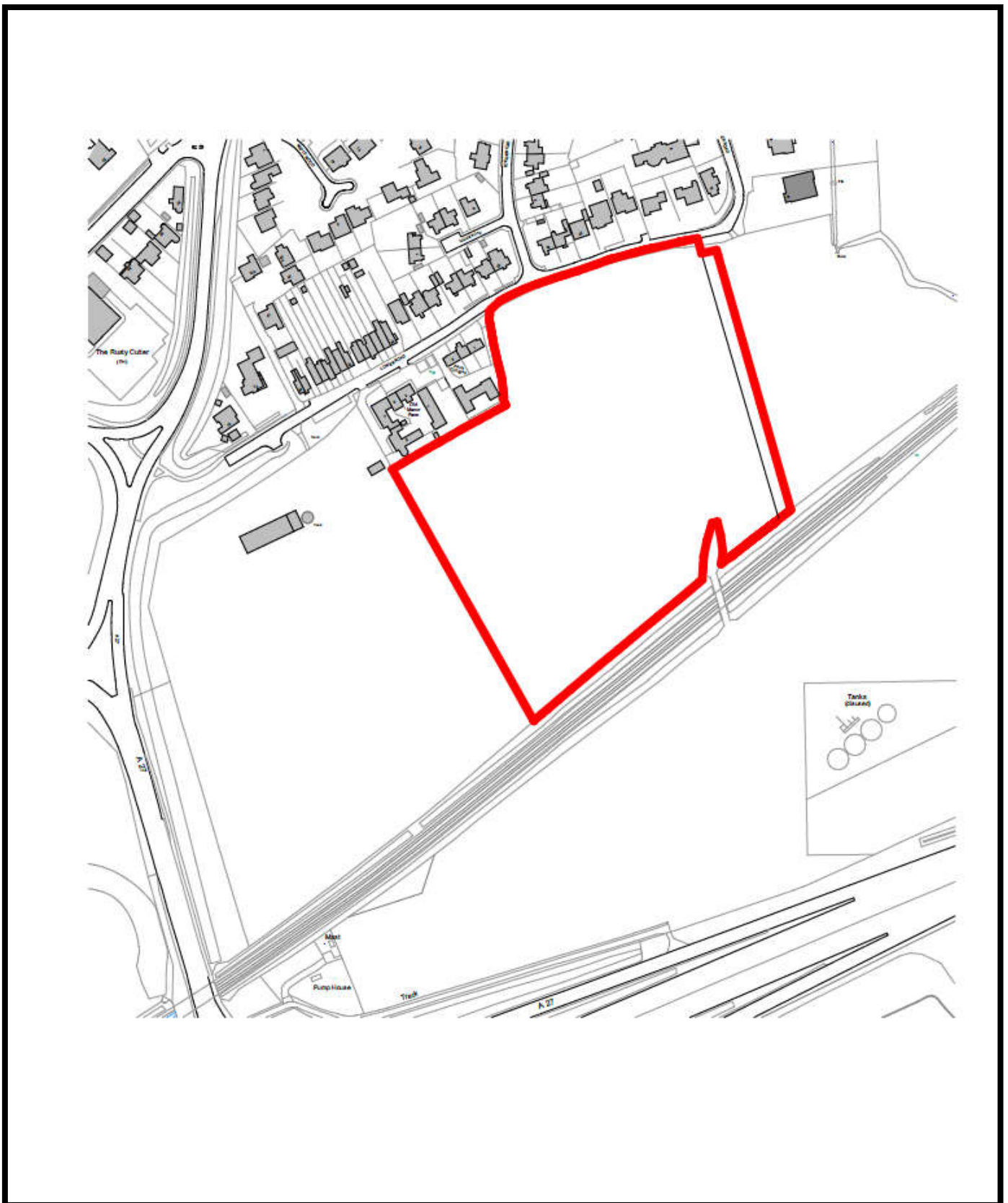
Reason: To safeguard the amenities of the Conservation Area and occupiers of neighbouring property and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

### **Appendices:**

- (A) Location Plan
- (B) Layout Plan
- (C) Street Scenes
- (D) Street Scenes
- (E) Conservation Area Boundary
- (F) Footpath improvement to Bidbury Lane

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LOCATION PLAN



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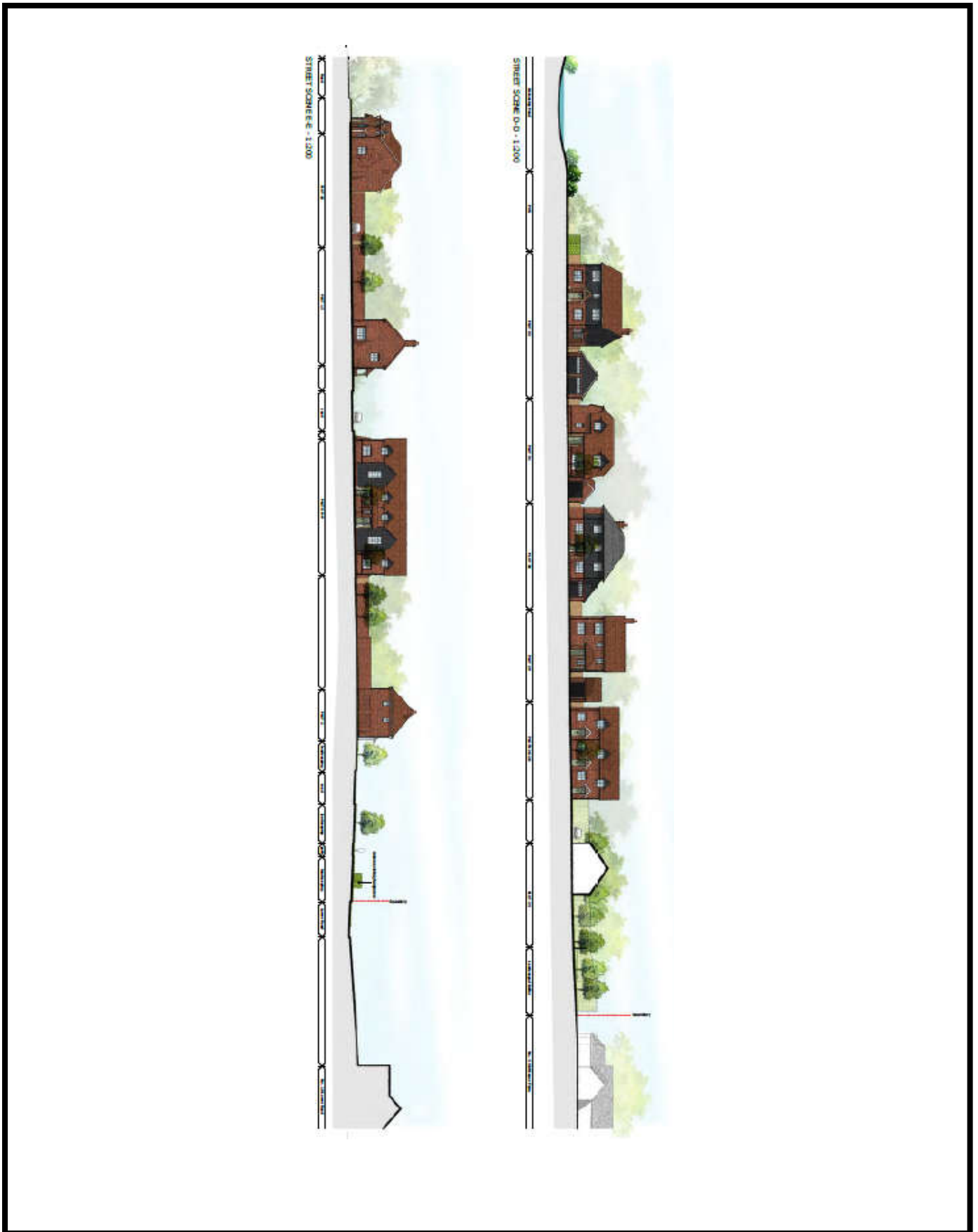
Street Scenes 1 of 2



