

HAVANT BOROUGH COUNCIL  
CIVIC OFFICES  
CIVIC CENTRE ROAD  
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**Havant**  
BOROUGH COUNCIL

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## SITE VIEWING WORKING PARTY AGENDA

**Membership:** Councillor Satchwell (Chairman)

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

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

### Relevant Ward Councillors

Councillor Lulu Bowerman  
Councillor Richard Kennett  
Councillor Julie Thain-Smith

**Meeting:** Site Viewing Working Party

**Date:** 5 November 2020

**Time:** 4.00 pm

**Venue:** Skype for Business - Skype for Business

This is a private remote meeting 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:

- a. 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

- b. The submission of a Red Card and specific request to site briefing by a Councillor
- c. 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:

- a. The site layout and boundaries;
- b. Physical features and constraints including levels and orientation;
- c. The general characteristics of the site and how it relates to the surrounding area;
- d. Nearby land uses, and
- e. Any relevant transport issues affecting the site.

The site briefing should be a 'fact finding briefing' 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

- a. 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
- b. 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:
  - 1. the need for additional information, and/or
  - 2. the need for additional conditions, and/or

### 3. 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.

The business to be transacted is set out below:

Gill Kneller  
Chief Executive

Tuesday 3 November 2020

Contact Officer: *Holly Weaver 02392446233*  
Email: [holly.weaver@havant.gov.uk](mailto:holly.weaver@havant.gov.uk)

	<b>Page</b>
<b>1 Apologies</b>	
To receive any apologies for absence.	
<b>2 Declarations of Interests</b>	
To receive any declarations of interest relating to matters on the agenda.	
<b>3 Site Briefing - APP/19/00768 - Land to the rear of, 15-27 Horndean Road, Emsworth</b>	<b>1 - 62</b>
Proposal: Erection of 16 new dwellings with associated access, parking and open space.	

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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.

The proposal has been subject to extensive review and consultation. Extended negotiations have taken place, resulting in the plans being improved and amended to improve natural surveillance over the open space area, providing 2 cycleways/footpaths to the south and west to improve connectivity, the provision of electricity charging points for all dwellings and the relocation of the SINC. The application is supported by a Utility Assessment Report 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 advertisements in the press. The main part of the site falls within a SINC, with part of it to be retained on site with enhancements and improvements, which would have a dual purpose as open space. As to loss of the remaining area of SINC, this would be compensated by its transfer and recreation off-site on the Emsworth Recreation Ground immediately to the south. The site contains three trees the subject of a Tree Preservation Order (TPO) along the eastern boundary, which would be retained in the proposal. The proposed dwellings and associated works would fall within flood zone 1; the proposed open space/retained SINC would lie within flood zones 2 and 3.

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.

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 and the Position Statement on Nutrient Neutral Development. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the European sites which would otherwise have been likely to occur.

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 emerging 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 lies on the west side of Horndean Road, to the rear of 15-27 Horndean Road, which is an established row of residential development, comprising of bungalows and chalet bungalows. To the north of the site is two storey housing, with the recent Bellway development on land to the west of Horndean Road and south of Southleigh Road nearing completion to the north west. The proposed access to the site would be between 27 and 35 Horndean Road to the north east, through an area of land which is currently overgrown. Emsworth Recreation Ground lies to the south, with mature trees along the eastern and part of the southern boundary, which is also defined by 1.8m high metal fencing. There is also a dilapidated overgrown building along the eastern boundary. Along the western boundary are mature trees and hedges, beyond which is a watercourse. The existing access to the site is currently along the southern boundary, due to the overgrown nature of the proposed access to the east. There is a Tree Preservation Order (TPO) on three of the trees along the eastern boundary. To the south east of the site's access is Bellevue Lane, with St James' Church of England Primary School located at the junction of this Lane, with Horndean Road.
- 1.2 The main part of the site falls within flood zone 1, with the land falling away to the south west, with this section of the site falling within flood zones 2 and 3.
- 1.3 Except for the proposed access between 27 and 35 Horndean Road, the site lies immediately adjoining, but outside the defined urban area. Again, with the exception of the access the site is designated as a non-statutory Site of Importance for Nature Conservation (SINC), based upon a number of notable/priority plant life found on the land.
- 1.4 The size of the site is 0.93 hectares, which is a vacant field.

## **2 Planning History**

- 2.1 There is no planning history associated with this site.

