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## DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Satchwell (Chairman)

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

Standing Deputies: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick and Councillor Tim Pike

**Meeting:** Development Management Committee

**Date:** 10 September 2020

**Time:** 5.00 pm

**Venue:** Remote Meeting - Via Skype for Business

The business to be transacted is set out below:

David Brown  
Monitoring Officer

1 September 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 Site Briefing Minutes**

**To Follow**

To receive the minutes of the site briefing held on 3 September 2020.

**3      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.

**4      Applications for Development and Development Control Matters      1 - 4**

**4(1)    APP/18/01033 - Land East of, Castle Avenue, Havant      5 - 74**

Proposal:      Residential development comprising 69 No. dwellings with access from St George's Avenue together with access, car parking, landscaping, electrical substation and associated works.

[Additional Information](#)

## **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**

The meeting will be streamed live online to enable members of the public to watch in real time. The meeting will also be recorded and the recording will be published on the council's website.

IP addresses will not be collected, however in order to function, Skype for Business collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

Members of the public, County Councillors, and Non-Members of the Development Management Committee may submit a written deputation to meetings of the Development Management Committee provided that it relates to an item on the Agenda for a particular meeting.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired. However, "same or similar topic" does not apply to applications for planning permission considered by the Development Management Committee.

A copy of a deputation must be received by the Democratic Services Team not later than 48 hours before the start of the meeting (other than when the meeting is on a Monday, when notice has to be in by the previous Wednesday). Written deputations may be sent by email to the address set out below.

A deputation from a member of the public, agent or a County Councillor may be no longer than 750 words (including footnotes). A deputation from a Havant Borough Councillor, who is not a member of the meeting, shall be no longer than 1,500 words (including footnotes). A deputation may not contain images or photographs.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to

correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: [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"

### **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)



### PROTOCOL AT MEETINGS – RULES OF DEBATE

#### Site Briefing

- A private remote meeting may be held to enable the Councillors to familiarise themselves with a site's characteristics and request additional information to be provided prior to the meeting the Development Management Committee, where it is considered necessary to do so.
- A site briefing will normally be initiated either by:
  - The Head of Planning in advance of the Development Management Committee, in circumstances where she considers it important to understand the physical circumstances of the site, and representations of third parties (particularly where a deputation is expected), or where the application raises issues of precedent where Councillors need to understand the wider implications of any decision
  - The submission of a Red Card and specific request to site briefing by a Councillor
  - Resolution of the Development Management Committee
- The site briefing is an opportunity for members of the Committee to familiarise themselves with the site officially and have a proposal explained to them by Officers. No decision is made at a site briefing; the matter is always referred to a future meeting of the Development Management Committee for decision.
- Whilst attending a site briefing it is important for members of the Committee to consider:
  1. The site layout and boundaries;
  2. Physical features and constraints including levels and orientation;
  3. The general characteristics of the site and how it relates to the surrounding area;
  4. Nearby land uses, and
  5. Any relevant transport issues affecting the site.
- The site briefing should be a 'fact finding mission' and a means of identifying issues for consideration by the Development Management Committee. It must not therefore be used as an opportunity to debate the merits of an application. There will be no opportunity to receive representations from members of the public or applicants. Members should however ask questions of the Officers present, make points and highlight certain characteristics that they can only draw to the attention of other members of the Site briefing.

- The minutes of the meeting shall be published. The presentation together with supporting materials, which have not already been published on the Council's website, will be published as an appendix to the minutes of the meeting.
- Any member of the site briefing who has a disclosable pecuniary interest (as set out in the Members Code of Conduct) or has formed a concluded view – in the application must disclose to the meeting the existence and nature of that interest. If a disclosable pecuniary interest or a concluded view is declared the Councillor must not take any part in the site briefing or vote on the recommendation regarding the site in question and must not be part of the meeting during the briefing.
- Whilst the site briefing does not make a decision on an application or other planning matter, it is normal working practice for the briefing to make a recommendation to the Development Management Committee in one of the following forms
  1. To resolve, on the basis of the site briefing and information available at the time, that the site briefing does not wish to draw to the attention of the Development Management Committee any additional matters, OR
  2. To resolve on the basis of the site briefing and information available at the time, that the site briefing would wish that the Development Management Committee to consider the following matters in addition to those detailed in the Head of Planning report before making a decision:
    - a. the need for additional information, and/or
    - b. the need for additional conditions, and/or
    - c. areas of concern arising from the site briefing
- The Chairman will seek to secure a majority view as to the recommendation for the need or otherwise of additional matters being drawn to the attention of the Development Management Committee. If it is apparent that a majority cannot be obtained, he will recommend that the site briefing do not record a view.
- Any Councillor interested in a matter on the agenda can attend the site briefing, in order to have a better understanding of a proposal in their own ward or one that is of Borough wide interest. However, other Councillors attending the site briefing will not be allowed to address the working party, other than to point out matters of fact, detail, local knowledge and history.
- No recommendation of the site briefing to the Development Management Committee should be regarded as the final view of any Councillor as to how an application should be determined by the Committee.

#### Submission of Questions for the Development Management Committee

- Councillors are encourage to forward questions to be raised at the meeting to Democratic Services at least 4 hours before the meeting. These questions can then be addressed either as part of the officer's presentation or shortly after. This

does not inhibit your ability to ask questions at the meeting, but questions in advance can help facilitate a smoother and easier to follow virtual meeting.

- Questions cannot be directed to persons who have submitted written deputations.
- Questions and answers will be published and attached as an appendix to the minutes.

### Meeting Protocol

- Microphones will be muted centrally unless it is a councillor/officers turn to speak. When unmuted centrally please note that a councillor/officer will also need to press the unmute button before speaking!
- Councillors are encouraged to arrive at the virtual meeting no less than 15 minutes prior to the meeting start time. This will allow any technical issues to be resolved and the quorum to be confirmed.
- Whilst being held remotely, the meeting remains a formal meeting of the council with the same rules of conduct. There is the potential for greater audience numbers due to people being able to watch from their own homes. The meeting will also be recorded and the recording publicly available.
- After reading the report and attending the site briefing, if any, Councillors must forward primary questions to Democratic Services at least 4 hours before the meeting to facilitate a smoother meeting. These questions will be addressed by the officers at the meeting. Please note that the opportunity to ask supplementary questions at the meeting will be limited (please see above).
- There is a viewing pane showing all participants on the left-hand side (clicking the icon depicting three people in the top left of the screen will open). This lists the attendees (committee members) in alphabetical order, which is useful to ascertain when you will have an opportunity to speak.

The Chairman will read out a detailed introduction to outline how the meeting will run.

### Apologies for Absence

Will be read by the Democratic Services Officer.

### Confirmation of Attendance/ Declarations of Interest/ Supplementary Matters

For expediency, the Chairman will ask each councillor in turn to confirm the above. Attendees will be able to mute and unmute their own microphones. Councillors and Officers are requested to mute their microphone when not speaking and wait to be invited to speak by the Chairman at the appropriate time unless you they are experiencing technical difficulties in hearing another person. A standard form of words has been drafted:

*Present. I confirm that I have read the Supplementary Matters papers and that I have no interests to declare.*

If you have an interest:

*Present and I confirm that I have read the Supplementary Matters papers. I have an interest to declare in application xxxx/xxxx – Land at xxxxx, item x of the agenda.*

*The nature of this interest is xxxxxxxx and I shall.....(remain in the meeting for the discussion/voting on this item/ remain in the meeting for the item but abstain from voting/ withdraw from the meeting for this item)*

Please use this form of words.

### **Confirmation of Minutes**

The Chairman will ask each councillor in turn whether they have any amendments to the previous minutes. Either reply 'No amendments Chairman', or yes and clearly state the amendment.

The Chairman will ask for a proposer, at this point all microphones will be unmuted. The first councillor to speak, stating only their name 'Cllr X' will be taken as the proposer. The process will be repeated for the seconder. Prior to speaking please remember that you need to unmute your microphone!

### **First Application**

The officer will introduce as usual, with a PowerPoint shown via Skype for Business. During his introduction, the officer will highlight any new issues raised in the presentation, which are not covered in the report or supplementary papers. Public and ward councillor deputations will be submitted in advance and published. They will not be read aloud.

Following this the Planning Officer will respond to the deputations and answer questions that have been submitted by members of the committee prior to this meeting. After a reply has been given to each question, The Chairman shall ask the Councillor, who asked the questions if they are satisfied with the answer and/or have a supplementary question prompted by the answer.

The Chairman will then ask each Councillor in turn whether they have any supplementary questions. Once questions have been answered the Chairman will move to the debate. This will follow the same format as questions. Councillors are encouraged to move a motion (including an amendment) at any stage during the debate. The Chairman will announce when a motion has been proposed and name the proposer and will then call for a seconder. All microphones will be made live and Councillors must state their name if they wish to propose/seconder. At this point the Chairman shall ask each Councillor in turn if they wish to speak, the debate centring solely on the motion.

If members are minded to refuse an application, contrary to officer advice they must clearly state their reasons for refusal. If a member wishes to add conditions not recommended by the officers, he or she must also give reasons for this new condition. These reasons will be noted by the Officers. Councillors should make it clear that they are putting a motion forward and state the wording of the motion clearly.



Officers shall be given an opportunity to comment on any motion (including amendments) and any issues raised during the debate.  
At the end of a debate the Chairman shall ask each member, alphabetically, if they have anything to add.

### **Voting**

When voting, the Chairman will ask each Councillor in turn, alphabetically, to state either 'FOR, AGAINST or ABSTAIN'. Your microphone will be made live to enable you to speak, but please - remember to unmute before speaking!  
The Democratic Services Officer will confirm the voting numbers, following which the Chairman will declare the result of the vote.

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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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consideration. This includes the Borough's five-year supply of deliverable land for housing. 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. Extended negotiations have taken place, along with research into previous proposals in similarly sensitive locations, resulting in the plans being significantly improved and amended to address concerns; revising the design, layout and improving landscaping, which has improved the impact of the development on neighbouring residential properties. The application is supported by an Infrastructure Delivery Statement (IDS) together with specialist reports in respect to the key issues, including landscape impact, ecology, highways and drainage. The application achieves a policy-compliant level of affordable housing provision. Full publicity has been undertaken on the initial and amended plans including consultation, notification of neighbours, site notices and adverts in the press. The site is within flood zone 1 and is not covered by any nature conservation designations but does contain some Tree Preservation Orders (TPOs).

Following consultation with the Highways Authority and Local Lead Flood Authority it has been concluded that the development would not have a significant adverse cumulative impact on the highway network, and would provide mitigation and enhancements in terms of flooding and drainage.

Through considerable consultation and the subsequent amendments, the impact of the development on the character, setting and rural appearance of this part of the Borough has been significantly improved, when compared to the original submissions. When analysing this more sensitive design 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.

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.

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 triangular and consists of greenfield land approximately 2.2 hectares in area. The site comprises of two grassland fields separated by a fence line with a single small agricultural building located in the south-western part of the site. It is bounded to the north by the railway line, beyond which lies a recent residential development of 191 dwellings on land known as Copseys Nursery/Manor Farm development; to the west by residential properties fronting Castle Avenue and St Georges Avenue. To the south lies the A27 and Emsworth Road, which comprises a subway going underneath the A27, providing pedestrian and cycle access to Emsworth. To the east of the site currently lies agricultural land, which is identified for residential development in the Pre-submission Local Plan, in combination with this application site.
- 1.2 There is a line of trees and hedging along the western boundary of the site which does, at points, provide some screening to some of the neighbouring properties. A group of trees protected by Tree Preservation Orders lies in the north-western part of the site. In addition, some trees located around the existing pond are covered by a Tree Preservation Order. Access to the site is through a gated entrance along St Georges Avenue. The site level falls gently from the north towards the south with a low point in the south-western corner. Further to the south lies the coast and Chichester Harbour Area of Outstanding Natural Beauty, which is covered by various environmental/ nature conservation designations.
- 1.3 The site is located approximately 1.6km to the east of Havant Town Centre. In terms of access to public transport and facilities the site lies approximately 450 metres to bus stops located on Southleigh Road and 550 metres to Warblington Train Station and Warblington School.

## **2 Planning History**

- 2.1 There have been no previous applications for residential development of this site.

## **3 Proposal**

- 3.1 The proposal is for residential development comprising 69 No. dwellings with access from St George's Avenue together with access, car parking, landscaping, electrical substation and surface water drainage. This represents an amended scheme to the initial plans submitted in October 2018. The proposed scheme now comprises 2, 3 and 4 bed houses with a number of properties having a detached garage. The layout would also incorporate public open space, including the provision of play space, in the form of a Local Area of Play (LAP), and opportunities for new tree and shrub planting, details of which are set out in the accompanying Landscape Masterplan. 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 including:-
- Mix of housing changed to, 21 x 2 bed, 44 x 3 bed and 4 x 4 bed.
  - More 3 bed affordable dwellings proposed to reflect need in the Borough.
  - Changes to house types proposed for market and affordable housing.
  - Amendment to the dwellings at entrance into the development, including the provision of landscaping.