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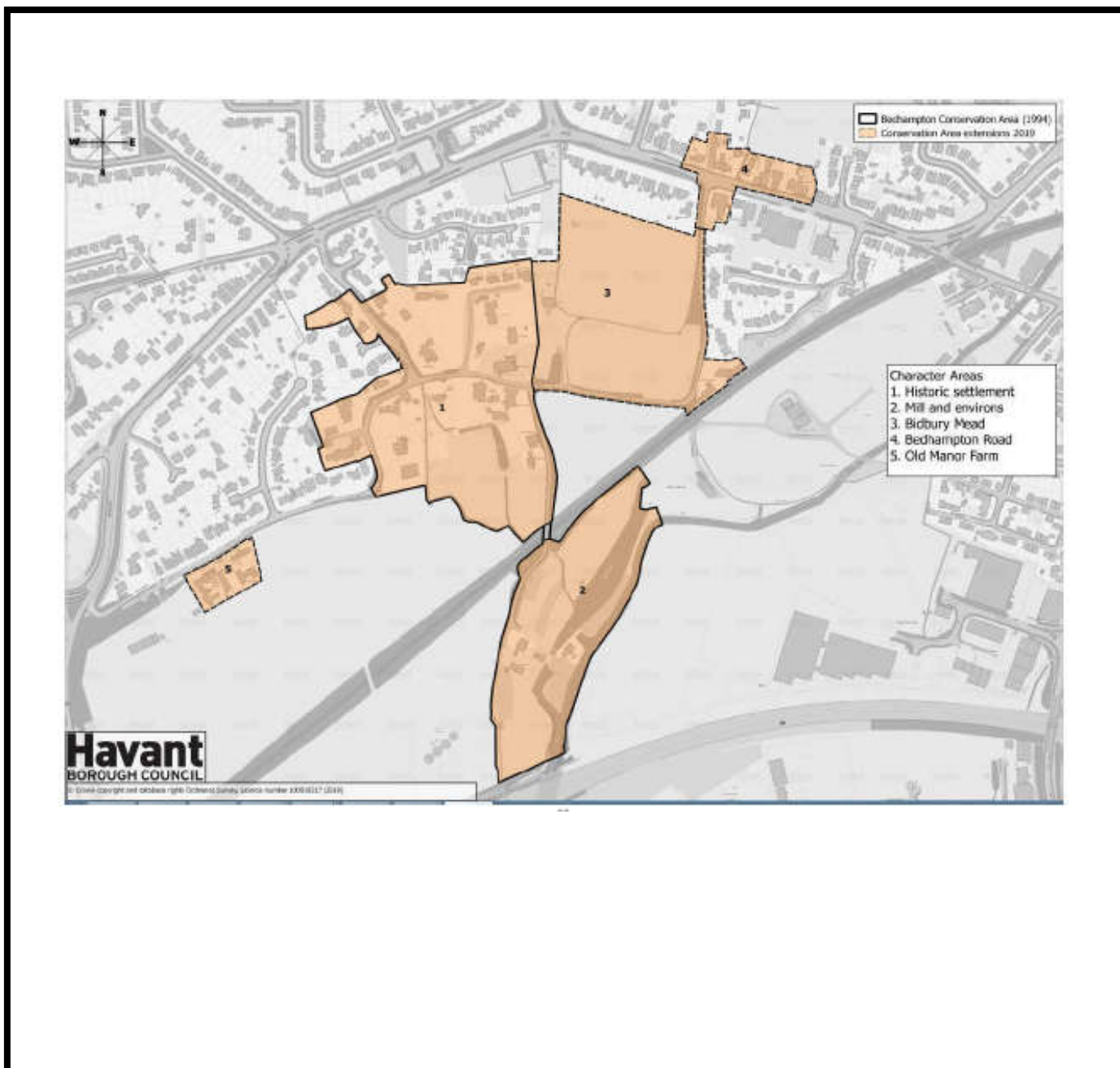


Street Scenes 2 of 2



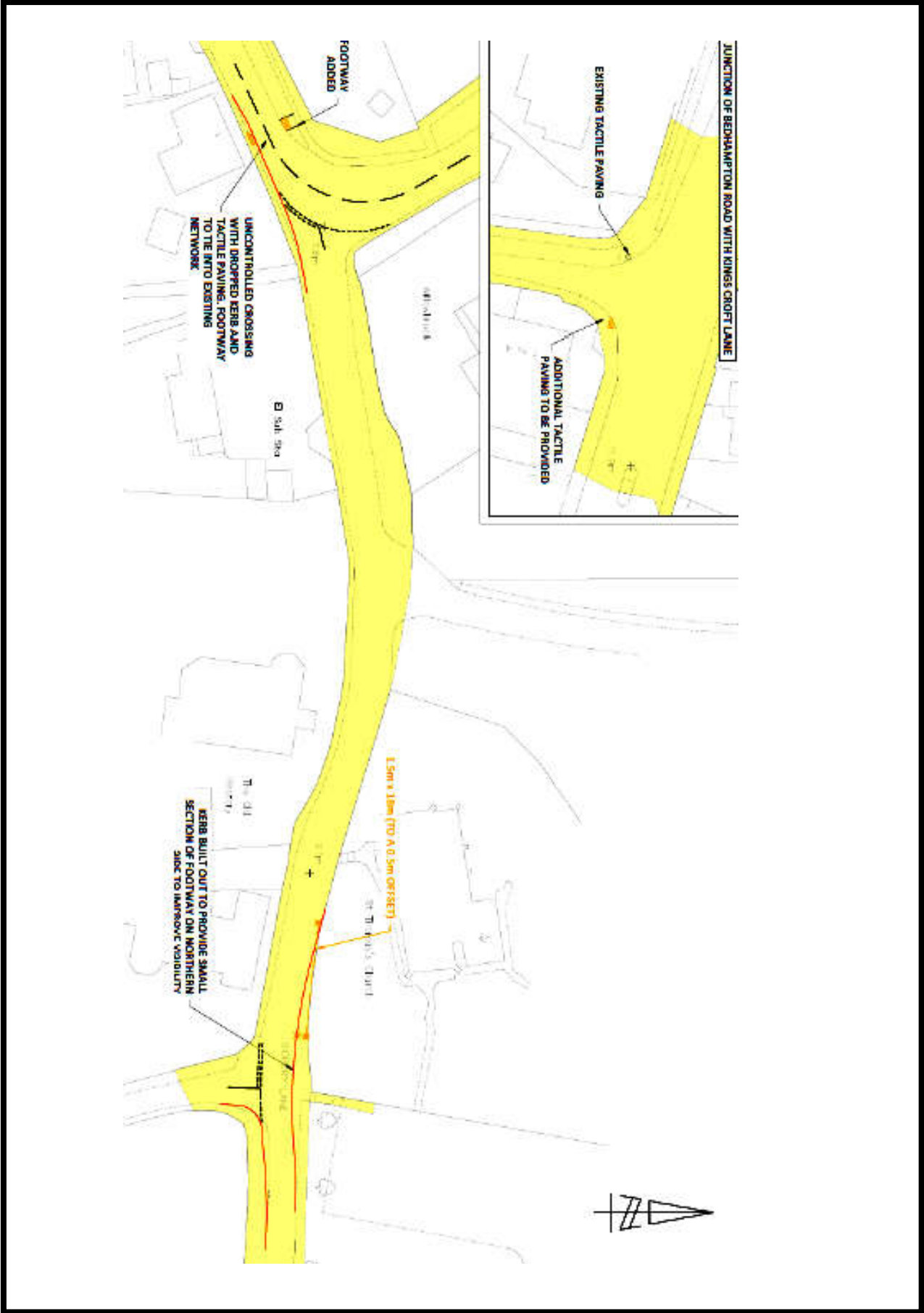
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Conservation Area Boundary



