

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 12 November 2020

Present

Councillor Satchwell (Chairman)

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

Other Councillors Present:

Councillor(s):

4 Apologies for Absence

There were no apologies for absence.

5 Minutes

The minutes of the meeting of the Development Management Committee held on 29 October 2020 were agreed as a correct record.

6 Site Viewing Working Party Minutes

The minutes of the Site Viewing Working Party held on 5 November 2020 were received.

7 Declarations of Interest

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

8 APP/19/00768 - Land to the rear of, 15-27 Horndean Road, Emsworth

The site was the subject of a Site Briefing by the Site Viewing Working Party.

Proposal: Erection of 16 new dwellings with associated access, parking and open space.

Reason for Committee consideration: The application was contrary to the provisions of the adopted development plan.

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

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

- i. included the minutes of the Committee meeting held on 29 October 2020;

- ii. included the minutes of the Site Briefing held on 5 November 2020;
- iii. included the deputations submitted by members of the public over 48 hours in advance of the meeting;
- iv. provided an update paper with two additional conditions and one amended condition with reasons for these changes; and
- v. an amendment to the officer report to reflect the change to the number of the stand-alone housing policy in the emerging Local Plan.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering questions raised in the Site Briefing and individual members of the Committee since the agenda was published.

There had been 2 requests to make verbal deputations by members of the public. The speaker opposing the application was Pat Brooks (Friends of the Earth) and the speaker supporting the application was Alistair Harris (Metis Homes). These were received by the Committee. These verbal deputations were a summary of the written deputations supplied and published on the council's website. The audio recording of these deputations is found within the recording of the meeting itself, beginning at 28.00. This is published on the council's website.

Following the deputations, the officers commented that:

- 1) the ecology team had found no significant findings with regards to the bat population of the proposal site;
- 2) the arboricultural officers were satisfied with the root protection measures demonstrated by the proposal, as they were secured by conditions 17 and 18 regarding trees;
- 3) the area of SINC allocation was 30% of the current SINC, but the 30% area would be managed and maintained in perpetuity far better than the site currently was; and
- 4) the proposal was an energy efficient low carbon design, and additional condition 24 would guarantee this.

In response to questions by Members of the Committee the officers advised that:

- a) in order to comply with the condition concerning sustainability the developer would reuse existing materials on the site for construction, the proposal integrated solar gain into its design, and the proposal minimised greenhouse gas emissions. Any other details such as how the

dwellings are heated would be dealt with once the condition was complied with, and the details of this would be submitted for approval prior to their integration into the development;

- b) enough space between the dwellings and the trees was proposed in order to provide space for amenity;
- c) whoever's land the trees were on would be responsible for the management of the tree, and those whose trees had TPO's on would have to come through the council for approval before they could cut them back or remove them;
- d) whilst gardens with larger trees would not receive as much sunlight during the day, notable green specimens and views of nature have been shown to improve mental health, and the arboricultural officers were fully satisfied with this proposal;
- e) there had been no discussion with the owners of the road running adjacent to the access road of this development, as to whether the roads could be combined to form a larger access;
- f) the SINC would be managed and maintained by a third party which whilst not being explicitly identified, did not need to be at this stage in the planning application process;
- g) policy E12 in the emerging Local Plan looked at measures to achieve sustainable development, and it was found that bolt on measures such as solar panels were compensatory, so if a developer had a robust design which provided its own mitigation such as using solar gain, then solar panels would not be so heavily relied upon to perform the same job;
- h) the western boundary to the site would provide an opportunity for a wildlife corridor as there was further planting proposed along this edge of the SINC, which could in turn improve the ecology of the SINC as a whole. The landscaping condition could be amended to make this requirement explicit;
- i) the proposed dwellings lay within Flood Zone 1 whereas the open space/SINC was in Flood Zone 3;
- j) at Full Council on 9 September 2020 it was agreed that this site come forward on its own separately from the Southleigh development, and the 30% retention and management of the SINC on site, coupled with the compensatory land off-site, would benefit the SINC further than leaving the 100% as it was without any support; and
- k) the lack of a public footpath onto the development was deemed acceptable following a Highways Safety audit, as the development was smaller in nature (16 dwellings) and so should not require a footpath.