- Layout and type of dwellings have been amended to address concerns regarding the impact of the development on 27 St Georges Avenue. Specifically, the dwelling types adjacent to No.27 have been amended to comprise single storey dwellings, with accommodation in the roof.
  - There is now more of a transition of building heights across the site.
  - More space and opportunities for tree planting.
  - Previous large parking courts have been replaced with a series of smaller courts, with additional landscaping to break up large areas of hardstanding.
  - Relocation and reorientation of electricity sub station to be located adjacent to open space.
  - Changes to the layout of the dwellings towards the south of the site to mitigate against the potential impact of future occupiers being affected by noise from the A27 and to take into account the root protection areas of trees subject to Tree Preservation Orders.
- 3.2 Vehicular and pedestrian access to the development would be taken from St Georges Avenue, and a separate pedestrian/cycle route is safeguarded to link up with the cycle/pedestrian network to the south. The proposal incorporates provision for the future development potential of adjacent sites, as both the application site and the triangular site to the east forms an area identified in the Pre-submission Local Plan under Policy H15, for about 255 dwellings. In addition, the Council has identified a Strategic Site capable of providing around 2,100 homes in Policy KS5 of the Pre-Submission Local Plan. As part of the delivery package for that site, a direct access onto the A27 may be needed. While the location and layout for this junction, its slip roads or connecting roads have not yet been finally determined, it is possible that land at the southern end of this application site could be required. This application has safeguarded this area of land, as shown through the proposed layout.
- 3.3 The development provides 0.2 ha of open space and a Sustainable Urban Drainage scheme (SUDs) would deal with surface water flows at the site. Car parking within the scheme has been designed in line with the Havant Borough Council Parking SPD. In accordance with this document there is a total of 144 parking spaces, which consist of garages (3 x 6m), open parking spaces in private parking courts, on curtilage parking, and 19 visitor spaces provided in the form of lay-bys.
- 3.3 Foul drainage will be pumped to a suitable location on the public sewerage network in St Georges Avenue. Surface water runoff will be directed towards the existing public surface water sewer in Emsworth Road in agreement with Southern Water. Additionally, an electricity substation is proposed adjacent to the open space.
- 3.4 The proposed scheme will provide 69 dwellings, of which 30% (20.7 dwellings) will be delivered as affordable housing. The proposal is for 20 affordable homes comprising 11 x 2 bed, 8 x 3 bed and 1 x 4 bed to be provided on site, with the remaining 0.7 of a unit required as a financial contribution. The applicant is currently in negotiation with Registered Social Landlord (RSL) providers, to manage the proposed affordable housing at the site.
- 3.5 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

Transport Assessment  
Ground Conditions Report  
Affordable Housing Statement  
Infrastructure Delivery Statement  
Ecological Mitigation and Management Plan  
Wintering Bird Survey Report  
Reptile Survey Report  
Bat Activity Survey Report  
Extended Phase 1 Habitat Survey  
Revised Travel Plan  
Transport Statement and Addendum Transport Statement  
Arboricultural Impact Assessment and Method Statement  
Flood Risk Assessment  
Utility Service Statement Rev B  
Landscape Masterplan  
Tree Report  
Tree Protection Plan  
Noise Impact Assessment Covering Letter  
Noise Impact Assessment Rev 2  
Planning, Design & Access Statement  
Planning Layout (Site Layout)

#### **4 Policy Considerations**

##### National Planning Policy Framework

Whilst the scheme is contrary to the development plan, national policy is a material consideration. This includes the Borough's five year supply of deliverable land for housing. 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.

Core planning principles include;

- always seeking to secure high quality design and a good standard of amenity and open space
- contribute to conserving and enhancing the natural environment and reducing pollution
- protecting biodiversity, hydrology and areas of flood risk

##### 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.

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

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) 2014

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

- DM25 (Managing Flood Risk in Emsworth)
- 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

Housing

H1- High Quality Homes  
H2 – Affordable Housing  
H3 – Housing Density  
H4 – Housing mix  
H15 – Land East of Castle Avenue

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  
Housing SPD

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

### **Arboriculturalist**

#### Initial Comments

The report supplied is comprehensive and whilst the majority of the proposals I have no objection to I do have concerns over a couple of elements.

I have no objection to the removal of the Ash tree (T1). Whilst I consider it to be an important tree in the street scene of Castle Avenue, it is clearly showing signs of Ash Dieback and is likely to continue to decline. For this reason I do not object to its

removal and mitigation planting should be considered elsewhere on the site. I also have no objection to the other trees marked for removal around the boundary of the site, they are predominantly small hedge trees.

I have assessed the root protection areas of T29 and T32 which are shown to have an RPA of 12m within the report. They should have a 15m RPA and I feel that there should not be any development within the RPA of these important Oak trees. Plot 53 is too close to T29 and I recommend this plot be removed.

Plot 49 is too close to T21 and could lead to an unsustainable relationship between the tree and house and I would recommend this unit be removed completely.

Plots 3, 4 and 5 are too close to T5 and T6. Their canopy spread will take up the most of the rear gardens of these properties and it will, in all probability lead to post development pressure to unsympathetically prune or remove these trees. Therefore, this area should be amended.

#### Comments on amended plans and additional information

Having assessed the revised Tree Protection Plan I have no objection to the proposal subject to conditions.

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

Plot 48 could be within 3m of surface water sewer. SWS to be consulted

Compliance with Approved Document B section 5 Fire Authority access

Waste collection to be in accordance with Approved Document H and collection agency requirements

Building Regulation application will be required which may lead to additional questions

#### **Communities Team, Havant Borough Council**

The Council would request a contribution towards a Community Officer post for the new development at a rate of £250 per dwelling which would be utilised for Community Engagement and Integration. To be paid prior to build commencement.

This is in line with the forthcoming Local Plan requirements for all future developments in excess of 20 units.

Dependant upon the ratio of 2, 3 and 4 bedroom properties the Open Spaces standard of 1.5ha per 1000 population should be applied as per Policy E2 in the forthcoming Local Plan.

It is noted that a Local Area of Play (LAP) is included within the boundary of this development which would be privately managed. The recommendation is to adhere to the Fields in Trust guidance which states this LAP should be a minimum dimension of 10m x 10m with at least a 5m buffer zone between the LAP and the nearest dwelling.

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

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20>

Schedule%

20Full%20Document%20Feb%202013.pdf

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. The current rates can be viewed:

<http://www.havant.gov.uk/community-infrastructure-levycharging-schedule>

CIL form 2 will be required to be completed and submitted by the developer to allow mandatory social housing relief.

The CIL Liability based on the figures supplied by the developer, which will require reviewing by the Case Officer, is £631,589.28 (of this £147,557.14 relates to mandatory social housing relief

(please note these figures are based on the decision being issued in 2019, if the decision is made in 2020 this sum is likely to increase). CIL form 2 will be required to be completed and submitted to allow the relief.

### SRMS

Please note that the updated rates supplied by the partnership effective 1/4/19 will apply for permissions on or after this date. See <http://www.havant.gov.uk/unilateral-undertaking-solentrecreation-mitigation-strategy>

### **Conservation Officer**

No Objection

### **Countryside Access Team**

No response received

### **County Archaeologist**

The site is located in an area of good archaeological potential with a substantial Iron Age settlement recorded immediately to the north and with Warblington Roman villa located 200 metres to the south east. The projected route of the Chichester to Bitterne Roman road also passes immediately to the south. Evidence for medieval ridge and furrow agriculture has also been recorded immediately to the east of the site. There is a very good chance that as yet unrecorded archaeological features and/or deposits dating from the later prehistoric, Roman and medieval periods may survive within the site. Historic Ordnance Survey maps of the area show that the site has remained undeveloped over the past 150 years, so that any archaeological features which may exist here will be relatively well preserved. The construction of 69 houses, together with access roads, garages and service trenches would have a severe impact upon such an archaeological resource and so, while there is no indication that archaeology presents an overriding concern I would advise that the assessment, recording and reporting of any archaeological deposits affected by construction be secured through the attachment of suitable conditions to any planning consent that might be granted.

### **County Ecologist**

#### Initial response

The application is accompanied by an Ecological Assessment (ECOSA, October 2018). The application site comprises a narrow area of improved grassland and boundary hedgerows adjacent to existing residential housing, a railway line, a larger improved grassland field and the A27. A suite of ecological surveys have been carried out. The application site is listed within the Solent Waders & Brent Goose Strategy (SWBGS) as Site H19. The current iteration of the SWBGS describes the site as 'low use', meaning that the site has 'records of (SPA) birds but in low numbers'. In the case

of H19 there is an older (2011) of 13 curlew and no records of brent geese. The application site comprises the extreme western end of the larger H19. Whilst H19 is of low use for SPA birds, it nevertheless has potential to support wintering birds and the (partial) loss of SPA supporting habitat will need to be mitigated.

On-site mitigation is essentially impossible (in terms of alternative open space for recreation) due to the relatively small size of the site and the lack of on-site opportunities for greenspace. The recently-published Solent Waders and Brent Goose Strategy Guidance on Mitigation and Off-setting Requirements provides a framework for mitigation options for impacts to SWBGS sites, essentially requiring per-hectare financial contributions towards off-site mitigation measures designed to protect and enhance the wider SWBGS network of sites. There is a discussion to be had with respect to this framework and this application site: there is provision for the reclassification of SWBGS sites where it can be demonstrated (through analysis of existing data and applicant-led field assessments) that part of a wider SWBGS site is extremely unlikely to form suitable habitat for SPA bird species. There are a small number of sites which contain habitat that is clearly unsuitable (e.g. is either built-up, is highly-constrained or contains buildings/hardstanding) and there is a case to be made that some SWBGS site boundaries require amending. H19 would likely fall into this category, with the narrow western sliver (this application site) bordered by hedgerows and highly unlikely to be attractive to birds (due to its narrow dimensions and restricted field of views). The use of individual sites by SPA bird species will vary over time and it cannot be assumed that H19 will remain a 'low use' site into the future. Low use sites contribute to the overall SWBGS network and their protection in the long-term is an objective of the current SWBGS.

It is recognised that there is a case to be made for the possible reclassification of H19 (or at least a boundary amendment) and the views of Natural England will be important. Should it be agreed that this parcel of H19 is not sufficiently important to trigger mitigation payments there will still be a need for on-site mitigation in order that impacts to the bulk of H19 are avoided. Recommended measures here include the retention and strengthening of the eastern boundary hedgerow. I would support such measures but insist that they are robust and that there is provision from the applicant for ongoing, long-term monitoring and maintenance. I would also add that construction-phase impacts could occur and that, if potentially-disturbing works will occur during the overwintering period, mitigation measures such as screening will be needed. There is also potential for the proximity of new built development to deter the use of the eastern field in future. So, whilst recognising that full mitigation framework payments are likely not required, some further measures are necessary. I would suggest that once comments are received from Natural England (and other interested parties such as the Wildlife Trust and the RSPB) there is a clarification of proposed mitigation measures for H19.

In terms of other ecological constraints, the site has been shown to support at least six species of foraging/commuting bat including the uncommon western barbastelle. None of the trees within the site is considered to offer potential for supporting tree-roosting bats. The foraging/commuting bat assemblage is typical for a south Hampshire site within a relatively suburban context, although the occasional presence of barbastelle is noteworthy. Hazel dormice and great crested newt are considered to be absent and I would concur with this. The site supports a small population of slow-worms. Most of these ecological constraints can be managed within the site through the use of habitat retention and buffering and a sensitive lighting strategy. There is a need for off-site reptile mitigation: details of any off-site receptor will need to be provided prior to determination.



### Comments on amended plans and additional information

An off-site reptile receptor site has been identified, at Cranleigh Road, Portchester. Whilst moving protected species outside the Borough would normally be seen as undesirable, it is acknowledged that the application site supports minimal areas of suitable reptile habitat and the on-site population is likely to be limited. In this instance I am willing to accept that the proposed off-site, out-of-Borough receptor site offers a suitable option.

In accordance with emerging Local Plan policy and Havant's Biodiversity Strategy I would strongly recommend that further ecological enhancements are sought within the built area. For example, there is no reason why a proportion of new dwellings should not incorporate built-in enhancement features such as cavity bat roosting units and bird nest boxes (especially for common swift, house martin and house sparrow). I would also request that the recommendations within the ecology report are strengthened to include concrete measures rather than 'possibles'. Indicative locations for ecological features should be shown on a site layout plan/soft landscaping plan.

**Officer comment** – *A further amended plan has been received outlining the position of the enhancements, with regard to having a more landscaping framework on the boundaries and to provide ecological boxes*

#### **Chichester Harbour Conservancy**

No Objection subject to a developer contribution to reduce recreational disturbance at the Solent SPA's under Policy DM24, mitigation for loss of land known to support wading birds using the adjacent SPA and planning conditions.

#### **County Minerals**

No response received

#### **Crime Prevention -Major Apps**

No response received

#### **Defra**

No response received

#### **Developer Services, Southern Water**

##### Initial response

Southern Water has undertaken a desk study of the impact that the additional foul and surface water sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (if any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

Initial feasibility, detail modelling and preliminary estimates

Flow monitoring (if required)

Detail design, including land negotiations

Construction

The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

The applicant has not stated details of the proposed means of disposal of surface water from the site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Comments on amended plans and additional information:

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

**Education Department**

Thank you for the opportunity to comment on the above planning application for 69 dwellings. The development sits within the catchment area of Fairfield Infant and Bosmere Junior Schools and both schools are full and forecast to remain full for the foreseeable future. However, in order to be full they both accept out of catchment pupils. Over time the anticipated pupil yield from the Castle Avenue development will be able to access a place at either Fairfield Infant or Bosmere Junior with the out catchment recruitment falling to match the yield from the new development. The pupils from out catchment will be able to secure a place at their catchment school. Consequently I will not be seeking a contribution towards educational facilities from this development.

**Environment Agency**

No response received

**Environmental Health Manager, Community Group (summarised)**

Contamination

The application was supported by a general combined Environmental Desk Study, Phase 2 site investigation and geotechnical assessment. I have reviewed this document, and agree it's findings. No environmental risks have been identified, and I further note the volume of shallow excavations currently planned in support of the site's surface water drainage strategy, which will serve to minimise the quantity- or negate altogether the need to- import topsoil to the site to dress garden areas. As a consequence, I see no need for ground conditions to be considered further, and I propose no conditions, requirements, or informatives in this respect.

#### Drainage / SuDS

I defer to the LLFA to comment on flood risk, and the adequacy of calculations relating to runoff rates, required storage volumes, and controlled discharge rates. I note that at 6.4.5 the Flood Risk Assessment indicates that 'suitable infrastructure will be provided within the detailed design to meet the target treatment level' (to ensure good water quality). Whilst residential developments are acknowledged to be low risk, some form of pollutant interception retention (and destruction / treatment) is needed, and at this stage it is unclear how this is to be achieved.