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Footpath improvement to Bidbury Lane



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The proposal has been subject to extensive review and consultation. Extended negotiations have taken place, along with research into previous proposals in similarly sensitive locations, resulting in the plans being improved and amended to address concerns; revising the layout and improving landscaping.

Additionally, specialist reports were commissioned to address concerns over some key issues - including landscape impact, management of the site, ecology, highways, and flooding. The site is in flood zone 1, with the access being located in zones 2 and 3 and the proposal will include, through a recommended condition, a Flood Warning and Evacuation Plan to ensure that those occupying the site can evacuate in a safe manner during a flood event.

This application has been considered against both the criteria set out in policy CS5 of the Havant Borough Local Plan (Core Strategy) 2011 and paragraph 83 of the National Planning Policy Framework 2019. The Highway Authority has raised no objection to the scheme. Furthermore, the development is not considered to have a significant adverse impact on the amenities of neighbouring properties.

The development is acknowledged to affect, to some degree, the character and setting of this part of the area in terms of impact on its rural appearance and tranquillity. The impact of the development on the character, setting and rural appearance of this part of the Island has been improved, when compared to the original submissions. When this more sensitive layout is considered in conjunction with the provision of tourism facilities, it is considered that the impact on the landscape, whilst altered, is not so detrimental when weighed up against the other material considerations as to warrant a refusal. In addition, the appeal decision for the previous application is clear that the Inspector considered that the development *“would have a limited effect on the character and appearance of the area due to the transient nature of the use, the screening provided by the mature trees and landscaping, and the limited scale and massing of the caravans and other structures on the site.”*

To conclude, in assessing the proposal (including associated evidence) against the adopted Local Plans and the National Planning Policy Framework (NPPF) it is considered that whilst the proposal is a departure from the Development Plan, the application is recommended for permission because it is a sustainable form of tourism development appropriately located in the countryside and at a scale which supports the local economy of Hayling Island and represents sustainable development, subject to appropriate controls through conditions.

## **1 Site Description**

- 1.1 The site is located to the south of the residential curtilage of the dwellinghouse known as Mandai. Mandai is one of a linear form of residential properties, made up of detached dwellings, to the north of the site. To the west and south of the appeal site are open agricultural fields. St Peters Road runs along the eastern boundary of the site, beyond which is additional agricultural land.
- 1.2 The site is enclosed by mature planting to all boundaries, with the addition of timber fencing between the boundary of Mandai and the application site. The site also benefits from vehicular access onto St Peters Road in the south-east corner of the site.
- 1.3 The site has recently had two touring caravans on the site, one towards the front boundary of the site and the second more centrally positioned. In addition to the touring caravans there is a Wendy house, used for play, an enclosed hot tub, a timber

shed like structure containing a shower, toilet and washing machine, a storage container with building equipment inside to the far west of the site, a white van, electric connection, decked area in front of the central caravan and additional hardstandings. These are all unauthorised, and are outlined in more detail in paragraph 2.4.

- 1.4 The site is located outside of the settlement boundary within a rural setting, and is within the defined 'Non-Urban' area, as defined by the Havant Borough Local Plan (Allocations) 2014. The site is within Flood Zone 1, although the access and adjoining road fall within Flood Zones 2 and 3.
- 1.5 The site has an extensive planning history, including regarding Enforcement Action, which is outlined in detail below.

## **2 Relevant Planning History**

### Planning History

- 2.1 APP/18/00207 - Use of Land for touring holiday/tourism caravan site and erection of utility block (Resubmission). Application refused by Development Management Committee, for the following reason:

*The proposal represents the undesirable addition of a touring holiday/tourism caravan site in a non-urban area, for which there is no overriding justification, and which would adversely affect the character and appearance of the countryside. It is therefore, contrary to policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2012.*

A Planning Appeal, decision attached at appendix D, was subsequently dismissed on 15th August 2019. In respect of the Committee's reason for refusal the Inspector concluded on this issue that "the effect of the proposal on the character and appearance of the countryside would be acceptable, and therefore find no conflict with the design aims of CS Policy CS16".

The appeal was however dismissed on another matter, which was on the grounds of the likely adverse effects on the integrity of the Solent SPAs, either alone or in combination with other plans and projects, because of additional nitrogen and phosphorous from additional waste water generated by the proposed use.

- 2.2 APP/17/00942 - Use of land for touring caravan site and alteration of access. Application withdrawn 30/01/2018.
- 2.3 APP/14/00999 Application for lawful development certificate relating to existing use of land as leisure plot. Refused 21 January 2015 – No appeal lodged.
- 2.4 05/60059/000 Outline application for construction of a chalet bungalow with/without shared access - Refused 24 May 2005.

Appeal Dismissed – 02 March 2006 – APP/X1735/A/05/1192877  
High Court Challenge – Withdrawn – 11/07/2006

### Enforcement History

- 2.5 13/00262/CMP Alleged unauthorised use of land.

Following an enforcement investigation, a Planning Enforcement notice was served in respect of the site on 27 May 2016, which was appealed and was the subject of a Public Inquiry.

The matters which appeared to constitute the breach of planning control were, within the last 10 years, the change of use of the Land to use as a leisure plot with ancillary development. In addition to the unauthorised development the following ancillary items were on the land in breach of planning control:

- (a) The siting and use of two caravans
- (b) The parking and storing of vehicles on site
- (c) The siting of a storage container
- (d) Associated ancillary development including CCTV installation, hardstandings, decking, patios, siting of hot tub, siting of timber shed, chiminea and skips, kerbing and play house.