## **3 Proposal**

- 3.1 The proposal is for the erection of 16 new dwellings with associated access, parking and open space, on 0.93 ha. The density would be low, at 17 dwellings per hectare, reflective of development in the locality. The development is for 6 detached and 10 semi-detached two storey properties, traditionally designed around a cul-de-sac layout. This represents an amended scheme to the initial plans submitted in September 2019. The proposed scheme comprises 6 x 2 bed, 8 x 3 bed and 2 x 4 bed houses. The proposal is for 5 affordable homes comprising 4 x 2 bed and 1x 3 bed to be provided on site. The applicant is currently in discussions with Registered Social Landlord (RSL) providers, to manage the proposed affordable housing at the site. The mix of the social housing would be 3 affordable rentals and 2 shared ownership.
- 3.2 The development is of a traditional 2 storey design, using facing brickwork. Apart from plot 9 which would have a hipped roof, the roofs are half hipped. The material for the roof would be tiles. Externally the dwellings would be adorned with some detailing including string courses, lintel and cilla detailing and porch

designs. The dwellings meet the Government's Nationally Described Space Standards. The garden areas conform to the requirements of Havant's Design Guide, with a minimum depth of 10m.

- 3.3 Vehicular and pedestrian access to the development would be taken from Horndean Road in the north-east corner between 27 and 35 Horndean Road. The proposal is designed around a cul-de-sac road layout with connectivity into Emsworth Recreation Ground via cycleways/footways to the south and to the future Southleigh development to the west. Low level street lighting is proposed, that would be downward facing to limit upward light spill, with lighted bollards for the cycleways/footpaths.
- 3.4 Car parking within the scheme has been designed in line with the Havant Borough Council Parking SPD. On-site parking is proposed for all the dwellings, with visitor car parking in the form of lay-bys. A total of 40 spaces would be provided, which includes 6 visitor spaces. Electric charging points would be provided for each dwelling.
- 3.5 The south west corner is identified as being situated within Flood Zones 2 and 3. This area is identified as open space, which would be 0.27 hectares. This area would retain its designation as a SINC, with biodiversity enhancement whilst also providing flood alleviation. To facilitate the development, the remainder of the SINC, (i.e. 0.59 ha) would be transferred and recreated onto the Council's Recreation Ground to the south. (See Section 7 below). Opportunity for new trees and hedging are set out in the accompanying Landscape Strategy Plan.
- 3.6 A Sustainable Urban Drainage scheme (SUDs) would deal with surface water flows at the site and foul drainage would be pumped to a suitable location on the public sewerage network in Horndean Road.
- 3.7 The proposed scheme for the site has evolved since the submission of the original application in response to comments from the internal and external consultees and officers at the Council. The amendments made to the scheme from the original submitted layout include:

The transfer and recreation of the majority of the site's SINC onto the Council's Recreation Ground to the south, to compensate against the loss of this nature conservation area on the site;

Provision of cycleways/footways to link the development into the Council's Recreation Ground to the south and to the future development at Southleigh to the west.

Additional parking provision, inclusion of charging point and cycle hoops for each property; and

Changes to the fenestration to plots 10 and 11 so there would be a greater level of natural surveillance over the adjacent open space and the cycleway/footpath to the Recreation Ground.

- 3.8 The planning application includes the following documents:

Ground Appraisal Report  
Acoustic Design Statement  
Air Quality Report  
Archaeology Report

Conformity Check  
Ecological Assessment  
Ecology HRA  
Biodiversity Metric Calculator Tool  
Habitat Impact Assessment Calculator  
Briefing Note: Guiding Principles for Lowland Meadow Restoration (MG5 Community)  
Briefing Note: Summary of Compensation Approach Agreed with Hampshire  
Flood Risk Assessment and Drainage Strategy  
Foul Sewer Capacity Check  
Highways Transport Statement  
Traffic Count  
Stage 1 RSA Assessment  
Landscape Maintenance Plan  
County Council Ecology Team  
Lighting Strategy  
Planning Design & Access Statement  
Utilities Assessment  
Nutrient Budget  
Arboricultural Impact Assessment & Method Statement

#### **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 2011The Development Plan

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)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

### Havant Borough Local Plan (Allocations) July 2014

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

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

### Pre-submission Havant Borough Local Plan

The Pre-submission Havant Borough Local Plan 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. Further, changes to the Pre-Submission Plan were approved by the Council on 9 September 2020, following which there will be a further public consultation period. 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  
E14 – The Local Ecological Network  
E15 – Protected Species  
E18 – Trees, hedgerows and woodland  
E19 – Managing flood risk in new development  
E20 – Drainage infrastructure in new development  
E22 – Amenity and pollution

H1- High Quality Homes  
H2 – Affordable Housing  
H3 – Housing Density  
H4 – Housing mix  
HX1 - Land rear of 15-27 Horndean Road

#### Emsworth Neighbourhood Plan 2019 – 2036

A referendum on the Emsworth Neighbourhood Plan (ENP) was due to be held in May 2020. In response to the coronavirus (COVID-19) pandemic, the referendum has been postponed. The Government advises that in these circumstances the plan can be given significant weight in decision-making, so far as the plan is material to the application.