The proposal is therefore not considered to have an unacceptable adverse impact on local air quality.

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

No Objection

#### **Hampshire Highways**

The Highway Authority will be commenting on the Transport Technical Note (TTN) from Mode Transport regarding the impact of the proposals on the A27 Emsworth Road/Havant Road roundabouts and the adjacent Emsworth Road/Castle Avenue T junction only. All other matters we understand have been dealt with by our agent at Havant Borough Council.

#### Background Future Growth

The modelling assessment within the TTN includes future growth pursuant to the emerging Havant Borough Council Local Plan (ELP), which includes the potential allocation in the vicinity of circa 2,400 residential units, including those in this application, by 2036. The applicant has used the model provided in the Land North of Havant Road application, APP/16/00774, including the agreed mitigation measures. This approach is considered acceptable to the Highway Authority.

#### Junction Assessment

The applicant has provided four options for the Highway Authority to review which are set out below:

- Option 1 – Do nothing scenario – Models the three linked junctions, allowing all movements at the T-junction and includes the committed Land North of Havant Road mitigation measures at the A27 roundabouts
- Option 2 – Increase Flare Length – Similar to O1 but offers a flare length of 28m at the Emsworth Road approach
- Option 3 – Remove Right Turn – This option bans the right turn into and out of Castle Avenue on to Emsworth Road but keeps the increased flare length from O2
- Option 4 – Dual Lane – Provides two lanes in the Emsworth Road approach arm and removes any movements into or out of Castle Avenue

The without and with development scenarios have been tested for each of the four

options during the AM (08:00-09:00) and PM (17:00-18:00) peak hour periods. Hampshire County Council have requested that the application focus on the impact from the development on the Emsworth Road/Castle Avenue junction and the Emsworth Road approach arm.

It is evident that Option 1, Do nothing scenario, results in unacceptable significant impact regarding the operation and theoretical capacity on the junctions. The modelling for Option 2, 3 and 4 all show significant reductions in queuing vehicles and delay on the Emsworth Road approach arm and the Castle Avenue arm, as shown in Figure 5.1 thru 5.4 in the TTN.

It is therefore necessary for this application to provide mitigation to offset the negative impact of the proposed development's additional vehicular trips on the local road network.

Due to HBC's Emerging Local Plan and the wider impact on this junction, a physical mitigation scheme in this instance would not be appropriate at this time and therefore the Highway Authority will be seeking a financial contribution towards the junction, as agreed by the applicant in section 6.6 of the TTN.

The measures set out within the TNN represent a scale of improvement appropriate for the level of proposed development for an fair and proportional contribution to be calculated. The applicant concludes within the TNN that option 2 would be appropriate to mitigate their level of development. The Highway Authority are unable to accept option 2 as an appropriate form of mitigation in operational terms as it is considered by the Highway Authority that there is a safety risk of vehicles waiting to turn right in such close proximity to the A27 off slip left turn movements. Therefore option 3 with the restriction on this right turn movement would be required in terms of an appropriate scale of mitigation for the development.

Hampshire County Council have undertaken a high-level cost exercise to provide Option 3 as set out above, this includes providing a physical barrier to prevent right turning vehicles, an extended flare lane and the associated costing for a Traffic Regulation Order. The cost estimate of providing this is £150,000. A contribution to this value is sought toward capacity improvements at the Emsworth Road/Castle Avenue/A27 junction, to be secured via a Section 106 legal agreement. This has been agreed with the applicant.

### Recommendation

The Highway Authority recommends no objection to the planning application subject to securing a financial contribution of £150,000 towards improvements to the Emsworth Road/Castle Avenue junction, via a Section 106 legal agreement, and any requested planning conditions set out in any previous responses by our agent.

### **Hampshire Wildlife Trust**

The proposed development site has been identified as one of the network of sites included within the Solent Waders and Brent Goose Strategy. The site is classified H19 a 'low use' site by virtue of previous use by curlew *Numenius arquata* during the winter months. H19 comprises two fields that are divided by a hedge; the western part covers approximately 1.6 hectares with the eastern part covering approximately 6.7 hectares. We are pleased to see that the applicant's ecologist has referred to the Strategy and the Mitigation and Off-setting Guidance, which has now been finalised and no longer in draft. We note that additional winter bird survey work has been carried out during

February 2017.

The ecological report considers the proposed development site to be unsuitable for over-wintering birds linked to the nearby SPA given its size and generally enclosed nature. It goes on to state that the larger parcel of land, which falls outside of the development footprint, but still forms part of H19, is more suited. As such, the recommendations and conclusions section of the report considers that there will be no requirement for the applicant to contribute to the strategy to offset the loss of part of the low use site, and that modest mitigation measures, such as new hedge planting and signage would be sufficient.

We acknowledge the comments made by the applicant's ecologist and agree that the larger parcel of land may be more suited for use by SPA birds. However, we do not agree that a site approximately 60 metres by 300 metres covering 1.6 hectares and comprising predominantly semi-improved grassland, is completely unsuitable. In our opinion a precautionary approach should be adopted considering that the curlew may have been using the smaller area, and robust mitigation measures should be provided as detailed in the mitigation and off-setting document.

With regard to the measures proposed, we are concerned that additional hedge planting and signage do not provide sufficient certainty to ensure that new residents will not stray into the field, in the short-term or for perpetuity. The purpose of the contributions, as detailed in the Guidance on Mitigation and Off-setting Requirements document are to ensure that mitigation measures are robust and provide certainty that a network of sites will be available for waders and brent geese for the future. Therefore further consideration should be given to mitigation measures being proposed in our opinion.

**Officer comment** – *A further amended plan has been received outlining the position of the enhancements, with regard to having a more landscaped framework on the boundaries and to provide ecological boxes, both the Council's Consultant Ecologist and Natural England are content with these changes*

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

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), the governments Ministerial Statement published during the summer of 2016, the Local Plan Housing Statement, and the emerging Havant Borough Local 2036 mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; the draft HBLP 2016 includes an emerging affordable housing requirement of 20% on sites that sit within town/local centres. However, at this stage, the new plan carries limited weight, so I would expect this proposal to deliver the current minimum 30% affordable housing requirement unless a robust and transparent viability assessment concludes that this % is unachievable. The applicants are proposing 69 residential units comprising 2, 3, and 4-bedroom homes. To comply with the minimum affordable housing requirement the applicants have confirmed that they intend to provide 20 affordable housing units:

This housing mix differs very slightly from the previous proposals; the applicants have substituted a 3-bed unit with a 2-bed unit, however this change along with some small amendments to the site layout are acceptable.

I am pleased to see that the proposals represent a 70/30 tenure split Affordable Rent/ Shared Ownership, and that all the units are houses.

The demand for affordable housing remains high within Havant borough; as at 11th March 2019 there were 1635 households registered on Hampshire Home Choice seeking accommodation in our area and of these 549 are waiting for a two-bedroom home, 217 for a 3-bed, and 63 for 4 or more bedrooms. If this proposal were to proceed to subsequent development and delivery, it would provide much needed accommodation for families in our borough. With its proximity close to local amenities in Havant and Emsworth this is a very desirable location and should prove popular with the housing register applicants.

In summary Housing would support the development proposals outlined by the applicant.

### **Landscape Team, Havant Borough Council**

#### Initial comments

From a landscape perspective we have the following comments:

- We feel that the density of this site seems excessive and does not positively correspond to the local characteristics of the existing massing of neighbouring dwellings. Which is in contrast to planning policy CS16 1 (C) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, material and proportions of windows and doors. The draft local plan has allocated 60 houses for this area of land, however the submitted site plan indicates 69 no. houses, further increasing the density.
- The submitted boundary treatments drawing no. A-02-012-BT indicates 1.2m post and 2 rail timber fence within the majority of the rear gardens. This is not deemed acceptable as a post and rail fence it is not considered a secure boundary treatment. We would want to see all proposed 1.2m post and 2 rail timber fence to be revised to 1.8m Larch lap panel fence.
- We have concerns with the use of a knee rail surrounding a body of water that is adjacent to the designated LAP which, accompanied with the lack of natural surveillance due to visitor parking and retained trees is deemed to be a safety issue.

#### Comments on amended plans and additional information:

From a landscape perspective we have the following comments:

Following extensive discussions, the landscaping proposals are now considered acceptable regarding the amended plans.

### **Langstone Harbour Board**

No Objection

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

#### Initial comments

Surface Water Drainage

We have reviewed the following information in relation to the planning application:

- Flood Risk Assessment rev 1.1

We require further information/clarification on the proposals in order to provide a response:

- It is noted that the proposed discharge rates are higher than greenfield. Qbar is identified as 7.6l/s with proposed discharge from St Georges Avenue of 5l/s and Emsworth Road of 8.4l/s. We would not accept these discharge rates if it was proposed

to discharge to a watercourse but if Southern Water can accept these rates then we would not object. However, proof is required that these rates are accepted by Southern Water.

There is no reference to urban creep. Evidence is required that this has been included.

The water quality section identifies a range of SuDS features that would provide suitable treatment for the site however these are not identified on the drawings. The plan in Appendix 7 only shows storage tanks and its not clear how these will provide water quality treatment.

Exceedance flow route plans are required to show the overland flow routes in the event of drainage blockage or storms exceeding design criteria.

We have concerns regarding the ongoing maintenance of the surface water drainage. It is stated that the maintenance responsibility will be handed to the property owners on completion however it is not clear how this will be managed. If this is identified on property deeds as an element of joint responsibility, then it would be up to the residents to proactively manage the maintenance regimes which may prove to be extremely difficult given the location of attenuation tanks (under parking spaces etc) which could be perceived as being the responsibility of other property owners. We would not encourage this method of maintenance and recommend that a management company should be established to ensure maintenance is undertaken in accordance with the maintenance schedule.

Comments on amended plans and additional information:

No objections subject to conditions. Sufficient information has been provided to address the majority of the comments raised previously. However, to ensure that the proposed discharge rates are accepted by Southern Water, a pre-commencement condition is required or additional information for the Local Lead Flood Authority to consider.

**Officer comment:** *The applicant is aware of this response and is looking to provide this required information. An update will be made available prior to or at the Committee meeting regarding progress on this matter.*

**Natural England Government Team**

Initial comments

Internationally and nationally designated sites

Water quality effects on Chichester and Langstone Harbours Special Protection Area and Solent Maritime Special Area of Conservation – further information requested

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty as to whether housing development in the plan period would require mitigation.

In light of this uncertainty, and to ensure the deterioration of the water environment is appropriately addressed in the Habitats Regulations Assessment, Natural England advises that a nutrient budget is calculated for this development. For confidence that the development will be deliverable, Natural England recommends that the proposals achieve nutrient neutrality. Natural England has prepared a methodology to undertake this assessment and this has been circulated to the applicant.

### Bird Aware Solent / SRMS Contribution – no objection subject to mitigation

This application site 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 recently adopted 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, Natural England is 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.

### Solent Waders and Brent Goose Strategy – no objection subject to mitigation

The site is identified as a Low Use site (H19) in the Solent Waders and Brent Goose Strategy. It is noted that no on-site mitigation is feasible. Natural England welcomes the contribution of £39,171 to enhance, manage and monitor the wider Solent wader and brent goose ecological network. Natural England requires this to be secured with any planning permission.

Section 6.2.5. of the Ecological Assessment FINAL REV.3 DOCUMENT, FEBRUARY 2019 sets out the additional measures to be secured by any planning permission to address impacts during construction and post-construction. Natural England advises that these measures are secured and included within the Habitats Regulations Assessment.

### Construction

Measures to be incorporated into the CEMP include a visual screen along the eastern boundary of the site during the overwintering period, where gaps in the existing vegetation are present, and the proposed location of the site compound away from the eastern boundary area. This is supported and we advise this is secured with any planning permission.

### The following condition is required for noise disturbance:

‘Wherever possible, 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). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis.’

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

### Post-construction

It is also proposed to strengthen the eastern boundary hedge to maintain a visual screen between the development and wider H19 sites. Where existing gaps are present, additional planting is proposed. Natural England recommends that good quality native species are incorporated into the boundary hedge to fill any gaps and ensure a robust boundary is achieved on the long term.



Section 6.2.5 sets out the details proposed and we require this to be secured with any permission. Please note that there are still gaps present along the eastern boundary hedge on the landscaping plans that have been submitted. We advise that these plans (PERSC22164 11B-SHEET 1, 2 and 3) are updated to be consistent with the measures included in the ecology report.

Further measures are also proposed including signage on the gate and leaflets to new residents. We recommend these measures are secured with any planning permission.

#### Biodiversity Mitigation and Enhancement Plan – no objection subject to mitigation

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by an HCC ecologist.

#### **Comments on amended plans and additional information:**

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.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

#### Solent Recreation Mitigation Strategy

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

#### Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation

are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

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

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

#### Loss of Supporting Habitat

A financial contribution has been agreed to address the loss of supporting habitat as a result of the development. It is noted that this will be secured through the legal agreement and Natural England agrees with this approach.

The appropriate assessment confirms that the mitigation contribution could be used to bring forward the Broadmarsh refuge or an alternative location. Natural England recommends that these details are agreed and progressed at the earliest opportunity. Provided this is the case and the mitigation work can be delivered in a timely manner to address the loss of supporting habitat from this development, Natural England

raises no further comments. We would be happy to discuss this further in due course.

### Construction impacts

It is noted that a CEMP will be secured with any planning permission to address impacts from construction work on supporting habitat. Recommendations have been included within the application documentation and consultation responses. Provided the CEMP includes these measures to prevent noise, lighting and visual disturbance on supporting habitat, Natural England raises no further comments.

### **Network Rail**

No response

### **Planning Policy**

No Objection:

#### Principle of development

In the adopted local plan, the site lies outside of the urban area as defined by policies CS17 and AL2. 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 major scheme on greenfield land.

By contrast, the Pre-submission Local Plan includes a site allocation for the Land East of Castle Avenue (Policy H15), continuing the direction of travel that was set in the Local Plan Housing Statement in 2016 and the subsequent draft Local Plan consultation in 2018.