- 2.6 The requirements of the notice were to:
1. Permanently cease the use of the Land as a leisure plot.
  2. Permanently remove all vehicles parked and stored on the Land.
  3. Permanently remove boat and trailer parked and stored on the Land.
  4. Permanently remove the storage container from the Land
  5. Permanently remove the caravans from the Land
  6. Permanently remove all associated development and paraphernalia from the Land, including CCTV installation, hardstanding and patios, hot tub, timber sheds, decking, chiminea, skips, bench, picnic table, kerbing and playhouse.
  7. Re-instate the Land to its original undeveloped condition prior to the breach of planning control.
- 2.7 The time period for compliance with the notice was for 3 months from the date it took effect.
- 2.8 The notice would have taken effect on 1st July 2016, but was held in abeyance pending the outcome of the appeal.
- 2.9 The appeal was made on three grounds; (d), (f) and (g). **Ground (d)** that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. **Ground (f)** that the steps required to comply with the requirements of the notice were excessive, and lesser steps would overcome the objections. **Ground (g)** that the time given to comply with the notice was too short. It is important to note that the grounds of appeal **did not include ground (a)**, which refers to an opinion that planning permission should be granted for the proposal. As such the Inspector did not consider whether Planning Permission should have been granted, and only considered those matters contained under grounds (d), (f) and (g).
- 2.10 The appeal was dismissed, with the Enforcement Notice Varied and upheld, on 2 May 2017, for the following reasons:  
Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. The Inspector did not consider that the appellant had proven on the balance of probability that no material change of use requiring planning permission had occurred since 23 September 2004. The evidence indicates that a material change of use occurred in or around 2009/2010 from use as a garden detached from a dwelling to use as a leisure plot with ancillary development. As this represents development for which planning permission is required, the current use of the land is unauthorised. The appeal on

ground (g) therefore was dismissed.

Ground (f) - An appeal on this ground is that the steps exceed what is necessary to remedy the breach of planning control. The Inspector concluded that the requirements did not exceed what was necessary to remedy the breach of planning control and did not preclude the appellant doing what he is lawfully entitled to do in the future once the notice has been complied with.

Ground (g) - An appeal on this ground is that the compliance period is too short. The Inspector outlined that the three-month compliance period specified in the notice would place the appellant in some difficulty bearing in mind his personal circumstances. Instead, the Inspector considered a compliance period of 6 months to be more appropriate and varied the compliance period of the notice to this effect.

As such the requirements of the Enforcement Notice should have been complied with by **2 November 2017**. To date, whilst some clearance has taken place on the site, full compliance with the Notice is yet to be achieved.

### **3 Proposal**

- 3.1 The application is identical to the previous application APP/18/00207, which was for the Use of Land for touring holiday/tourism caravan site and erection of utility block. The application proposes that the number of pitches would be restricted to three, with it being anticipated that those using the site would stay for 1 or 2 weeks, using the site as a base to explore the local area.
- 3.2 The proposal would be utilising some of the existing hardstandings for the caravans, which would be restricted to concrete strips to form a hard surface under the wheels, while retaining the rural appearance of the site.
- 3.3 The site already has electricity and water supplies. Toilet and shower facilities would be provided near the entrance in the form of a small building. These would be connected to the main sewer, in order to ensure that the site is appropriately drained. The application outlines that no additional facilities would be brought on to the site
- 3.4 The application form and drawings have been submitted with:
  - A Design & Access Statement including management plan of the facility
  - Transport Statement
  - Flood Risk Assessment
  - Ecology Assessment

### **4 Policy Considerations**

#### National Planning Policy Framework 2019

#### Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS5	(Tourism)
DM11	(Planning for More Sustainable Travel)

- DM12 (Mitigating the Impacts of Travel)
- DM14 (Car and Cycle Parking on Development (excluding residential))
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.

Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process.

The relevant planning policies of the emerging Local Plan are:

- IN3 - Transport and New development
- E1 - High Quality Design
- E3 - Landscape and Settlement Boundaries
- E4 - Development on the Coast
- E19 - Managing Flood Risk in New Development
- E5 - Chichester Harbour AONB
- E22 - Amenity

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.  
 Conservation Area: Not applicable.

**5 Statutory and Non Statutory Consultations**

**Council's Ecologist**

The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. I am content that the issue of potential impacts to overwintering birds has been addressed.

The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that

ecological impacts continue to be avoided.

If you are minded to grant permission can I suggest that ecological mitigation measures are secured by condition:

*Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

### **Southern Water**

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example “The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.”

The applicant is advised to discuss the matter further with Southern Water.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached to the consent. Please note our public records do not show a public foul sewer within St Peters Road.

### **Environment Agency**

The Environment Agency has no objection to the proposed development as submitted.

### **Advice to Local Planning Authority**

Due consideration should be given by Havant Borough Council to the acceptability and adequacy of rescue or evacuation arrangements and the provision of and adequacy of a temporary refuge. These are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development.

The applicant has demonstrated through the FRA that they understand the requirement for flood emergency planning including flood warning and evacuation of people. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. The potential lack of access should be addressed through a site specific flood management plan which would need to be agreed with the LPA.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

The FRA states that during an extreme event, guests would potentially have suitable

shelter on the site as the proposed hardstanding areas for the three caravans are to be located in Flood Zone 1 which has a low annual probability of river and sea flooding.

The LPA should consider whether the proposed location of the caravans can provide suitable shelter until flooding on the road frontage has fallen to a safe level.

If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.

#### **Environmental Health Manager**

No objection to the site being used for the proposed purpose of a caravan site for 3 touring caravans with a relevant utility / ablution block.

However, if this application is to be approved, the applicant will need to apply for a caravan site licence for the proposed number of sites, and the conditions imposed thereon must be fully complied with. These conditions will be laid down in terms of the Caravan Sites and Control of Development Act 1960.

#### **Highway Authority**

The Highway Authority have no objection to the application subject to condition.

#### **Planning Policy,**

Notwithstanding the site's location outside of the urban area, the proposal has the potential to support small scale rural tourism development. As such, subject to appropriate conditions to secure the safety of development from residual flood risk throughout its lifetime, there is no policy objection to the development.

#### **Natural England**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

#### Deterioration of the water environment

With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

#### Solent Recreation Mitigation Strategy

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has adopted a planning policy to mitigate against 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.

## **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: 14

Number of site notices: 1

Statutory advertisement: 6/12/19.

Number of representations received:

### **Objections: 5, including North East Hayling Residents Association**

Summary of planning issues raised:

- 6.1 Adverse impact on the character of the area and the amenity of local residents. This is a very rural site with no surrounding businesses or offices which spoil the landscape. If this development is allowed it will in time lead to further development.
- 6.2 The site was meant to be cleared by the current owners and many villagers are unsure why HBC have not enforced this Notice. There are no grounds for this application to be permitted, in view of the outstanding enforcement notice and the fact that this is a garden site.
- 6.3 The three current caravan sites in the road are indeed within walking distance to a pub, this site will not support local business. There are already adequate facilities with 2 caravan sites further down the road on more appropriate sites.
- 6.4 The fact that there is a pumping sewer across this site and it is in a flood zone is against HBC development plan.
- 6.5 Highway Safety and Traffic - Although there is a traffic assessment provided with the application, the site itself is on a very narrow winding part of the road with traffic often travelling well above the speed limit. The proposed access route from Northney Road is in places particularly narrow especially through the village itself with very limited room to pass 2 normal cars, certainly not a touring caravan - with the limited site access and nature of the roads, this application will cause dangerous conditions.
- 6.6 Design, appearance and layout - the site is not suitably located, there does not appear to be any restriction on occupancy. From the road, this site would be extremely out of keeping - although the application says it cannot be seen from the road this is incorrect. This application is a commercial activity which will generate noise, congestion and a hazard within a residential area. There is no tourist need for this site as there are 2 other adequate, more suitable sites along the same road towards the south end.
- 6.7 The previous application was dismissed at appeal, and this one should be as well.

## **1 letter of support**

- 6.8 Support the application and think this will be a great use of the site. As owner of the Farm Shop on the main road our business relies on tourist trade who have a tendency to shop little and often in our shop.