The Committee discussed the application in detail together with the views raised in the deputations received.

It was RESOLVED that the Head of Planning be authorised to grant permission for application APP/19/00768 subject to:

- (A) a Section 106 Agreement as set out in paragraph 7.90 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 and documents:

Architectural plans

Location Plan 101A	1862 101A
Proposed Site Plan	1862 No.02 I
Proposed Site Sections	1774 14B
Plot 1 – Proposed Floor Plans and Elevations	1862 03 REV A
Plot 2 & 3 - Proposed Floor Plan and Elevations	1862 1862
Plot 4 & 5 - Proposed Floor Plan and Elevations	1862 05 REV A
Plot 6 - Proposed Floor Plan and Elevations	1862 06 REV A
Plot 7 & 8 - Proposed Floor Plan and Elevations	1862 07 REV A
Plot 9 - Proposed Floor Plan and Elevations	1862 08 REV A
Plot 10 - Proposed Floor Plan and Elevations	1862 09 REV C
Plot 11 - Proposed Floor	1862 10 REV B

Plan and Elevations	
Plot 12 & 13 - Proposed Floor Plan and Elevations	1862 1862 11 REV A
Plot 14 & 15 - Proposed Floor Plan and Elevations	1862 12 REV A
Plot 16 - Proposed Floor Plan and Elevations	1862 13 REV A
Topographic Survey	112552-SU-O1 REV A
Proposed Street Scene – Plots 7 - 16	1774 15
Plan 1 – Compensation Area – Site Area 0.59ha.	

Engineering drawings

Highways Location Plan	M.096/1
Refuse Vehicle Turning Plan	M.096/6A

Statements

Planning, Design & Access Statement, incorporating Affordable Housing Statement	July 2019
Ground Appraisal Report	July 2019
Acoustics Design Statement (Stage 2)	July 2019
Air Quality Assessment	June 2019
Archaeology Statement	July 2019
Statement of Conformity with Pre-Submission Havant Borough Local Plan 2036	August 2019
Letter from Metis Homes	July 2019
Ecological Assessment	July 2019
Ecology HRA	July 2019
Warwickshire, Coventry & Solihull – Habitat Impact Assessment Calculator	January 2020

Biometric Tool Calculator	January 2020
Flood Risk Assessment and Drainage Strategy	July 2019
Southern Water Foul Sewer Capacity Check	July 2019
Highways Transport Statement	July 2019
DM Mason Engineering Consultants Ltd	September 2019
Stage 1 Safety Audit Designers Response	July 2019
Traffic Count	September 2019
Landscape Maintenance Plan	July 2019
Arboricultural Impact Assessment and Method Statement	September 2020
Lighting Strategy	June 2019
Statement of Community Involvement	July 2019
Utility Infrastructure Report	April 2018
Ecology Solutions Briefing Note: Guiding Principles for Lowland Meadow Restoration (MG5 Community)	February 2020
Briefing Note: Summary of Compensation Approach Agreed with Hampshire County Council Ecology Team	Undated
ECO Urban Ltd Arboricultural Implications Assessment and Method Statement	September 2020
Biodiversity Metric Calculation Tool	January 2020
Habitat Impact Assessment Calculator	January 2020
Updated Nutrient Budget	September 2020
Updated European site Avoidance and Mitigation Checklist	September 2020
Arboricultural Implications Assessment and Method	September 2020

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

3 **Archaeological**

No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should initially take the form of trial trenches that are located across the site.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets 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 development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generation having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Following completion of archaeological fieldwork a report shall be produced in accordance with an approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Materials and Landscape

- 6 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 building(s) 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.