Overall, while 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.

#### Development Requirements

The emerging site allocation policy H15 sets out development requirements which should be taking into account during the determination of this application.

#### Coordination of Development

Pertinent to this site is policy DM6 of the Core Strategy, which states that proposals will only be permitted where they do not undermine the future development potential of adjacent sites. Proposals should not prevent future access to potential development sites or prejudice future schemes.

The site identified in the Pre-submission Local Plan includes both the application site and the triangular site to the east. Policy H15, criterion b, states that this site must be 'developed comprehensively, or if this is not possible, the development of one part must not prejudice the development of the other part'.

In this context, it should be noted that it is likely that the four-way junction shown on the site plan will be the only access point to the eastern development parcel. Therefore, the LPA needs to be satisfied, with advice from the Highway Authority, that the proposed junction meets design standards to serve the larger site.

It should also be noted, that to the north of the railway line, the council has identified a Strategic Site capable of providing around 2,100 homes (see Policy KS5 of the Pre-Submission Local Plan). As part of the delivery package for that site, a direct access onto the A27 may be needed. While the location and layout for this junction, its slip

roads or connecting roads have not yet been finally determined, it is possible that land at the southern end of this application site could be required, and land is safeguarded through policy IN2 of the Pre-Submission Plan. This was highlighted during pre-application discussions, and I am pleased to note that the proposed layout excludes the southern portion of the land, in order to allow further consideration of changes to junctions onto the A27.

### Ecology

The site is identified under the adopted Local Plan as being a site possibly used by Brent Geese and waders. 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. These proposals will, therefore, require a project level Habitats Regulations Assessment (HRA) and, if necessary, an Appropriate Assessment (AA). The Council will consider the Solent Waders and Brent Goose (SWBG) Strategy and the latest survey data when making such an assessment.

Recent survey work suggests that this is a 'low use' site. In line with policy E17 of the Pre-Submission plan, on low use sites, permission should only be granted where:

- a. On site mitigation is provided which is based upon appropriate ecological assessments to the satisfaction of the Local Planning Authority and Natural England; or
- b. A financial contribution is provided consistent with the Solent Wader and Brent Goose (SWBG) Strategy.

### Housing Density

Policy CS9 of the Core Strategy indicates that housing proposals should achieve a suitable density of development for the location. This includes a consideration of the surrounding area, but also, and increasingly so under the new NPPF should consider whether the proposal makes efficient use of land. The Pre-Submission Local Plan includes Policy H3, which requires residential development to 'maximise its contribution to addressing housing need', and expecting a minimum density of 40dph. I consider that the proposal strikes an appropriate balance between these two considerations.

### Affordable Housing and Housing Mix

The applicant is providing 14 affordable rent and 6 shared ownership units and claims that the proposal will therefore provide 30% of its housing as affordable (rounded up). However, 30% of 69 dwellings, is 20.7, so to meet the 30% requirement in Policy C9 of the Core Strategy, 21 affordable units would have to be provided. The applicant confirms in their Affordable Housing Statement that the shortfall of 0.7 units will be provided as a financial contribution.

Under the emerging Local Plan, policy H2 deals with affordable housing. 30% are expected, with 10% of the total number of homes to be shared ownership (in line with the NPPF, which expect 10% home ownership products as part the affordable housing provided on sites). Six dwellings out of a total of 69 falls just short of this requirement.

### Parking

Policy DM13 in the adopted Local Plan (IN3 in the Pre-Submission Local Plan) and the Havant Borough Parking SPD (July 2016) set out the parking standards for new development in the Borough. The applicant confirms that car and cycle parking has been provided in accordance with this guidance.

### Minerals Safeguarding

Policy 15 of the Hampshire Minerals and Waste Plan seeks to prevent the needless sterilisation of Mineral Resource by other development. The policy and the

associated SPD therefore define a Minerals Safeguarding Area (MSA) where prior extraction of minerals should be considered before development takes place. The Minerals and Waste Consultation Area (MWCA), i.e. the area where LPAs are required to consult HCC, is set to cover the Minerals Safeguarding Area.

The purpose of the MCA is for LPAs to consult the mineral planning authority and take account of the local minerals plan before determining a planning application on any proposal for non-minerals development within the MWCA. This site lies within the MSA/MWCA.

The Hampshire Minerals and Waste Safeguarding SPD (Paras 4.13 -4.18 and Appendix 2) clarifies that efforts for minerals extraction and consultation with HCC is only expected on developments that are greater than 3 hectares. The site area of the application site is below this threshold. However, the SPD is also clear that consideration should be made if a proposal sits alongside other piecemeal development (i.e. other small proposal clusters within the MWCA) or there are known future plans for development (i.e. site is located within a wider development area). This is clearly the case for the application site, it forming part of a wider allocation of 9.5ha under Policy H15 of the Pre-Submission Local Plan.

I understand that the Minerals and Waste Planning Authority have not to date commented on the application. However, on the basis of the Minerals & Waste Plan and associated SPD, I consider that prior extraction of minerals needs to be considered, and HCC as Minerals and Waste Planning Authority should specifically be made aware of the wider site and their input sought (see box on p.36 of the SPD).

***Officer comment:*** *The Minerals and Waste Authority have been consulted twice on this application, however to date no responses have been received.*

#### Conclusion

The principle of the development of this site is supported in policy terms, based on a policy position which includes an allocation for this site, that has been emerging for over two years.

Nevertheless, the weight given to the emerging allocation must go hand in hand with weight given the other policy requirements and standards in the emerging plan i.e. development in this location can only be considered acceptable where significant efforts have been made to comply with emerging policies requirements. The proposed allocation and other pertinent policies in the Pre-Submission Havant Borough Local Plan 2036 can be attributed limited weight at this point. The applicant's statement of conformity with the emerging Local Plan should be used to assess compliance with pertinent emerging policies and inform the planning balance for this application.

#### **Portsmouth City Council**

No response

#### **Portsmouth Water Company**

##### Site Setting

The site lies on Made Ground and Drift deposits overlying the London Clay Formation. The geology underlying the site is classified as a Secondary A Aquifer overlying Unproductive Strata. The site is located in Source Protection Zone 1c (SPZ1c) for the Havant and Bedhampton Springs- an essential Public Water Supply source. The SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as drainage

solutions, site investigation boreholes and/or piling may pose a risk to groundwater quality and our supply at Havant and Bedhampton Springs.

#### Drainage

The planned foul drainage strategy for the site is a connection to the existing public foul sewers beneath St. George's Avenue and Emsworth Road. For foul drainage in SPZ1 we require the use of the highest specification pipework and designs for schemes to minimise leakage.

The Geo-Environmental site investigation works has highlighted soakaway drainage may not be feasible at the site. For this reason the proposed preliminary surface water drainage strategy has been developed based on a non-infiltrating drainage system which will discharge surface water in part to existing public surface water sewers; one beneath St. George's Avenue to the west of the site and the other beneath Emsworth Road to the south.

Portsmouth Water has a presumption against the discharge of foul and surface water into ground where adequate pollution prevention measures are not in place. All applications for the construction and installation of deep bore soakaways must be accompanied by an adequate risk assessment demonstrating how the risk to groundwater would be mitigated in the proposed design and details of pollution control measures in place.

Portsmouth Water would wish to be consulted on the final surface and foul water drainage strategy prior to approval. This should include as a minimum:

- a) the methods / materials to be used;
- b) details of the connections to foul sewers;
- c) details of any discharges to surface water courses; and
- d) any proposals for the use of SUDS (Sustainable Drainage Systems)

#### Piling & Foundations

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Portsmouth Water require further information on foundation design be submitted for detailed consideration. This should include as a minimum:

- a) the methods to be used;
- b) the design depths of the various structures involved and rationale;
- c) the density of piling, if any; and
- d) details of materials to be removed or imported to site.

The Geo-Environmental report by Enzygo provides geotechnical recommendations in relation to foundations, consideration has been given to the use of conventional strip foundation. Portsmouth Water would welcome this foundation design due to its shallow excavation nature.

#### Land contamination

The Geo-Environmental report summarises the findings of a desk study and site investigative works. The works comprised window sample holes, trial pits and laboratory analysis. The report concludes no foreseen contamination identified on the site.

If unforeseen contamination is encountered during construction works an assessment

of risk must be undertaken by a competent person. If 'unforeseen contamination' is encountered this must be raised with the Local Planning Authority and remedial measures agreed prior to implementation. A validation report should be prepared should any remediation of unforeseen contamination be required in accordance with the NPPF. Portsmouth Water would wish to be consulted on the validation report.

Environmental Management and Pollution Prevention

It is unclear if the proposed development includes the construction of an electrical substation from the recent supporting documents for the application.

If an electrical substation is proposed for the site Portsmouth Water request a Construction Environmental Management Plan (CEMP) is provided for comment outlining all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

During and post construction there is the potential for polluting materials to enter the environment as a result of leaks, spills or pollution incidents. Good housekeeping and environmental management will reduce the risk and regular maintenance of plant and machinery on site will ensure best practices are followed.

Bulk storage of chemicals and hydrocarbons (oils) should be carried out on impermeable surfaces and in accordance with British Standards. Pollution prevention measures should include bunding, secondary containment and where feasible an incident response plan including spill kits on site and training of site staff on how to use them. This information should be presented in the EMS and form part of the CEMP to be readily available to all staff whilst working on site.

#### **Public Health Team**

No response

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

No response

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

Whilst we recognise that not all of the occupants of the proposed dwelling will be new to the area, we make the Health Care planning assumption that this application will generate up to 165 additional residents (proposed no. of dwellings at 2.4 persons per dwelling).

This development falls within the practice boundaries of three separate GP practices; Emsworth Surgery, Homewell Practice and Staunton Surgery.

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.

Our estimate of the level of additional demand that will be placed on NHS primary care does not in our view warrant the commissioning of an additional GP surgery. The increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development, however additional capacity within the premises will be required.

The CCG considers that the application should be required to make an appropriate financial contribution to the capital 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 that we use is: 69 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m2) 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 £11,040 for planning gain for health.

### **Portsmouth Hospitals NHS Trust**

#### Planning for the Future

It is evident that the existing, ageing population and future population growth will require additional healthcare infrastructure to enable it to continue to meet the acute and community healthcare needs of the local population.

It is not sensible for the Trust to plan strategies to cope with further population growth on a piecemeal basis. The cost and planning implications of so doing are impracticable. Instead, the Trust has considered the anticipated population and demographic growth across our area and looked at the overall impact of the proposed increased population through an internal process which acts as an anticipated healthcare demand forecasting tool to serve the future healthcare needs of the growing population. This process takes into account the trend for the increased delivery of healthcare both in and out of the hospital and into the community and the impact of an aging population on the provision of acute healthcare.

#### Current Position

Across England, the number of acute beds is one-third less than it was 25 years ago, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years. The number of emergency admissions is currently at an all-time high.

The Trust's hospitals are now at full capacity and there are limited opportunities for it to further improve hospital capacity utilisation. The Trust is already experiencing difficulty in managing to provide the services in a manner that complies with the Quality Requirements of the NHS. Coping systems already incur some premium rate costs, and even so some penalties are inevitable at current activity levels, This is under address currently, and is requiring diversion of resources, as the current pricing mechanism is not sufficient to cover the costs of the marginal rate increases in activity. There are not sufficient resources, services or space within the existing facilities to accommodate more and sudden population growth created by the development, without the quality of the service as monitored under the standards set out in the Quality Requirements dropping further, and ultimately the Trust facing additional costs and inevitable further sanctions for external factors which it is unable to control.

In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support a maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their



hospital stay. Where the right capacity is not available in the right wards for the treatment of a particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available. Although multiple bed/ward moves increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, sub-optimal care and being put at significant risk.

Appendix 2 details that the Trust's utilisation of acute bed capacity exceeded the optimal 95.26% average in 2016/17 with escalation beds open. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in the population, which does not coincide, with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity and is why there is now a very real need to expand the Trust facilities. Any new residential development will add a further strain on the current acute healthcare system.

The existing infrastructure for acute and planned health care is unable to meet the additional demand generated because of the proposed development. The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase. As a consequence of the development and its associated demand for emergency healthcare there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay, this will also result in financial penalties due to the Payment by Results regime.

The direct impact on the delivery of suitably and safely staffed hospital services, caused by the proposed development

The NHS, in common with public health services in many other countries is experiencing staff shortages. The Trust has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for major trauma and emergency care and diagnostic and elective care. Rising unplanned demand for care in a hospital setting, often paid for at a Premium Cost, has detrimentally impacted on the financial position of the Trust. To ensure the continuing provision of the highest standard of patient care, the need will arise for the Trust to employ both medical and non-medical agency staff where prospective cover arrangements are not in place. Agency staff play a vital role in the NHS, giving hospitals the flexibility to cope with fluctuating staff numbers and helping Trusts to avoid potentially dangerous under-staffing. Agency staff can be cost effective, because they are only hired when needed and don't carry the same longer-term costs, as directly employed staff – such as pensions, sick pay and holiday pay. They are an essential part of the Trust's staffing resources presently and with current vacancy rates any expansion in service will require agency staffing at premium cost. As an NHS Trust we are required to manage the value of agency costs within a threshold set by our NHSI. The Trust needs to ensure that the level of services is delivered as required, by the NHS Standard Contract for Services regardless of the increased demand due to the development. To engage agency staff is the only option to keep up with the required standard.

For the additional acute interventions, the Trust will be required to source additional, suitably qualified agency based staff to work alongside the permanent workforce in order to meet this additional demand, until it is in receipt of CCG funding to enable recruitment of substantive posts to manage the additional demand. The normal funding arrangement is only related to the existing staff levels. It does not include the

additional staffing demand required to address the required additional service levels.

Trust has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for both emergency as well as required elective care. There is no way to reclaim this additional premium cost for un-anticipated activity. The only way that the Trust can maintain the “on time” service delivery without delay and comply with NHS quality requirements is that the developer contributes towards the cost of providing the necessary additional capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from each dwelling during the first year of occupation and the health care provided by the Trust for all patients would be significantly delayed and compromised, putting the local people at risk.