## **7 Planning Considerations**

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).
- 7.2 The Council's assessment as competent Authority under the Habitats Regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to recreational pressure and water quality. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. Natural England were consulted on the findings of the HRA.

### **Recreational Pressure**

- 7.3 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 adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 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. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

### **Water Quality**

- 7.4 The second element is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. The applicant has agreed the Grampian style condition, as outlined in the Position Statement, in order to mitigate the impact of the development in terms of achieving Nutrient Neutral Development. It is noted that the Inspector in the previous appeal decision raised some concerns regarding the proposed Grampian condition. A Grampian Condition prohibits development authorised by the planning permission or other aspects linked to the planning permission (in this case occupation of the development) until a specified action has been taken (in this case the provision of an avoidance and mitigation package). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission, which is not envisaged in this case as the Council continues to work towards a more definitive mitigation strategy, as a matter of priority. This condition has been formulated and agreed as an appropriate approach both by the Council and Natural England, and sets out a mechanism through which some certainty can be provided to developers, whilst

fully protecting the Solent's European Sites from the significant effect that would otherwise arise through this development. As such given this it is considered that the proposal has addressed the concerns raised by the Inspector in this regard.

**Appropriate Assessment conclusion**

- 7.5 The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the likely significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3). Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England advised that they concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission. The applicant has entered into a legal agreement and has accepted the appropriate Grampian condition to protect water quality to secure the mitigation packages.
- 7.6 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) Impact on highways
  - (v) Impact on flooding
  - (vi) Impact on ecology
  - (vii) Impact on drainage
  - (viii) Enforcement history
- (i) Principle of development
- 7.7 Policy AL2 and Policy CS17 of the adopted Local Plan seek to concentrate development in the defined urban area. The application site lies outside the urban area and would therefore be contrary to these policies, unless there is an overriding need for it to be located within the countryside. In this regard it should be noted that Policy E3 of the Pre-Submission Havant Borough Local Plan 2036 proposes to define Northney (including this site) as lying within a settlement boundary, where such a policy conflict would not occur – however this policy has only limited weight at this time.
- 7.8 Policy CS5 of the adopted Local Plan supports appropriate development proposals that provide hotel and other types of tourist accommodation in principle. This is supplemented by paragraph 83 of the National Planning Policy Framework 2019 (NPPF) which states that in order to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This could include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
- 7.9 The planning guidance provided by Visit Britain and Visit England indicates tourism sites must be easily accessible for visitors, and where possible enable sustainable travel. It is however, acknowledged that many small-scale rural tourism developments are car dependent, but the use of the car does not make the proposal unsustainable. Encouraging greater domestic tourism has the potential to support jobs in rural areas, reducing out commuting.

- 7.10 The submitted Planning Statement also indicates the site would be restricted to three touring caravans and “those using the site would stay for 1 or 2 weeks” (paragraph 5.18). In this respect, though the proposal is for the change of use of the land to a touring caravan site, in order to ensure that the touring caravans do not become permanent residential accommodation owing to their location away from local services or owing to their form and setting, appropriate controls need to be in place to control this. The former Good Practice Guide on Planning for Tourism (GPGPT), now withdrawn and replaced by the NPPF, which provides similar advice, recommended conditions to allow all year holiday use and prevent residential use of holiday/touring caravans, subject to appropriate controls.
- 7.11 The former Guide records that tourism is increasingly a year-round activity and that such a spread of demand for self-catering accommodation is advantageous to local economies, but recognises that occupancy conditions are reasonable to preclude permanent residential use. It is therefore considered that given the evolving nature of the tourism market flexibility is required to respond to an evolving tourist and day visitor market. As such it is considered in this instance that subject to suitable conditions and a legal agreement, which would limit the number of touring caravans permitted on the site and ensure that the site is used for tourism/holiday purposes and therefore not result in the creation of permanent residential dwellings, that the use of the site in the manner proposed would be consistent with the approach set out in the Guide and the NPPF.
- 7.12 Furthermore the Inspector in the previous appeal concluded that *“CS Policy CS5 supports development proposals that provide hotels and other types of tourist accommodation, which are not restricted to urban areas. Camping facilities are not generally associated with the urban environment and are more commonly found in countryside locations. The proposed caravan site would be located outside an urban area, but would support small scale rural tourism. Paragraph 83 of the Framework advises that planning decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside.”*
- 7.13 As such it is considered that the principle of development is considered acceptable, subject to relevant conditions and legal agreement, as both national policy and development plan policies consider that tourism facilities are appropriate in the countryside, provided they do not harm protected landscapes and environmentally sensitive areas, which is considered in detail below.
- (ii) Impact upon the character and appearance of the area
- 7.14 As noted in paragraph 2.1 of this report the Inspector in the last appeal concluded that the development would respect the distinctiveness and character of the surrounding countryside. The Planning Inspectorate is bound by government advice, legislation and national policy in the same way as the Council and the decision by the Planning Inspectorate overrides the previous decision of the Council. The appeal decision is therefore a material consideration in determination of this application and case law requires that like cases should be considered in a like manner to allow for consistency in decision making. As such it is considered, given the Inspector’s findings, and the fact that the policy position is unchanged and there is nothing new to indicate an alternative decision, that it would be unreasonable to refuse this application on this issue.
- 7.15 From St Peters Road the site is largely hidden when approaching from both directions by existing vegetation and the neighbouring buildings at Mandai, although there are

views in through the access. The introduction of the touring caravans in combination with the proposed utility block will therefore have an impact upon the character and appearance of the locality. To that end views through to the touring caravans from the main road are likely to be achievable. It is also reasonable to assume that once the site is further established that more domestic paraphernalia might accumulate on the site further detracting from the openness of the location. However, views of the site would have to be actively sought; it would not be directly evident to users of the road, or passers-by, that the site is being used as a touring caravan site. Furthermore, touring caravans are of limited height, and from going along St Peters Road beyond the site entrance, the touring caravans and ancillary block would only be glimpsed, given the combination of mature trees and hedging on the front (eastern boundary) and close boarded fencing, behind the landscaping.

- 7.16 Therefore, whilst it is accepted that the proposed use would cause some harm to the openness of the countryside location, it is well screened, and the impacts would be limited. In reaching this conclusion, account has been taken of the opportunity to introduce additional landscaping within and around the site, which is proposed to be secured by condition. Whilst native species are likely to take some time to establish, these would, in time, reinforce the well-established screening which already exists, particularly on the eastern boundary with St Peters Road.
- 7.17 Whilst it is acknowledged that the landscape impact could be improved in the longer term through additional landscaping, there are still concerns regarding its wider visual impact from neighbours and the Residents Association. However, given the proximity of the site to existing built form; its sensitive design, layout and scale; provision of a tourism use and its subsequent contribution towards the wider economy of the district; it is considered that on balance the landscape impact, whilst altered, is not so detrimental when weighed up against the other elements outlined in this report as to warrant a refusal of this application. In addition, the Inspector was clear in the previous decision that that the effect of the proposal on the character and appearance of the countryside would be acceptable, and therefore found no conflict with the design aims of policy CS16. Furthermore, the scheme would accord with the policies for the countryside as detailed within the Framework, and there would subsequently be no conflict with CS Policies CS5 and CS17, as well as LP Policy AL2.
- 7.18 It is acknowledged that there is a need for control over night sky pollution and that no lighting should be installed unless necessary and justified accordingly. A condition would control external lighting on the site and would be subject to the agreement of the LPA.