The relevant policies of the Neighbourhood Plan are:

Policy L1 - General Housing Policy

Policy L2 – Housing Mix

Policy H1 – Design & Heritage

#### 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**

### **Archaeology**

I would draw your attention to the file entitled ARCHAEOLOGY that is included among the documentation attached to the above application on your website. This is a letter from Matthew Smith at RPS group that quotes my comments on an earlier application

at this site (GEN/18/00471) that I made in May 2018. In these comments I identified the area immediately around the site as having the potential to contain archaeological remains dating from the Roman period (AD43-410). I also stated that the archaeological potential of the site was not an overriding concern to possible development and that any archaeological work could be secured via conditions to be attached to any planning permission granted by Havant Borough Council.

I can advise you that this remains my view and so I would continue to advise you that the assessment, recording and reporting of any archaeological deposits affected by construction can be secured through the attachment of suitable conditions to any planning consent that might be granted. For instance:

1) That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the 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.

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

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

3) Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excitation 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.

#### **Arboricultural Officer**

##### **Initial comments:**

The usable garden areas, in particular for plots 2-8 is limited because of the mature trees at the rear of the proposed dwellings. 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

##### **Further comments**

I can confirm that the modified layout now provides a greater area of useable garden space. An updated Tree Protection Plan and method statement will need to be submitted to reflect these changes please.

Details of new services will need to be supplied. Also, the trees numbered 1-6 sit on a slightly raised bank. Where are the boundary fences to be erected? Could this be clarified please as there cannot be any excavation of the soil.

If you are minded to permit, could a condition be added that prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, 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 TreeF Protection Plan.

### **Final comments - No objection**

The proposed footpath/cycleway appears feasible providing it is undertaken as a no dig construction as highlighted in the report. I would like to request that conditions are added if permission is minded to be granted:

1. Full engineering/construction methods for the no dig cellular surfacing should be submitted for approval prior to commencement.
2. No work shall commence until the protective fencing and ground protection is in place and a pre-commencement meeting has been held with the Tree officer to agree sign off.

### **Environment Agency - No Objection**

**No objection** to the proposed development as submitted, as all the residential dwellings will be located in Flood Zone 1.

**Advice to Applicant/LPA** It is noted that some of the gardens are shown to be in close proximity to the edge of the West Brook (main river). Therefore, in accordance to the Environmental Permitting Regulation (EPR) 2016, a Flood Risk Activity Permit (FRAP) may be required for any works in, under or over, or within 8 meters of the West Brook. At the FRAP application stage it will have to be demonstrated that the proposal will not compromise the structural integrity of the river banks and adequate access will be maintained for future maintenance/improvement of the flood defence.

**Officer comment:** *This advice can be relayed to the applicant by way of an informative on any permission granted.*

### **Environmental Health - No Objection**

#### *SuDS / Pollution*

I note that the surface water drainage scheme incorporates swale downstream of the final development input for final communication of surface-water to the point of disposal. This is agreed to provide adequate pollution attenuation & treatment. The LLFA propose a formal condition to secure an acceptable detailed design. I have no adverse comments on the design principle, or on the LLFA's proposed condition wording.

I also note that the Environment Agency has no objection to works adjacent to the river, subject to a Flood Risk Activity Permit. Works outside of the 'permit required' buffer (8m from watercourse) may still affect the watercourse - e.g. fuel spillages, cutting & grinding activity, and surface water runoff (pluvial, and washdown / dust suppression & wheel washing water etc.).

Neither the construction site nor the receiving environment is particularly high risk, but if other consultee's call for a CEMP (for other reasons), any CEMP submitted should account for the risks to the surface water. I do not consider the risk sufficient to warrant calling for a CEMP on these grounds alone.

## *Contamination Assessment*

The Geo-Environmental Ltd. Ground Appraisal Report (a 'Phase 2' intrusive site investigation, GE18313GARJUL1) essentially identified no significant contamination insofar as the extent of the investigative works. Three no. trial pits were advanced in the vicinity of the existing structure (the most likely location of any made ground, spillages and combustion residues), but these were very limited in depth, terminating at 0.2m in topsoil.