- 7 Notwithstanding any description of landscaping shown on the Landscape Strategy Plan no above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. This shall incorporate the planting of new trees along the western boundary of the retained SINC to create a wildlife corridor. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

The approved landscaping scheme shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following first occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

Prior to development commencing the visibility splays shown on the approved plan of 2.4m. x 59m. shall be provided and the area shall be maintained as such thereafter.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the first occupation of the development at least the first 6 metres of the access measured from the nearside edge of the carriageway of the adjacent highway (Horndean Road) shall be surfaced in non-migratory material. This area shall be maintained in this condition thereafter.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No above ground construction works shall be carried out until a programme/timetable for the provision of roads, footpaths/cycleways and visitor car parking have been submitted to and approved, in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved programme/timetable and the roads, footpaths/cycleways and visitor car parking 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.

- 11 No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 **Drainage and Flood Risk**

No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

As to the surface water drainage scheme for the site, which should be based on sustainable drainage principles, an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is commenced. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

The drainage scheme shall also provide the following;

Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this; and

Evidence that Exceedance flows and runoff in excess of design criteria have been considered. Calculations and plans to show where above ground flooding might occur and where this would pool and flow for exceedance flows. Exceedance flows are considered in the event of the pipe being non-operational.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

- 13 No dwellings shall be occupied until the following drainage details have been submitted to and approved in writing by the Local Planning Authority: Details of consent from the Sewerage Authority for a connection to the public sewer for the development. The development shall be implemented in accordance with the approved details

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

- 14 **Electric Charging Points**

Prior to the occupation of the development full details of the Electrical Vehicle Charging points, as shown on approved plan 1862 02 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, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points shall be installed prior to the occupation of each individual dwelling and retained at all times thereafter.

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 and the National Planning Policy Framework.

- 15 **Lighting**

No above ground construction works shall take place until a full specification of the external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with any terms of such approval and in full accordance with the Proposed Residential Development Lighting Assessment produced by WYG, dated June 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the locality is not impacted upon

by external lighting levels and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16 **Ecology and Trees**

Development shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Assessment dated July 2019 5927.EcoAss.vf produced by Ecology Solutions, Briefing Note: Guiding Principles for Lowland Meadow Restoration (MG5 Community) and Briefing Note: Summary of Compensation Approach Agreed with Hampshire County Council Ecology Team 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 Local Planning Authority 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, National Planning Policy Framework, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 17 Prior to commencement of development a full engineering/construction method for the no dig cellular surfacing shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 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 approved Arboricultural Impact Assessment and Method Statement dated September 2020 and Tree Protection Plan, shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

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.

- 19 Prior to the first occupation of the development hereby approved, details of bat and bird boxes to be installed on all of the plots shall be submitted to, and approved in writing by the Local Planning Authority. The approved bat and bird boxes shall be installed in full accordance with the approved details before the occupation of any dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

20 **Water Efficiency/sustainability**

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.

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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 necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

22 **Other**

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 and E Schedule 2, Part 1 of the Order shall be carried out on plots 1 to 16; and Class A, of Schedule 2, Part 2 on plots 10 and 11, as shown on the approved plan 1862 02 I without the prior written consent of the Local Planning Authority.

Reason: In the interests of the trees along the boundaries, three of which are protected, to maintain natural surveillance of the pedestrian/cyclepath and open space and parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 23 Not to commence development until there is a binding provision with the landowner for the ecological compensation provision on land edged red on Plan No. 1, which shall be submitted in writing to the Local Planning Authority.

Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 24 No above ground construction works shall take place unless and until details specifying the Energy Efficiency of the residential development in accordance with Policy E12 of the Pre-Submission Havant Borough Local Plan 2036 have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved specification.

Reason: To ensure the energy efficiency of the residential development in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and Policy E12 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

The meeting commenced at 5.00 pm and concluded at 6.24 pm

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Chairman