(iii) Impact upon residential amenity

- 7.19 The proposed development has the potential to have a detrimental impact on the amenities of neighbouring residents to the north along St Peters Road, through the potential of visitors to cause noise and disturbance unless these activities are carefully managed particularly given the proximity of the site. To address these concerns, the application has been submitted with an operational management plan which outlines how the site would be managed and controlled, and further outlines measures to control arrivals, waste and noise management and how occupiers can contact the site owner, if any issues arise. This management plan has been considered by the Environmental Health team, who have raised no objection to this application, subject to the imposition of relevant conditions requiring the site to be managed in accordance with these measures. Moreover, the previous refusal of APP/18/00207 did not cite residential amenity as a reason for refusal.

(iv) Impact on highways

- 7.20 In considering the highway issues arising from the application it is considered that two aspects need to be considered - firstly the ability of the site to accommodate the parking and turning movements, including provision of adequate visibility when using the existing access onto the highway associated with the proposed uses; and secondly the appropriateness of the site's location in terms of the access to and impact on the wider highway network.
- 7.21 On the first issue it is considered that the submitted site layout plan satisfactorily demonstrates that the car and touring caravan parking, turning and access requirements associated with the proposed use can be accommodated on the site without prejudicing highway safety and is acceptable to the Development Engineer.
- 7.22 In terms of traffic generation, the application is supported by a Transport Statement. This highlights that this development would not generate a significant number of additional journeys and whilst some additional movements might be expected, these would be expected outside of peak network operation hours. The Highway Authority has reviewed the application and has noted that the numbers of trips would not generate a significant number of additional of vehicular movements along St Peters Road and raises no objection. The National Planning Policy Framework outlines that proposals would have to have proven severe cumulative harm on the highway network, for applications to be refused for highway reasons. As such while the development will lead to some additional vehicle movements in the vicinity of the site, they are not considered to be of a degree that would be detrimental to the safety and free flow of the surrounding highway network and would not justify a reason for refusal on this issue. Moreover, the previous refusal of APP/18/00207 did not cite highway safety as a reason for refusal.

(v) Impact on flooding

- 7.23 The main body of the application site lies within flood zone 1, which has the lowest probability of flooding. However, parts of the access and St Peters Road lie in parts of flood zones 2 and 3. The applicant has demonstrated through their Flood Risk Assessment that they understand the requirement for flood emergency planning including flood warning and evacuation of people, if the areas in flood zone 3 are inundated in a flood event. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. It is considered that the arrangements required during such an event, which would be tidal and therefore time-limited, can be addressed through a site-specific flood management plan which can be secured through appropriate conditions. This approach is supported by the Environment Agency.

(vi) Impact on ecology

- 7.24 The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. As such it is considered that the issue of potential impacts to overwintering birds has been addressed.
- 7.25 The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that

ecological impacts continue to be avoided, these can be secured through ecological mitigation measures by a condition, as recommended by the Council's Ecologist.

(vii) Impact on drainage

- 7.26 Southern Water have responded to this application, outlining that a public foul rising main crosses the site. As such given the limited degree of development in that area, it is considered appropriate to apply a condition to ensure that the public sewer is protected during construction and for an ongoing period.

(viii) Enforcement history

- 7.27 The site has had a complex enforcement history, with the previous enforcement appeal being dismissed by the Planning Inspectorate on 2 May 2017. As noted in the planning history, the appellant appealed the Enforcement notice on three grounds; (d), (f) and (g). Ground (d) refers to, at that time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. Ground (f) that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. Ground (g) that the time given to comply with the notice is too short. It is important to note that the grounds of appeal did not include ground (a), which refers to that planning permission should be granted for the proposal.
- 7.28 Local residents are concerned that allowing the proposed development would invalidate the enforcement dismissed appeal and set a precedent for similar development to take place on the adjoining land. However, there is no substantiated evidence that any such development is proposed. Moreover, any such proposals, including this application, have to be considered on their own merits having regard to adopted policy at the time and all other material considerations. The enforcement history of the site is therefore not a reason to refuse permission for this scheme, particularly bearing in mind the conclusions of the Inspector in considering the planning appeal submitted under APP/18/00207.

## **8 Conclusion**

- 8.1 It is recognised there is a balance to be taken in determining this proposal. In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal must be weighed. The development lies outside of the built-up area, however it is accepted that this is a tourism development, which is appropriately located in the countryside and at a low key scale which supports economic development in form of providing further tourism facilities on Hayling Island.
- 8.2 In addition, any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. Furthermore, the Inspector in the previous appeal, for an identical scheme, concluded that the effect of the proposal on the character and appearance of the countryside would be acceptable, and therefore find no conflict with the design aims of CS Policy CS16.
- 8.3 It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site. Furthermore, it is not considered to have a significant

adverse impact on neighbour amenity or protected species, subject to appropriate conditions.

- 8.4 In considering the means to mitigate the impact of the development in terms of achieving Nutrient Neutral Development, it is noted that the Inspector in the previous appeal decision raised some concerns regarding the proposed Grampian condition. However, this condition has been formulated and agreed as an appropriate approach both by the Council as competent authority, and Natural England, and sets out a mechanism through which some certainty can be provided to developers whilst fully protecting the Solent's European Sites from the significant effect that would otherwise arise through this development. As such given this it is considered that the proposal has addressed the concerns raised by the Inspector in this regard.
- 8.5 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01131 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
  
PROPOSED BLOCK PLAN HAYLING 02  
SITE PLAN - HAYLING 03 Rev D  
LOCATION MAP - HAYLING 04 Rev D  
Proposed elevations of utility block HAYLING 05  
Flood Risk Assessment dated 21 December 2017  
Transport Statement  
Ecological Assessment of Impacts on Brent Geese Report - January 2018  
Planning statement  
  
**Reason:** - To ensure provision of a satisfactory development.
- 3 The holiday accommodation hereby approved shall not be occupied by any person, group or their dependants, for a period of more than four calendar weeks in any twelve month period. A register of the occupancy of the unit shall be maintained and kept up-to-date by the operator of the units, that shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). The register shall record the arrival and departure dates of all occupiers..



**Reason:** To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 4 There shall be no more than 3 touring caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the site at any time,

**Reason:** To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 5 No development shall take place until a Site Development Scheme has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on any of the previously submitted plans, the Site Development Scheme shall include details of:

- (a) the positioning of the proposed touring caravans;
- (b) all boundary treatments;
- (c) all parking and hardstanding areas;
- (d) all external lighting;
- (e) any proposed new landscaping, planting, seeding or turfing;
- (f) the proposed means of foul water disposal; and
- (g) a timetable for the implementation of the above works.

The approved Scheme shall have been carried out in full, and completed in accordance with the approved timetable. unless otherwise agreed in writing by the Local Planning Authority. Following the implementation of the approved Site Development Scheme specified in this condition, the works thus carried out shall thereafter be retained and maintained, and shall remain in use throughout the lifetime of the development.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 6 Prior to the use commencing any gates or other obstruction to the passage of vehicles on the access shall be a minimum of 12m measured from the nearside edge of carriageway of the adjacent highway.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to the use hereby permitted commencing the access shall be improved as indicated on the approved plan HAYLING 03 REV D by the provision of a 4m. radius on the north side and visibility splays of 2.4m. x 33m. to the north and 43m. to the south. Anything other than street furniture shall be removed from the splays and they shall be maintained at all times thereafter.