#### Impact Assessment Formula

Residents from the area are currently generating significant interventions per head of population per year. This is detailed in full in Appendix 3.

(Development Population x Average Emergency Admission Activity per Head of Population x Tariff x 30% Cost per Emergency Admission Activity (=Total delivery cost) + (Total Delivery Cost x Trust Pay Costs 30 % x Premium Pay Costs 39 %) = Developer Contribution

This proposed development comprises of 69 dwellings and based on the 2011 Census average household size per dwelling being 2.4 we have calculated that this development will accommodate a population of 162 residents. This means that this residential development will generate 285 interventions for the Trust based on the average calculation above. The consequences of that number of interventions and the costs of them are set out in Appendix 3 The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind.

Without the contribution, being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for other patients in the Trust’s area.

As a consequence of the above and due to the payment mechanisms the Trust is subject to, it is necessary that the developer contributes towards the cost of providing additional designed capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will receive no commissioner funding to meet each dwelling’s healthcare demand in the first year of occupation due to the preceding year’s outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals under the applicable average cost per case payment system and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust’s area. Therefore, the contribution requested for this proposed development of 69 dwellings is £83,618.00. This contribution will be used directly to provide additional services to meet patient demand.

Having considered the cost projections, and phasing of capacity delivery that the Trust requires for this development, it is necessary that the Trust receives 100% of the

above figure on the implementation of the planning permission. This will help us to ensure that the services are delivered in a timely manner.

### Summary

As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with the Core Strategy and Annual Monitoring Report.

**Officer Comment:** *This issue is addressed further in paragraph 7.36 of this report.*

#### **Solent LEP**

No response received

#### **Southern Electric**

No response received

#### **Southern Gas Networks**

No objection

#### **Sport England**

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

**Traffic Management, East Hampshire District Council**  
The traffic team have no adverse comment to make. KRC

**Waste Services Manager**

As part of this new development can we ensure the service road is suitable (weight / width / 20 meters for turning ) to accommodate a 26t Refuse Vehicle for waste collection as part of this planning 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 both at the time of the original submission and following the receipt of amendments:

Number of neighbour notification letters sent: 23

Number of site notices: 8.

Statutory advertisement: 09/11/2018 and 04/03/2019

Number of representations received: 66 including Warblington and Denvilles Residents Association.

**Principle of development**

- Previously identified together with lands to the south as a gap between Havant and Emsworth and not recommended for development.
- It takes out an important part of the Emsworth / Denvilles Gap and erodes the historic division between two developed areas resulting in a loss of identities for existing communities
- There is not the infrastructure, existing or planned, to support the residents
- Site could also be of historical and archaeological importance but not known as it's never been surveyed.
- Goes against key guiding principles for green infrastructure, and important goals of connectivity and multi-functionality to create a robust network of green spaces to address identified deficits and need
- A slow but steady erosion of any significant green space between Denvilles and Havant and surrounding villages namely Emsworth, Southbourne, Westbourne. Ultimately these villages will lose their identity and will become a single mismatched urban area lacking cohesion, structure or sense of community, who locally will benefit?
- Services like GP and schools are already overwhelmed. This will be detrimental to the way of life in the area

**Highway issues**

- Due to the large-scale building of new homes already conducted to the north of the railway line, access from the A27 is a key issue and a major concern. This is due to weight of traffic and the restrictions imposed by the level crossing at Warblington School. The result is traffic backed up to Havant and onto the A27, creating significant delays and traffic danger. The building of additional homes in this location will

significantly increase this congestion in the vicinity of the A27 Emsworth slip road as they will all have to use the key bottleneck at the Pook Lane junction and Emsworth roundabout traffic hot spots.

- Public transport is inadequate. Parking at Havant and Emsworth railway station is also very limited and no parking is available at Warblington station
- Increased traffic down a residential road (St Georges Avenue) which would also encourage new development owners of commercial vehicles to park on this Avenue , as new builds do not allow them to park outside their residential homes or even on the estate.
- With the increase in traffic using St Georges Avenue any traffic turning right onto Southleigh Road, adjacent to Warblington School will get grid locked when the level crossing is closed. When the level crossing is opened traffic from St Georges Avenue may not be able to get out onto Southleigh Road prior to the next closure.
- This work should not proceed until there is clarity and certainty about a new junction on the A27 so that access can be gained to these new developments. The current road network cannot sustain the rise in road usage which will occur if or when this development is completed, along with that of the so-called 'Emsworth Gap'.
- Permanent Traffic Regulatory Order should be made banning overnight parking of any commercial vehicle in St Georges Ave, Castle Ave, Castle Way, Warblington Ave, Woodpecker Close and Nightingale Park.
- Other major development sites in the area will exacerbate the existing problems in Southleigh Road

### **Drainage and Flooding Issues**

- Havant Borough Council must be certain that the local drainage system will be able to handle the proposed housing on this site.
- Exacerbate existing drainage problems. Site prone to surface water flooding and this is only going to get worse with climate change putting other properties at risk
- Existing foul sewerage system is already at capacity with residents experiencing flooding
- Who is going to compensate households who are flooded again when natural drainage is reduced due to the extra housing proposed.
- Concern regarding the maintenance of the private sewage package and potential for pollution to water courses feeding into Chichester Harbour

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

- Object to more loss of valuable wildlife habitats and open spaces.
- Adverse impact on the Chichester Harbour Area of Outstanding Natural Beauty, due to removal of the "green corridor" linking north- south
- Development of the site will see the loss of a significant number of established trees and hedgerows which will not be replaced within the new development
- Small area of green is worth saving it helps with the pollution from the Chichester bypass
- The green areas are not adequate to mitigate or enhance loss of wildlife habitat
- The green areas are not connected to other development and the proposal fails Havant's rich biodiversity, leaving vulnerable species in isolated, and therefore unviable.
- The impact of the loss of the bulk of on-site existing hedgerows and mature trees needs assessing. Extensive addition of native fruiting hedgerow planting should be made both on site and on the perimeter boundary if more of the existing hedgerows can't be retained, and enhanced.
- No provision for reduction of light and noise pollution on this small site has been included to mitigate disturbance to existing residents or wildlife

- Impact on Chichester Harbour; i.e. the "quality" of the AONB/Ramsar/SAC, not merely, as suggested in the application, on its setting
- The green areas proposed are too close to residential areas or human traffic for wildlife to thrive

### **Residential Amenity**

- Does not secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as set out in the NPPF.
- 2 storey houses in a predominately single storey area why not bungalows, will there be a fence to provide separation.
- We appreciate that HBC need to build more housing but we think that you should also consider those in the Borough their quality of life and privacy.
- The width of the proposed streets in the plan and limited number of visitor parking spaces suggest there will be an overspill of parking into the surrounding roads.
- The proposed density, height, mass and scale of this development is also considered inappropriate.
- Overlooking and possible loss of light should be examined

### **General Design and Layout Issues**

- Excessive density out of keeping with neighbouring areas.
- The affordable housing is in the least attractive areas adjacent to the A27 and railway line creating a ghetto of affordable housing for families who have no choice. We should be creating balanced and sustainable communities.
- Overdevelopment, out of character and with little public space and poor privacy
- Isolated development which does not integrate with the existing pattern of development
- Design average and unimaginative

## **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. 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 for this application.
- 7.5 The Council's adopted Position Statement on Nutrient Neutral Development sets out that for development on agricultural sites, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. In this case, this site is used for horse grazing. 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 emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

### **Wintering Birds**

- 7.6 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 Low use sites, such as here at Land East of Castle Avenue the principle of mitigated loss through a financial contribution is acceptable. The applicant has agreed to provide a mitigation package of £39,171. 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**

- 7.7 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**

7.8 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.

7.9 In other respects, and having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Coordination of Development
- (iii) Nature of Development
- (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**

7.10 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

7.11 The Development Plan consists of:

The Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014, both of which cover the period until 2026. 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 settlement boundaries. "Exception schemes" are only supported in the countryside. This is not an exception scheme and the site is located in the countryside. 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

- 7.12 The Council published the Pre-Submission Havant Borough Local Plan 2036 for public consultation between 4 February 2019 to 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 emerging plan includes the Council's preferred options for new housing allocations. The application site forms the western parcel of a larger site identified within Policy H15 for residential development, capable of accommodating an indicative 255 residential dwellings overall. The application site is identified as one of the sites necessary to deliver the Objectively Assessed Housing Need for the Borough.
- 7.13 Therefore, while the site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 (Core Strategy) it is nonetheless one of the sites identified and forms the direction of travel for the emerging Local Plan.

### Consistency with the National Planning Policy Framework.

- 7.14 The Secretary of State's policy on the National Planning Policy Framework (February 2019) is a material consideration which should be placed in the s.38(6) planning balance.

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".

- 7.15 A robust assessment has taken place of land in the Borough to inform the Pre-Submission Havant Borough Local Plan 2036. This has shown that there are sufficient deliverable and developable sites upon which to meet the Borough's housing need. The site has been included within the 5-year land supply for the Borough. The application site has been assessed by officers and found to be free of any significant constraint and capable of delivering houses immediately. Notwithstanding it is located in the countryside, 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. 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.

### Five-year housing land supply and delivery of housing need

- 7.16 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 the Framework taken as a whole.

7.17 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.

7.18 The development proposed by this planning application is included within these five-year supply calculations and is equivalent to 0.12% of the 5-year supply. As such, without the proposed development at Land East of Castle Avenue, the Borough would have a 5.2-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.

#### Deliverability

7.19 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."

7.20 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

7.21 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 would not unduly affect the character and appearance of the wider area, this is considered in more detail further in this report. Furthermore, the provision of habitat mitigation and open space provision is of benefit to this application.

7.22 In terms of the location of the site relative to services and facilities offered by Havant, the site is situated approximately 1.6km to the Town Centre. The site is located within 320m of a bus route with bus stops on the northern and southern carriageway of Southleigh Road; these bus stops are served by routes 27 and 28A. Route 27 runs hourly Monday to Saturday, serving Rowlands Castle, Havant and Emsworth. Further bus stops are available on Emsworth Road, the closest is approximately 700m from the site. It is accessible on foot via Castle Avenue, St Georges Avenue, Warblington Avenue and Emsworth Road. Stagecoach's 700 'Coastliner' route serves at the

Emsworth Road stops. The route runs from Portsmouth towards Bognor Regis/Brighton via Havant, Emsworth and Chichester, up to every 10 minutes at peak times.

- 7.23 In addition, Warblington railway station is 550 metres from the site, which offers stopping services towards Brighton to the east and Southampton and Portsmouth to the west. 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

- 7.24 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.
- 7.25 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 contributions towards improvements in the local network and contributions towards the provision of enhanced community infrastructure.
- 7.26 Provided they are appropriately secured and outweigh 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

- 7.27 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.
- 7.28 The application proposes a range of house types, sizes and tenures would be provided, including 30% affordable housing (shared ownership and affordable rented) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Housing SPD is also a material consideration, as 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". The Housing Officer supports this proposal.
- 7.29 The proposal also includes the provision of a Local Area of Play (LAP) which could be used by local residents and is considered to be a benefit in the overall planning balance. Contributions would 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

- 7.30 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 Fairfield Infant and Bosmere Junior Schools and Warblington Secondary School. The LEA have advised that both Infant and Primary schools are full and forecast to remain full for the foreseeable future. However, in order to be full, they both accept out of catchment pupils. Over time the anticipated pupil yield from the Castle Avenue development will be able to access a place at either Fairfield Infant or Bosmere Junior with the out-catchment recruitment falling to match the yield from the new development. 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 a contribution to provide any additional secondary school places is not required.

#### NHS Clinical Commissioning Group (CCG)

- 7.31 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 in the area, for which the development falls within the practice boundaries of three separate GP practices; Emsworth Surgery, Homewell Practice and Staunton Surgery. 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.
- 7.32 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 £11,040 and this would be the subject of a legal agreement.

#### Portsmouth Hospitals NHS Trust

- 7.33 Portsmouth Hospitals NHS Trust have requested contributions be secured towards the cost of providing additional designed capacity for the trust to maintain service delivery during the first year of occupation of each dwelling to bridge the lag of funding from other sources in response to the direct impact on, and cost to their acute healthcare services as a result of additional pressure placed on the service by residents of this development. Using a cost / dwelling tariff a contribution of £83,618.00 is sought. It should be noted that the contribution is for revenue rather than capital investment. As such, it is sought on a different basis to that for Primary Care. Whilst the pressure of new development on the service is recognised, this is not unique to Havant Borough and is applicable to the Trusts wider catchment area. All new housing development will place pressure on the service. However, pressure on healthcare services is not limited to a simple rise in population but also the changing nature of the population, including its aging nature. It is considered that this pressure should be assessed and planned for at a strategic level (and not on a site by site basis) based on forecast housing growth within the catchment of the Trust. Whilst it is the view of officers that this important issue should be addressed at a strategic level and contributions are not secured as part of this development, Members of the Development Management Committee may form a different view.

#### Prematurity

- 7.34 Concern has been expressed that the grant of planning permission would be

premature in the terms of paragraphs 49-50 of the 2018 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.'*

- 7.35 In the light of this guidance, Officers are satisfied that the emerging plan 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

- 7.36 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 the Land East of Castle Avenue, have been put forward as proposed housing allocations in the Pre-Submission Local Plan.

- 7.37 In conclusion,
- (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; and.
  - (7) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

#### (ii) Coordination of Development

- 7.38 Policy DM6 of the Core Strategy, states that proposals will only be permitted where they do not undermine the future development potential of adjacent sites. Proposals should not prevent future access to potential development sites or prejudice future schemes. The site identified in the Pre-submission Local Plan includes both the

application site and the triangular site to the east. Policy H15, criterion b, states that this site must be 'developed comprehensively, or if this is not possible, the development of one part must not prejudice the development of the other part'. In this context, it should be noted that it is likely that the four-way junction shown on the site plan will be the only access point to the eastern development parcel. The proposed access, and road running west-east, is proposed to be adopted by the Highway Authority, and has been designed to an adoptable standard. As such the access arrangement meets the design standards to serve the larger site to the east, which forms part of the overall area of land identified for housing under emerging policy H15.

- 7.39 Furthermore, the Council has identified a Strategic Site capable of providing around 2,100 homes (see Policy KS5 of the Pre-Submission Local Plan), which is located to the north of the railway line. As part of the delivery package for that site, a direct access onto the A27 may be needed. While the location and layout for this junction, its slip roads or connecting roads have not yet been finally determined, it is possible that land at the southern end of this application site could be required, and land is safeguarded through policy IN2 of the Pre-Submission Plan. Following discussions with the applicants the proposed layout excludes the southern portion of the land, to allow further consideration of changes to junctions and access onto the A27.

### **(iii) Nature of Development**

- 7.40 The current application is for full planning permission with a single vehicular access off St Georges Avenue and a potential pedestrian/cycle route onto Emsworth Road. In respect of the residential floorspace and proposed density 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

Consideration has also been given to the emerging policies of the Pre-Submission Local Plan.

### **The density of residential development**

- 7.41 The application seeks 69 No. dwellings which equates to approximately 38 dwellings per hectare(dph). 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*'.

- 7.42 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 a 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:*

High Density	– Minimum of 60 dwellings per hectare
Medium Density	– Minimum of 45 dwellings per hectare
Low Density	– Up to 45 dwellings per hectare

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

- 7.43 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'*
- 7.44 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 low-density development, the proposed density of 38 dph could be considered to be an appropriate density given the context of the site on the edge of the Denvilles settlement, local market signals and site constraints such as the need for open space, protected trees, proximity to the A27 and railway, requirement to safeguard land at the southern portion of the site for the strategic site and drainage requirements.

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

- 7.45 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, semi-detached and short terrace family dwellings. This is considered to be an acceptable mix for the site. 30% of the units (i.e. 20 units, comprising 14 affordable rented and 6 shared ownership) would be affordable in accordance with policy CS9. Whilst the majority of these are located along the southern boundary with the A27, and along the northern boundary with the railway, a number are located centrally in the proposed development, and in terms of building form they are consistent with the development in appearance, and overall considered to be acceptably integrated. A financial contribution is also required in lieu of the 0.7 dwelling, needed to meet the 30% affordable housing requirement, this would be a contribution of £22,460, which has been agreed by the Housing Team.

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

- 7.46 The proposal is for a cul-de-sac form of development of traditional character and the layout for the scheme has been informed by the position of the site in relation to the topography, trees, hedges and boundary screening and the nature and form of existing surrounding development. Detailed negotiations have taken place with the applicants in order to improve the urban design qualities of the originally submitted scheme, with particular regard to the character of the site layout with respect to 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.
- 7.47 The site layout has been informed by the position of the site at the edge of existing residential development and broadly repeats the linear form of the neighbouring street patterns and would be a modest extension of the existing urban fringe. The site provides facilities for an access to the land to the south and replicates the existing access to land to the east. The development complies with 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. Landscaping would include native open space trees, decorative street trees and hedging to front gardens to mitigate for the loss of tree and hedge planting. In addition, the site has been laid out to respect the protected trees on the site, which will all be retained. It is considered that given the above, the proposal complies with the current adopted development plan.

### **Pre-Submission Local Plan 2036**

7.48 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 below, is considered below.

#### 7.49 Vision and delivery strategy

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 by using all of the tools at our disposal to ensure that permitted developments are commenced and completed. This report considers whether this application does comply with these requirements. It is considered that this development does comply with part h of this policy, regarding co-ordination of development, as the proposal has safeguarded the area to the south, for potential road links to Southleigh. Furthermore, this application proposes suitable access to the west, which forms part of the parcel of a larger site identified within Policy H15 for residential development.

7.50 Policy DR2 – Regeneration outlines the Councils 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**

7.51 Policy IN2 – Improving Transport Infrastructure requires amongst other strategic transport requirements, that land is safeguarded to provide a direct link from the Southleigh Strategic Site to the A27, if needed. This proposal, through pre-application discussions has been amended, so that the southern part of the site is safeguarded for this purpose.

7.52 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 the required level of visitor parking. This policy additionally requires that electric vehicle charging infrastructure is provided for each residential unit with private off-street parking. Following discussions with the applicant, amended plans have been received, which now provide electrical charging points except Plots 3-9. The reason given for these plots to not have charging points is due to the car parking provision in a shared car park, which at the current time will prove difficult to implement the required infrastructure. Therefore, this proposal largely complies with some of the elements of this policy, except for no provision of EV charging points on unit 3-9.



## Environment Policies

- 7.53 Policy E9 – provision of public open space in new development 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, requiring the provision of a certain level of public open space. This policy requires that public open space is provided to 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 policy also seeks to ensure that an element of play space is provided, where the overall required open space provision exceeds 0.5ha. Given these thresholds this proposal would require approximately 0.24ha of open space, of which an element should be community food growing space. This application provides approximately 0.21 ha of open space and no area for growing space, although as part of the landscaping framework fruit trees are proposed. The proposal does however provide a Local Area of Play, which is not required in accordance with this policy. As such this proposal complies with, and to some extent exceeds, some of the elements , and in other areas does not meet the emerging requirements in this policy.
- 7.54 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% of the Dwelling Emission Rate (DER) compared to 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) One. The applicant has outlined that they will not be providing these enhancements, as they have objected to this Local Plan policy, as they do not feel that there is justification for the Local Planning Authority seeking to go beyond Building Regulation requirements, which control such matters. This proposal does not therefore meet these emerging requirements in this regard.
- 7.55 Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. The site has been assessed as being generally low ecological value, comprising both common and widespread habitats. The habitats of relatively greater ecological importance are the established boundary hedgerows, areas of scrub and scattered mature trees. The site has been recorded as supporting a diversity of foraging and commuting bats and a low population of slow-worm. The site has also been assessed as having suitability to support protected species including tree roosting bats, foraging badger, breeding birds with limited potential for supporting rare assemblages of invertebrates. Mitigation and enhancement measures have been proposed to offset the impact of the development on protected species and subject to the implementation of the measures set out, it is considered that there is the potential for the proposals to deliver a net ecological gain at the site.

## Housing policies

- 7.56 Policy H1 High Quality Housing 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.
- 7.57 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 the Pre-Submission Local Plan which would require 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. The application proposes that 49 (70%) of the dwellings would comply with the Technical Space Standards. As such this proposal partially complies with the emerging requirements in this policy.

- 7.58 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. This application site is located within an area that requires that development to achieve a minimum of 40 dwellings per hectare. This application achieves a density of 38 dwellings per hectare and therefore falls just short of complying with this policy, but is justified by paragraphs 7.41-7.44 above.
- 7.59 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 21 two-bedroom units, which is 31% of the total.
- 7.60 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, many relevant emerging policies have been fully or partially met and this threshold has been weighted into the overall planning balance made on this application.

**(iv) Impact upon the character and appearance of the area**

- 7.61 The site currently is enclosed by existing development, and mature planting limits views from the immediate area, including from the A27. The proposed dwellings would be restricted to two storey/two and a half storey in height with pitched and hipped roofs in response to dwellings in the vicinity and to limit any visual prominence of the properties from the surrounding area. Articulation to elevations using front projections and front gables provides visual interest to the streetscene. The site entrance has been amended following concerns raised by officers, the entrance will be framed by a combination of mixture of single storey and two storey dwellings, with landscaping located in front of the dwellings which act as a focal point for the development and will form an appropriate transition from the verdant character of St George's Avenue, into this higher density development.
- 7.62 In terms of aesthetics, the appearance of the buildings would be traditional, and the development would relate well to the existing surrounding built environment. All of the buildings feature interesting and high quality designed elevations. A traditional design approach is proposed, using local and established materials. The use of different materials on the facades will help to break up the built form and reduce impact and scale. A variety of materials are employed including red and buff bricks, render and small element of flint.
- 7.63 This proposal is accompanied by a detailed landscape proposal for the whole site which provides trees within the public realm, in addition to the retained protected trees, to create a high-quality landscape design, breaking up areas of car parking and creating a positive and attractive streetscene. Dwellings will be framed by soft

landscaping in front garden areas and trees within the streetscene. The development will provide areas of Public Open Space together with a Local Area of Play adjacent to the retained protected trees. This approach breaks up the built form and adds to the verdant characteristics of the scheme. Overall the form of development is considered to have regard to the site's context and not adversely impact the character and appearance of the area.

#### **(v) Impact upon residential amenity**

- 7.64 The application site abuts the residential properties in Castle Avenue and St Georges Avenue. The main residential properties directly affected by the development are the residential properties adjacent to the western boundary of the application site, which are 6-26 Castle Avenue and 27 and 30 St George's Avenue.
- 7.65 Nos. 6-26 Castle Avenue are large detached residential dwellings with good sized rear gardens. New residential development is proposed to the rear of their gardens in the form of the two-storey side and rear elevations of plots 49 - 67 and their rear gardens. The minimum separation distances from the rear elevations of 6-26 Castle Avenue to the boundaries of the proposed dwellings is approximately 22m, with a minimum of 32metres back-to back distance. This exceeds the minimum standards set out in the Borough Design Guide (Supplementary Planning Guidance). There are no windows proposed in the side elevation of plot 49. It is considered that there are adequate separation distances between the existing and proposed dwellings, and that there would be no direct loss of amenity to existing and future residents.
- 7.66 No.27 St George's Avenue is a large detached dwelling and is situated on the south side of the road (at the entrance to the site). Revised plans have been submitted following concerns raised by officers regarding the impact on the amenities of this property. The type and layout of units abutting the side boundary of this neighbouring property has substantially changed, in addition a proposed garage originally located adjacent to the boundary of this property has been removed. It is now proposed that plots 67 and 69 will be single storey dwellings, with accommodation in the roof, with dormer windows located on the eastern elevation of plot 67 and northern elevation of plot 69, which are orientated away from the rear garden of no.27 St George's Avenue. The rear roof slopes facing the neighbouring property will have rooflights located within the roofslopes, however these rooflights will serve a bathroom and en-suite, which will be set above head height to ensure no direct overlooking into the private amenity area of no.27. The garden at plot 67 will be 10m in length. Plot 69 is set largely in front, with its side elevation, with no windows proposed facing no.27. This property will be set 3m off the common boundary and 6 m from the neighbouring property itself. Whilst it is accepted that the owners of No.27 will have lost the open aspect currently experienced, the development does not result in a significant loss of residential amenity, and these amended plans have overcome the concerns raised by officers.
- 7.67 No.30 St George's Avenue is a large detached dwelling and is situated on the north side of the road (at the entrance to the site). The layout of the development indicates that Plots 1, 3, 4 and 5 would abut the side boundary of No.30. These proposed plots are located at least 30metres from this neighbouring property, which has mature landscaping on the boundary. As such it is not considered that there is a loss of residential amenity to these neighbouring properties.

#### *Impact from Vehicular Movements*

- 7.68 St George's Avenue is currently a cul-de-sac and as such the use of this road is limited. Castle Avenue and Warblington Avenue also provide a route from the site

towards Emsworth Road. It is considered that the surrounding roads have low traffic volumes and good visibility, and would be capable of accommodating additional traffic safely – in this regard it should be noted that the Highway Authority do not object to this application. There are also options for use of other modes of travel other than the private car, given the bus and train routes nearby, and the fact that the site is close to the secondary school and links to the Town Centre. Where additional traffic does occur, the site has three available routes out of the area, thus avoiding undue congestion at the junction of St Georges Avenue and Southleigh Road. It is therefore accepted that these roads will see a rise in usage, however, this is not considered to be significant enough to lead to an unacceptable loss of amenity to the residents.

#### *Impact on future residents*

- 7.69 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.
- 7.70 A noise survey has been provided taking in to account noise generated from traffic on the A27 and railway line. The report concludes that development can be delivered without causing harm to the amenity of future residents with the provision of a 2.5m high acoustic fence along part of the southern and south-eastern boundary. The structure whilst tall would be screened by the tree screen along the A27 boundary. The detailed layout and elevations propose an almost continuous built form which will also protect the rest of the development to ensure that external private areas are mitigated from the noise sources. The noise assessment also notes that several properties will have to have a higher glazing specification, whilst most will have to be provided with alternative ventilation as an alternative to opening windows, particularly regarding the dwellings in the northern part of the development, which are close to the railway line.
- 7.71 The Environmental Health Officer has raised no objection based on the latest noise assessment and the amended plans. It was noted that whilst the site was highly sensitive to noise, the use of engineered solutions to provide appropriate internal noise environment and the ventilation as well as considering the internal layout of the dwelling to place noise sensitive rooms away from the A27 and railway was recommended. Overall the Environmental Health officers are satisfied that subject to conditions a satisfactory environment for future residents can be achieved.

#### **(vi) Access and Highway Implications**

- 7.72 The application is supported by a Transport Assessment (TA) and in response to the initial consultation from HCC Highways a Technical Note was subsequently submitted. As part of the TA, this undertook junction capacity assessments of five junctions, as follows:-
- Proposed Site Access
  - Southleigh Road/ Emsworth Road Junction
  - Emsworth Roundabout;
  - Havant Road/ A27 Slip Road/ Church Lane Roundabout and Emsworth Road/ Havant Road/A27 Slip Road Roundabout (A27 linked roundabouts), and;
  - Impact of the Warblington crossing;

Additionally, the TA modelled a number of scenarios for the period up to 2026 including with development and mitigation scenarios.