**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011, in order to provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policies DM23 and DM24, CS21 of the Havant Borough Local Plan (Allocations) 2014, and the NPPF.

- 9 Prior to the occupation of any relevant part of the permitted development, a Flood Warning and Evacuation Plan to ensure the safety of residents/occupiers in the event of a flood or tidal occurrence shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

**Reason:** To ensure the safe evacuation of residents in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 Prior to the commencement of development, details including methods of protection in order to protect the public sewer which runs across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 The development hereby permitted shall not be occupied until:
- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
  - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European

designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites.

In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

**Appendices:**

- (A) Location Plan
- (B) Proposed elevation and floorplan of utility building
- (C) Site layout plan and block plan
- (D) Appeal decision for previous application APP/18/00207

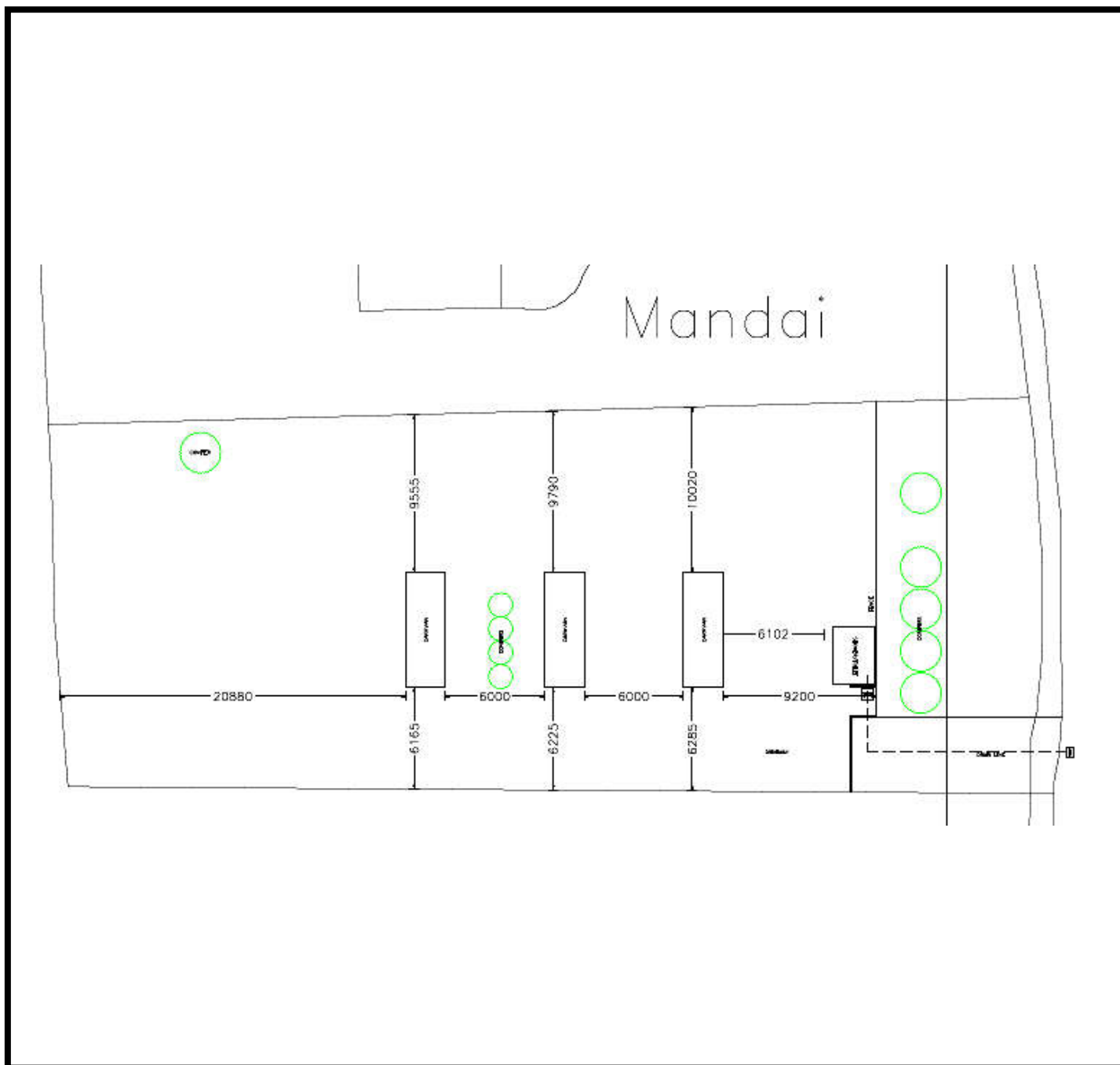
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LOCATION PLAN



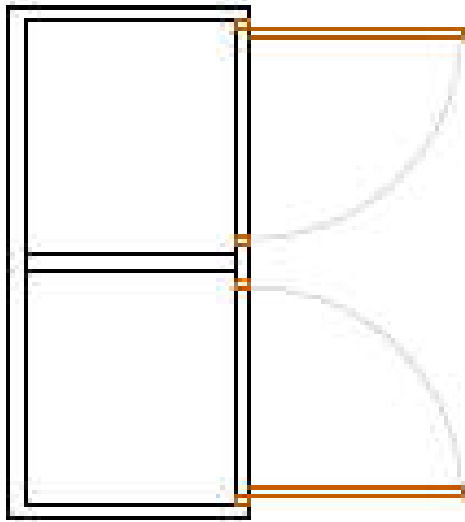
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Proposed Site Layout

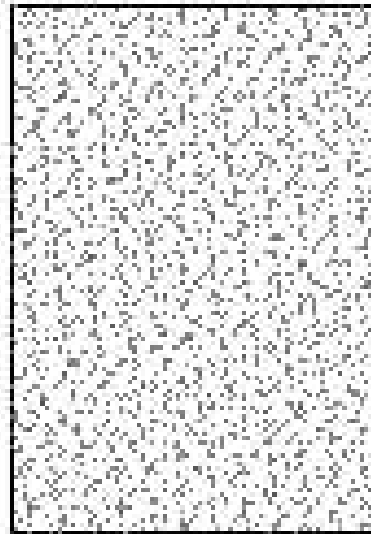


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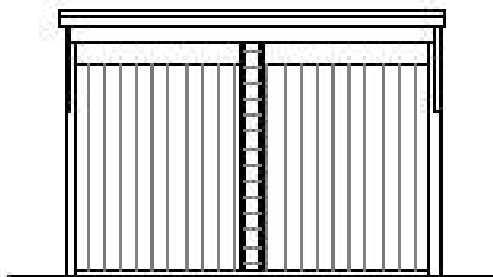




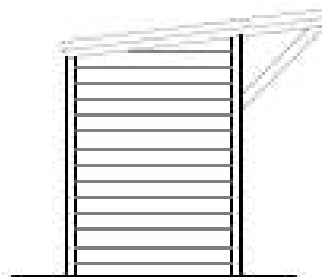
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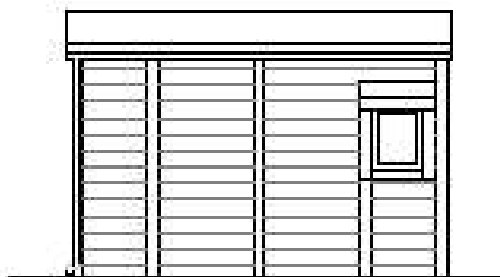
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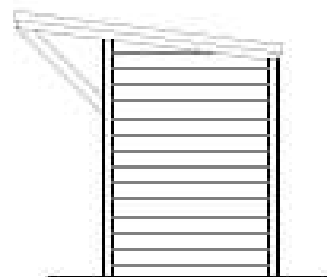
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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## Appeal Decision