- 7.73 Detailed surveys have been undertaken at key roads, junctions and roundabouts identified through discussions with both the Local Highway Authority and Highways England in the vicinity of the site. The updated Transport Assessment (TA) assesses the impact of the scheme with the trip rates, trip distributions and junction capacity assessments being acceptable to HCC. The development is estimated to generate 67 trips during the morning peak period (11 arrivals and 42 departures) (08.00-09.00) and 62 trips during the evening peak period (33 arrivals and 16 departures). The TA identifies several junctions that are close to / at capacity and schemes for improvements to the junctions of the A27 Havant Road/ A27 Slip Road/ church Lane Roundabout and Emsworth Road/ Havant Road/A27 Slip Road Roundabout (A27 linked roundabouts). It is therefore necessary for this application to provide mitigation to offset the negative impact of the proposed development's additional vehicular trips on the local road network.
- 7.74 The Highway Authority requested that the application focus on the impact from the development on the Emsworth Road/Castle Avenue junction and the Emsworth Road approach arm. There is a safety risk of vehicles waiting to turn right from Emsworth Road into Castle Avenue, given such close proximity to the A27 off slip left turn movements. Negotiations have taken place between the Highway Authority and the applicant to mitigate the impact of the development. Due to the development proposed in the Pre-Submission Local Plan 2036 and the wider impact on this junction, a physical mitigation scheme in this instance would not be appropriate at this time. Therefore, it has been agreed that the identified mitigation measure, which comprises a restriction on right turn movement from Emsworth Road into Castle Avenue would be required in terms of an appropriate scale of mitigation for the development. A financial contribution of £150,000 has been agreed to secure these required improvements from the Highway Authority.
- 7.75 Distribution of the development traffic has shown that 9% of trips are likely to travel north on Southleigh Road over the level crossing. This equates to 1 additional trip arriving at the St. George's Avenue junction every 20 minutes. This modest number of additional vehicles is unlikely to impact queueing at the level crossing or exiting St. George's Avenue. Furthermore, the production and implementation of a Travel Plan will ensure that future residents are aware of their travel options, and encouraged to choose sustainable travel modes. The Travel Plan would be subject to a Section 106 Agreement.

#### Parking provision

- 7.76 Parking provision is provided to the front of the dwellings and within small parking courts and numerically accords with the adopted standards. A further 14 spaces are provided for formal visitor parking space. Where provided, parking courts have been designed to be well overlooked by placing them alongside within view of neighbouring properties. As such the level of car parking provision complies with the adopted Parking SPD.
- 7.77 The public areas not to be adopted will be maintained by a management company for this site and this will need to form part of a legal agreement including rights for public access. Concerns have been raised regarding the restrictions that housing developers place on commercial vehicles on development sites, which results in these vehicles parking on surrounding residential streets and causing associated disruption. To

address this issue a Traffic Regulation Order (TRO) is proposed, which will be secured by a legal agreement, so that in the event this does become an issue, appropriate measures to control the parking arrangements can be made as necessary for the surrounding streets. As such it is considered that the proposed parking provision for this development is appropriate in this context, and any adverse effects arising from unexpected overspill parking can be mitigated.

- 7.78 In terms of the principle of the development of the site for the level proposed, the level of traffic impact is not considered to result in any severe adverse impact to the operation of the existing highway network, and not at a level which would justify a refusal of planning permission, as referred to in paragraph 109 of the NPPF. Overall, in light of the above, the proposed development is considered acceptable in terms of the proposed means of access and highway safety issues, as well as providing improved pedestrian and cycle links in the local area. Following the implementation of the agreed mitigation proposals required by the recommended S106 agreement and conditions, these are considered to mitigate the impact of the development on the highway network and therefore a reason for refusal on this basis could not be justified.

#### **(vii) Flooding and Drainage**

- 7.79 The Environment Agency Flood Risk Map shows the development site is located in Flood Zone 1 (lowest risk of flooding). Whilst development is considered appropriate for Flood Zone 1, in accordance with the Technical Guidance in the NPPF, a Flood Risk Assessment has been submitted together with a drainage strategy. The Technical Guidance states that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.

#### *Surface water*

- 7.80 The application incorporates a sustainable drainage system which will store the volume of a 100-year return period storm plus 40% allowance for climate change. The site investigation undertaken confirms the presence of shallow groundwater and that it is likely that soakaway drainage may not be feasible. The surface water drainage strategy has been progressed based on a non-infiltrating drainage system which will discharge surface water at a restricted rate in part to the existing public surface water sewers beneath St. George's Avenue to the west of the site and in part to the existing public surface water sewer beneath Emsworth Road to the south of the site.
- 7.81 Within the residential areas of the site, roof drainage will drain via traditional rainwater down pipes discharging to shallow cellular crate soakaways or sub base drainage systems. Parking courts will be constructed using a mixture of permeable block paving in the parking bays and tarmac surfacing on the running areas. Runoff from both areas will drain through the block paving to the permeable sub base below. The roads would drain via a permeable surface of either permeable block paving or permeable macadam.
- 7.82 The surface water runoff generated on the site because of the development will be managed using appropriate SUDS techniques up to the 1 in 100 +30% storm event. This will ensure that the peak rate of surface water leaving the developed site is no greater than the existing Greenfield runoff rate, including the temporary condition during the construction of new buildings. It is proposed to replicate as closely as possible the natural drainage from the site before development and improve water quality, reducing the impact on receiving watercourses. A management company will

be given ownership of all SUDS structures on this site. The Section 106 Agreement will require full details of how the SUD's are managed and maintained to ensure the optimum operation of the system. The Local Lead Flood Authority have been consulted on the application and has raised no objection subject to conditions.

- 7.83 There is no positive drainage on the pastureland which currently drains to the pond at the western part of the site and the ditch at the southwest corner of the site.. The site investigation also notes that the site is at risk of groundwater flooding, but this is not considered a risk as basements are not proposed.

#### *Foul Water*

- 7.84 The applicant has been working with Southern Water to assess the capacity of the existing foul sewerage network and establish an appropriate point of discharge for the new foul drainage. There is no existing foul water discharge or drainage infrastructure on site. Foul water drainage from the proposed development is proposed to be connected into the existing foul drainage network in St George's Avenue and Emsworth Road. 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 have been consulted, and subject to conditions raise no objection.

#### **(viii) The Effect of Development on Ecology**

- 7.85 The application is accompanied by an Ecological Assessment (ECOSA, October 2018). The application site comprises a narrow area of improved grassland and boundary hedgerows adjacent to existing residential housing, a railway line, a larger improved grassland field and the A27. A suite of ecological surveys have been carried out.
- 7.86 The application site is listed within the Solent Waders & Brent Goose Strategy (SWBGS) as Site H19. The current iteration of the SWBGS describes the site as 'low use', meaning that the site has 'records of (SPA) birds but in low numbers'. In the case of H19 there is an older (2011) record of 13 curlew and no records of brent geese. The application site comprises the extreme western end of the larger H19. Whilst H19 is of low use for SPA birds, it nevertheless has potential to support wintering birds and the (partial) loss of SPA supporting habitat will need to be mitigated.
- 7.87 On-site mitigation in this case is problematic, in terms of alternative open space for recreation, due to the relatively small size of the site and the lack of on-site opportunities for greenspace. The recently-published Solent Waders and Brent Goose Strategy Guidance on Mitigation and Off-setting Requirements provides a framework for mitigation options for impacts to SWBGS sites, essentially requiring per-hectare financial contributions towards off-site mitigation measures designed to protect and enhance the wider SWBGS network of sites. Following discussions between the applicant and Natural England, a financial contribution of £39,171, has been agreed to secure off-site mitigation, to mitigate the impact of the development, which would be secured through the legal agreement.
- 7.88 In terms of other ecological constraints, the site has been shown to support at least six species of foraging/commuting bat including the uncommon western barbastelle. None of the trees within the site is considered to offer potential for supporting tree-roosting bats. The foraging/commuting bat assemblage is typical for a south Hampshire site

within a relatively suburban context, although the occasional presence of barbastelle is noteworthy, therefore as part of the ecological measures bat boxes are proposed across the development, to provide effective mitigation in this regard. The ecology surveys have demonstrated that Hazel dormice and great crested newts are not present on the site, which is agreed by the Ecologist consultant.

- 7.89 The site supports a small population of slow-worms. Most of these ecological constraints can be managed within the site using habitat retention and buffering and a sensitive lighting strategy. There is a need for off-site reptile mitigation: the submitted ecological information identifies details of a 'new' proposed reptile receptor site located at Portchester, which is within the applicant's ownership. Suitable habitat within this site has been shown to support resident populations of three common and widespread reptile species in low numbers. This translocation has been secured through a legal agreement and the use of Portchester as a receptor for the small slow-worm population from the application site and will be enhanced with suitable habitat piles. As such this mitigation is considered acceptable and has been agreed the Ecologist consultant and Natural England.

#### **(ix) Impact on Trees**

- 7.90 The application has been amended following concerns regarding the layout of the development in terms of the impact on the protected trees on the site. An amended layout has been submitted which has relocated the proposed dwellings and Local Area of Play, so that these will be outside of the extensive Root Protection Areas. The proposed landscaping plans have been amended to provide mitigation planting including opportunities for tree planting for specimen trees on the site, including along the boundaries. In summary provided that the methodology set out in the arboricultural reports is strictly adhered to with a pre-commencement site meeting there is no arboricultural objection.

#### **(x) Impact on archaeology**

- 7.91 The site is located in an area of good archaeological potential with a substantial Iron Age settlement recorded immediately to the north and with Warblington Roman villa located 200 metres to the south east. The projected route of the Chichester to Bitterne Roman road also passes immediately to the south. Evidence for medieval ridge and furrow agriculture has also been recorded immediately to the east of the site. There is a very good chance that as yet unrecorded archaeological features and/or deposits dating from the later prehistoric, Roman and medieval periods may survive within the site. Historic Ordnance Survey maps of the area show that the site has remained undeveloped over the past 150 years, so that any archaeological features which may exist here will be relatively well preserved. As such, while there is no indication that archaeology presents an overriding constraint, it is considered reasonable and necessary to ensure the assessment, recording and reporting of any archaeological deposits affected by construction, which will be secured through the attachment of suitable conditions.

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

- 7.92 The impacts of the proposed development on key infrastructure have been assessed and an Infrastructure Delivery Statement has been submitted. The infrastructure provision in respect to highways, flood risk/drainage, health, open space 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 in paragraph



7.76 below.

7.93 The CIL liability for this site currently stands at £638,520- this is net of Mandatory Social Housing Relief. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect to the following matters: -

1. Affordable Housing on site provision and in addition a financial contribution of £22,460 for off-site provision
2. Payment of a Travel Plan Bond, Monitoring Fee and Approval Fee
3. S106 monitoring fee
4. Management and maintenance plan for the lifetime of the development for all unadopted/communal areas including roads, open space, play area and SUDs and bond.
5. A contribution in relation to traffic management
6. Solent Recreation Mitigation Strategy
7. SUDS bond
8. Public Rights of access over the development
9. Highway Works (HCC) Site Specific Transport Improvements - £150,000
10. Reptile translocation site
11. Contribution towards Solent Waders and Brent Geese Strategy (Natural England)
12. Community Officer

## **8 Conclusion - Overall planning balance**

- 8.1 This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding sections and paragraphs of this report. It is acknowledged that certain aspects of the Development Plan may well support the proposal, and that other considerations might pull in different directions; specifically, in this case with the emerging policies in the Local Plan 2036, and it is natural that not every development will accord with every policy within a development plan.
- 8.2 At the heart of the balancing exercise to be undertaken by decision takers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The NPPF is a strong material consideration including its desire for LPAs to boost housing delivery and where policies are out of date, such as housing policies, support development unless the adverse impacts outweigh the benefits of the development.
- 8.3 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 and is not provided for in current adopted Local Plan policy - as a result the proposal is contrary to development plan policy. Although weight must be attached to this start point for considering the proposal, it is tempered by the findings that many material considerations also weigh in favour of recommending permission.
- 8.4 Whilst the development site is not an allocated housing site in the adopted Local Plan it has been identified as a sustainable housing site in the emerging local plan, and was

previously identified in the revoked Local Plan Housing Statement. This site forms part of the Council's 5-year housing land supply, this is a compelling material consideration, which is given significant weight in the balancing exercise and indicates that a decision could be taken that departs from the adopted local plan. The direction of travel of emerging planning policies are to be acknowledged which propose to allocate this site for housing purposes. At 69 dwellings, the site makes a meaningful contribution toward the Council's housing supply and the applicant has confirmed that it is deliverable in its entirety within this 5-year period.

- 8.5 Furthermore it is accepted that the proposed development would give rise to certain benefits, notably in terms of housing provision, including affordable housing. There would also be social benefits through an increase in public open space provision, landscaping and financial support to the delivery of infrastructure in the locality. In addition, there would be the economic benefits due to construction, an increase in local population, payment of New Homes Bonus and financial contributions secured via a S106 planning obligation. These matters are considered to be a benefit in the overall planning balance for this application.
- 8.6 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. 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, the proposed car parking levels complies with the standards set out in the Parking SPD, both in terms of parking for each dwelling, in addition to visitor parking. In addition, it has been concluded that the proposed development would not give rise to any harmful impacts on pollution, the natural environment and residential amenity, subject to necessary mitigation works secured through a S106 Agreement and conditions.
- 8.7 It is accepted that elements of the proposal either do not comply with, or partially comply with emerging policies in the Local Plan 2036, with specific regard to provision of a fully compliant provision of public open space, technical housing standards, provision of electric charging points or sustainable construction. The NPPF (paragraph 48) sets out that weight can be given to relevant policies in emerging plans depending on, amongst other things, the stage of preparation of the emerging plan and the level of unresolved objection to individual policies. At the current stage where the Local Plan has been published but not yet submitted, and in combination with the level of objection to these policies, they can be afforded only limited weight at this time.
- 8.8 Furthermore, the improvements to the scheme, which have been made through discussions with the applicant to improve the qualities of the development are to be acknowledged. It is considered in respect of this proposal, when framed against the entirety of the adopted Development Plan, comprising the Core Strategy (2011) and the Allocations Plan (2014), that none of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements of the proposal.
- 8.9 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 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 balance of

sustainable development principles, the application is recommended for permission.

## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01033

**(A) a Section 106 Agreement as set out in paragraph 7.93 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:

Site Location plan	507-01-A-02-001-SL REV A
TENURE PLAN	507-01-A-02-010-TP REV I
MATERIAL PLAN	507-01-A-02-011-MP REV E
BOUNDARY TREATMENTS	507-01-A-02-012-BT REV I
SITE PLAN	507-01-A-02-020-SP REV E
STREET ELEVATIONS	507-A-02-030-SE REV A
Chalet Bungalow Plots 067 & 069	1385A- 001
HOUSE TYPE ALNWICK – PRIVATE	ALN-001 A
HOUSE TYPE ALNWICK - HA	ALN-HA-002 A
HOUSE TYPE ALNWICK - HA MID-TERRACE	ALN-HA-002 A
HOUSE TYPE ALNWICK - HA END-TERRACE	ALN-HA-004 A
HOUSE TYPE CHEDWORTH – PRIVATE	CHED-001
HOUSE TYPE CHEDWORTH – PRIVATE	CHED-002 A
HOUSE TYPE CLAYTON – CORNER	CLAY-C-001 A
HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55	CLAY-C-002 A
HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55 floor plans	CLAY-C-003 A
HOUSE TYPE CORFE – PRIVATE	COR-001
TWIN GARAGE	GAR-001 A

SINGLE GARAGE	GAR-002 A
TRIPLE GARAGE	GAR-003
HOUSE TYPE HANBURY – PRIVATE	HAN-001 A
HOUSE TYPE HANBURY - HA MID-TERRACE	HAN-HA-002 A
HOUSE TYPE HANBURY - HA END-TERRACE	HAN-HA-003 A
HOUSE TYPE HANBURY - HA MID-TERRACE	HAN-HA-004
HOUSE TYPE HATFIELD – PRIVATE RENDER	HAT-001
HOUSE TYPE KENDAL - PRIVATE	KEN-001 B
HOUSE TYPE MOSELEY - PRIVATE	MOS-001 A
HOUSE TYPE SOUTER – PRIVATE	SOU-001 A
SOUTER SECTION	SOU-SECTION
HOUSE TYPE STAFFORD – PRIVATE	STAFF-001 A
SUBSTATION	SUB-001 A
LUMLEY – HA	4620a-001 B

#### Landscape

LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 1  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 2  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 3  
SOFT LANDSCAPE MANAGEMENT AND MAINTENANCE PLAN -  
PERSC22164 Man Revision: A  
PERSC22164 (Soft Landscaping Specification document)

#### Ecology

ECOLOGICAL ASSESSMENT REV.4  
ECOSA TECHNICAL NOTE – Ecological Construction and  
Management Plan Third Addendum DATED 21ST AUGUST 2019  
Cranleigh Road, Portchester - ECMP Addendum FINAL 210819

#### Trees

ARBORICULTURAL ASSESSMENT AND METHOD STATEMENT 18295-AA2-  
AN  
TREE PROTECTION PLAN 18295-BT2

#### Street lighting

5972-01B (MJA)  
Castle Avenue Rev E (Prolectric)

#### Drainage

S1857/502-01 Rev I  
ES1857/502-02 Rev I  
ES1857/502-03 Rev I (Manhole Schedule)  
ES1857/501-02 Rev B  
ES1857/S104-01 Rev I  
ES1857/S104-02 Rev D  
ES1857/501-05 Rev E & ES1857 501-06 (Construction Details)

External works

ES1857/504-01 Rev G

ES1857/504-02 Rev F

ES1857/501-01 Rev C (Construction Details)

Others

Written Scheme of Investigation, Wessex Archaeology 212291.01 (October 2019)

TRANSPORT ASSESSEMENT – REPORT 1.2

TRANSPORT TECHNICAL NOTE DATED 22 FEBRUARY 2019

ENVIRONMENTAL NOISE IMPACT ASSESSMENT SA – 4823-5

Construction Environmental Management Plan Rev B – August 2020

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

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or 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.
  
- 4 No above ground construction works shall be carried out until a programme/timetable for the provision of roads, footpaths, junctions and visitor car parking have been submitted to and approved, in writing by the Local Planning Authority for each phase of the development. The development shall thereafter be carried out in accordance with the approved programme/timetable and retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.  
**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.
  
- 5 No dwelling shall be occupied until the car parking areas for that dwelling have been laid out and provided in accordance with the details shown on plan A-02-020-SP Rev E. The car parking areas shall be retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.  
**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.
  
- 6 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.  
The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;  
i) Investigation in the vicinity of suspected contamination, sufficient to

characterise its nature, likely extent & mobility,

ii) An appropriate assessment of the risks to all receptors that may be affected, based upon i), and;

iii) Where potentially unacceptable risks are identified by ii), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by i)-iii) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

A) statement confirming that no suspected contamination was identified during development,

OR;

B) Documentation in accordance with i-iii) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

**Reason:** In the interests of the amenity of the locality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Plots 37, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 as shown on the approved plan, A-02-020-SP Rev E, shall not be occupied unless and until mitigation has been installed and demonstrated through post validation testing to determine compliance with the noise impact assessment as provided by Noise Impact Assessment (SA-4823-5, dated February 2019). This shall be submitted to and agreed in writing by the Local Planning Authority. This report is to confirm the expected noise levels within the proposed dwellings have been achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. the glazing and ventilation strategy mitigation measures outlined in the Noise Impact Assessment (SA-4823-5, dated February 2019), shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the residential amenity of the residents of the properties are not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The approved external lighting scheme shall be installed in full accordance, with the details as shown on plan ref 5972-01B (MJA) and Castle Avenue Rev E (Prolectric) unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The soft landscaping scheme shall be carried out in accordance with the approved plans, PERSC22164 11G-Sheet 1, PERSC22164 11G-Sheet 2, PERSC22164 11(G)-Sheet 3 and timetable for provision unless otherwise agreed, in writing, by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.

**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

- 10 The hardsurfacing shall be carried out in accordance with the approved plans, ES1857-504-01-G External Works and ES1857-504-02-F External Works, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before works proceed above ground level, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the amenities of the locality and having due regard to policies CS1, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development shall be carried out in strictly in accordance with the Boundary Treatments as shown on approved plan ,507-01-A-02-012-BT Rev I Boundary Treatments unless otherwise agreed, in writing, by the Local Planning Authority. The boundary treatments shall be installed prior to the occupation of each individual dwelling.

**Reason:** To safeguard the amenities of the locality and or occupiers of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water. Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement, unless agreed in writing by the Local Planning Authority.

**Reason:** Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of

historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply. This condition is therefore necessary having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Assessment (Ecosa, Final Rev.4, August 2019) and ECOSA TECHNICAL NOTE – Ecological Construction and Management Plan Third Addendum dated 21ST AUGUST 2019 unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Details of the implementation of all ecological mitigation, compensation and enhancement features shall be reported to the LPA in writing within one month of their completion.

**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.

- 14 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the Arboricultural Impact Appraisal and Method Statement reference 18295-AA2-AN and in & Tree Protection Plan - plan 18295-BT2 written by Barrell Tree consultancy shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan (telephone 023 92 446525). 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.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, and E, of Schedule 2, Part 1 of the Order shall be carried out on plots 67 and 69, as shown on the approved plan, A-02-020-SP Rev E, without the prior written consent of the Local Planning Authority.



**Reason:** In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, as shown on plan A-02-010-TP Rev I 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 and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points shall be installed prior to the occupation of each individual dwelling.

**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.

- 17 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no hard surface forward of the front elevation of Plot 1 and Plot 2, as shown on approved plan A-02-020-SP Rev E, shall be provided or replaced in whole or in part, including any works permitted by Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, without the prior written approval of the Local Planning Authority.

**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is protected 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.

- 18 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; and
  - (b) All measures necessary to meet the approved water efficiency calculation

have been installed.

**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 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, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

19

At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

**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 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, EX1 and E12 of the Pre-Submission Havant Borough Local Plan'.

20

No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment – Project Number: 23086 dated September 2018 has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

a. A revised drainage plans including pipe / chamber references linked to the

hydraulic calculations and highlighting the revised discharge points and rates as per Southern Water's response.

b. Revised drainage calculations to demonstrate that the drainage will function as needed in the different return periods up to and including the 1:100 + climate change.

The development shall be carried out in accordance with the approved details.

**Reason:** Without the provision of an appropriate surface water connection point the development cannot be appropriated mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

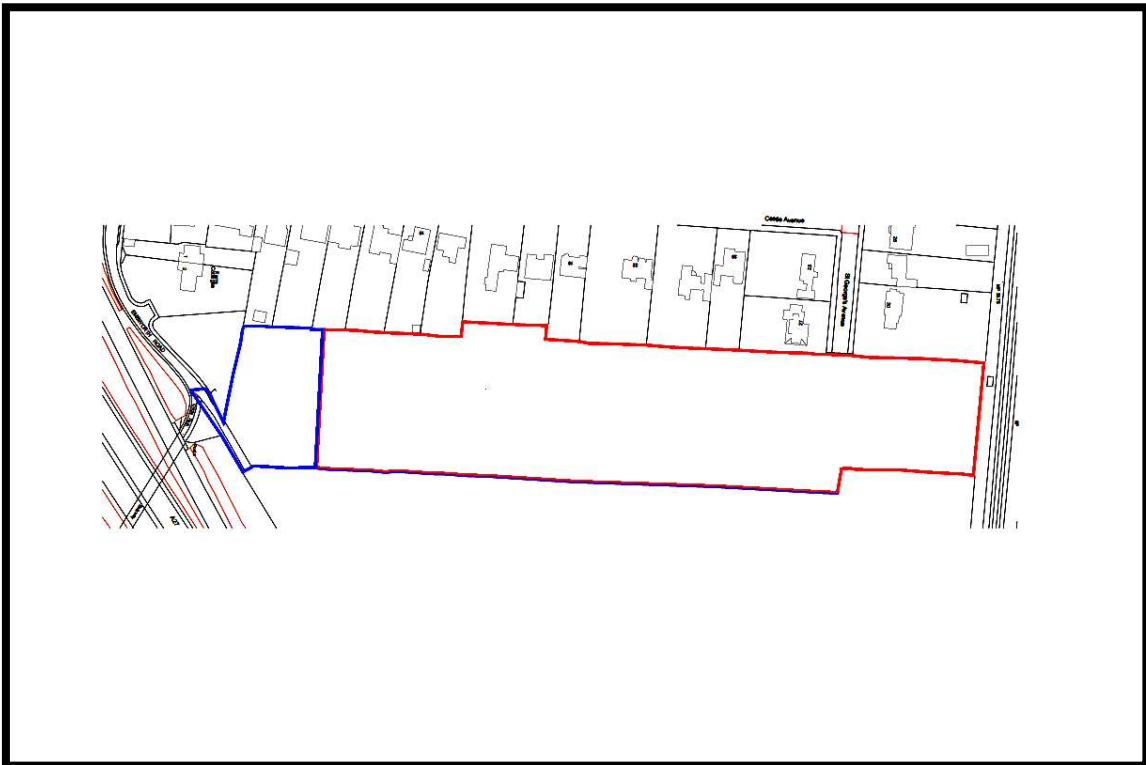
**Appendices:**

- (A) Location Plan
- (B) Layout/site Plan
- (C) Street Scenes
- (D) Street Scenes

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**APPENDIX A**

**LOCATION PLAN**



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LAYOUT/SITE PLAN



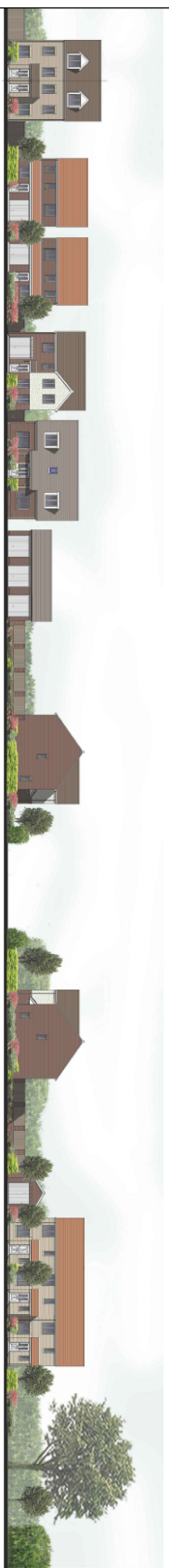
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STREET SCENES



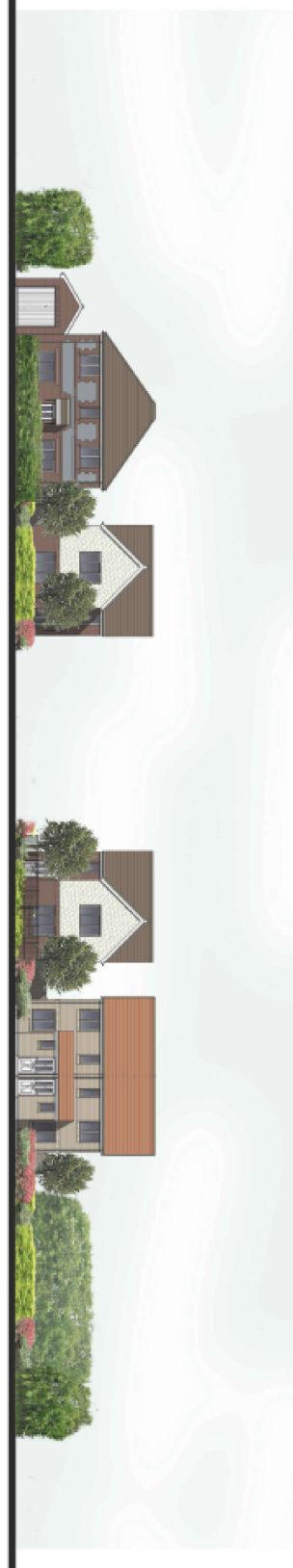
Section A-A



Section A-A CONTINUED

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STREET SCENES



Section B-B



Section C-C

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