Site visit made on 11 June 2019

**by S Edwards MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

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### Appeal Ref: APP/X1735/W/18/3214079

### Land adjacent to Mandai, St Peters Road, Hayling Island PO11 ORT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Laurence Stanley against the decision of Havant Borough Council.
  - The application Ref APP/18/00207, dated 15 February 2018, was refused by notice dated 21 September 2018.
  - The development proposed is use of land for touring caravan site.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Laurence Stanley against Havant Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.
4. The main parties have referred to the Council's Draft Havant Borough Local Plan 2036. However, this Draft Borough Local Plan has yet to be found sound, and therefore very limited weight can be ascribed to it at this point.
5. Within the decision notice, the Council's reason for refusal refers to Policy CS9 of the Havant Borough Core Strategy – March 2011 (CS). As part of their submissions, the Council has however clarified that CS Policy CS9 (Housing) was quoted in error, and that CS Policies CS5 (Tourism) and CS16 (High Quality Design) should have instead been referred to within the reason for refusal. I shall proceed on this basis.

### Main Issues

6. Following the publication of a Position statement on nutrient neutral development<sup>1</sup>, the Council has submitted further information in respect of the effect of the proposal on the Solent Special Protection Areas. This notably concerns the likely effects from proposals providing overnight accommodation on water quality. Both main parties were provided the opportunity to comment on the information submitted by the Council.

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<sup>1</sup> Adopted by Havant Borough Council's Cabinet on 26 June 2019.

7. I therefore now consider the main issues to be:

- The effect of the proposal on the Solent Special Protection Areas (SPAs); and
- The effect on the character and appearance of the area, having particular regard to the site's location within the open countryside.

## **Reasons**

### *Solent SPAs*

8. The appeal site lies within proximity to the Solent SPAs, which are protected sites designated under the Birds European Directive, as transposed in the UK by the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations), setting out a strict system of protection for European Sites and European Protected Species. Natural England has recently issued revised advice in respect of increased levels of nitrogen and phosphorous input to the water environment in the Solent, causing a dense growth of certain plants, otherwise known as eutrophication which affects the species using the Solent.
9. The Council's position statement, which reflects Natural England's advice, clearly states that forms of development providing overnight accommodation, such as the appeal proposal, are considered to increase nitrogen and thus cause likely significant effects on European Sites. In such circumstances, the Habitats Regulations state that an Appropriate Assessment (AA) is carried out.
10. Having regard to the nature of the proposed development and the increased risk which would stem from the additional waste water as a result of the proposed use, I consider that in the absence of mitigation measures, the appeal scheme would present likely significant effects on the Solent SPAs which, either alone or in combination with other plans and projects, could adversely affect the integrity of these protected sites.
11. The Council's position statement advises that an avoidance and mitigation package will be necessary for almost all proposals which, it is suggested, can be addressed by way of Grampian conditions. The suggested condition would notably require a mitigation package addressing the additional nutrient input arising from the development to be agreed with the Local Planning Authority, and a financial contribution to facilitate the delivery of the strategic mitigation package.
12. However, I note that there is currently no agreed strategy for collecting contributions for that particular purpose. It is also unclear how the contribution required as part of the mitigation package would be secured, other than through a planning obligation. As no planning obligation has been submitted as part of this appeal, the measures suggested as part of the condition would not be adequately secured, and would not bind the Council to spend the contribution towards the delivery of the mitigation package.
13. Additionally, the Planning Practice Guidance<sup>2</sup> (PPG) advises that negatively worded conditions limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be

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<sup>2</sup> Paragraph: 010 Reference ID: 21a-010-20190723.

appropriate in the majority of cases. The relative proximity of the site to a SPA would not amount to the exceptional circumstances as envisaged by the PPG.

14. I have had regard to the appellant's suggestion that the existing septic tank could be used, but no substantive information has been submitted to demonstrate that this would constitute a suitable and effective alternative to prevent additional nitrogen and phosphorous entering the water environment of the Solent. Whilst there is a possibility that visitors may not use the facilities provided on-site, it is highly likely that they would seek to dispose of the wastewater contained within the cassette of the caravan prior to leaving the site. Additionally, on the basis of the evidence before me, I am unable to conclude that the proposed use of the site would be as or less intensive than the existing lawful use as a garden detached from a dwelling.
15. In the absence of evidence to the contrary, I conclude that the appeal scheme must be dismissed on the grounds of the likely adverse effects on the integrity of the Solent SPAs, either alone or in combination with other plans and projects, as a result of additional nitrogen and phosphorous from additional waste water generated by the proposed use. The proposal would therefore conflict with Habitats Regulations and Policy CS11 of the Havant Borough Core Strategy – March 2011 (CS) which, amongst other things, seek to protect habitats through appropriate adaptation and mitigation measures.

#### *Character and appearance*

16. The appeal site comprises a parcel of land located at the entrance of the small village of Northney, and lies immediately to the south of a residential property known as Mandai, which it was severed from a number of years ago. As part of my site visit, I was able to observe that the plot is clearly separated from Mandai and is largely screened on all sides by mature landscaping. The site is otherwise surrounded by open fields.
17. CS Policy CS17 sets out the settlement strategy for the area administered by the Council, which seeks to concentrate new development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island. Policy AL2 of the Havant Borough Local Plan (Allocations) – July 2014 (LP) further emphasises the Council's settlement strategy, whilst making clear that land outside the defined urban area of Hayling Island is 'non-urban' rather than undeveloped gap. As shown on the Proposals Map, the appeal site lies outside the defined urban areas of Hayling Island. It is therefore located in a non-urban area where, in accordance with CS Policy CS17, development will only be permitted if it is consistent with the policies for the countryside set out in national policy.
18. CS Policy CS5 supports development proposals that provide hotels and other types of tourist accommodation, which are not restricted to urban areas. Camping facilities are not generally associated with the urban environment and are more commonly found in countryside locations. The proposed caravan site would be located outside an urban area, but would support small scale rural tourism. Paragraph 83 of the Framework advises that planning decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside. Additionally, paragraph 84 of the Framework recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

19. As noted above, the site lies just outside the village of Northney and within proximity to residential properties. Whilst the caravan site would include some permanent features such as a site cabin, it would have a limited effect on the character and appearance of the area due to the transient nature of the use, the screening provided by the mature trees and landscaping, and the limited scale and massing of the caravans and other structures on the site. Equally, any additional paraphernalia associated with the proposed use would to a large extent be screened by the existing landscaping, fencing and gate to the front of the site.
20. For the foregoing reasons, I consider that the effect of the proposal on the character and appearance of the countryside would be acceptable, and therefore find no conflict with the design aims of CS Policy CS16. Furthermore, the appeal scheme would accord with the policies for the countryside as detailed within the Framework, and there would subsequently be no conflict with CS Policies CS5 and CS17, as well as LP Policy AL2.

### **Conclusion**

21. For the reasons detailed above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

*S Edwards*

INSPECTOR