These holes terminated within topsoil, and were of insufficient depth to intercept natural strata. The shallow depth leaves open the possibility that made soil could exist beneath a mantle of (placed) topsoil, leading to a level of uncertainty that is greater than would have been the case if the holes were advanced to 0.5m (or to sufficient depth to confirm natural strata). There is no indication from desk-based sources that an infilled depression is likely to be present, and perhaps the most likely contamination at this site would have been inclusions of asbestos within shallow soils, which were not identified within any of the available trial holes. In this way, the uncertainty is not sufficient to require further proactive investigation.

The assessment also included a preliminary unexploded ordnance (UXO/UXB) risk assessment, which deemed the risk to be 'low/uncertain'. Further assessment work was recommended. in the form of a detailed desk based assessment. UXO/UXB is considered to represent primarily a construction hazard, which is generally appropriate to manage outside of the Contaminated Land policy provisions.

I note that while the land was undeveloped prior to the war(s), and has remained undeveloped since - properties on the Horndean Road pre-date the 1st world war, and so the likelihood of UXO/UXB falling on the site unnoticed / unrecorded is relatively low. I do not consider the risk sufficiently high as for it to be appropriate to consider it material to the planning process. The applicant should take a view on this as a health & safety consideration.

The report does recommend a watching brief for deposits of contaminated material that have not been identified during the investigation. I would agree that this is appropriate given that no trial holes were advanced within the footprint of the existing temporary structure, and given the limited depth of trial pits advanced in its vicinity. Principle contaminants of concern are likely to be Asbestos containing construction & demolition wastes, and PAH associated with ashy deposits (i.e. likely to be readily identifiable by visual / olfactory means. In this way, there is a reasonable prospect of any significant contamination being identifiable under a watching brief, and I would agree that this is a proportionate way to address the low residual risks at the site. I would suggest that the informative below be placed on any positive determination of this application, to 'flag' the developer's liabilities under para. 179 of the NPPF.

### *Informative [1]: Unexpected Contamination*

*"It is the responsibility of the developer to ensure that upon completion, the development is safe & suitable for its intended future use. Proposed works are likely to include the decommissioning &/or removal of potentially contaminating features at that site that may not have been comprehensively assessed during previous site investigations, and localised contamination may become apparent as these works progress, or during the course of development. In the event that any discoloured soils or groundwater, oily sheens, fuel or solvent odours, or deposits / inclusions comprising ashy, fibrous or other obvious waste materials are encountered during demolition;*

*works should cease in that area of the site until an appropriate assessment of the nature and extent of the suspected contamination has been undertaken. Environmental Health should be notified of the nature of the contamination, and how that contamination is to be dealt with"*

#### *Air Quality Assessment*

The Hawkins Environmental Air Quality Assessment concludes that the development will have negligible impact.

I agree that the site would have been screened out (from detailed assessment) under the IAQM assessment criteria, being of small scale and in an area without any existing problems with ambient Air Quality (against the statutory objectives).

I recognise that the emerging air quality policy has limited weight at this stage, and this is reflected in the report, which gives little attention to the mitigation of emissions. The focus of the assessment is on need or otherwise to protect occupants of the proposed development, and the magnitude of change in ambient air quality as a result of the additional transport demand of the proposed development. I agree the conclusions in both respects (i.e. no unacceptable exposures likely, no mitigation required to limit an adverse change in local air quality).

In respect of construction impacts, I agree that dust could pose a short-term problem. The dust control measures outlined in s.8.4 are however agreed to be appropriate, and should mitigate the impact to an acceptable level if implemented in full.

I would recommend that the Air Quality report be listed as approved document (making dust management measures an enforceable issue), and would also recommend the following informative;

#### *Informative [2]: Dust Control*

*"Havant Borough Council acknowledge the Construction Dust Risk Assessment presented within the Hawkins Environmental Air Quality Assessment Ref: H2852 (10/06/2019), and expect development to proceed in general accordance with mitigation measures described under section 8.4 of that report. These measures are for the protection of both the health and amenity of the neighbours to the development land. In the event that nuisance complaints arise, any judgements that Environmental Health need to make on what constitutes 'practicable' and 'reasonable' will have regard to the measures proposed in that section. Observing the proposed management measures during the period of construction will minimise the risk of dust becoming an enforceable issue"*

#### **Building Control**

No comments other than to state a Building Regulation application will be required for this work.

#### **Coastal Engineering**

The site is shown to lie within the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk (less than 1:1000 year / 0.1% annual probability) of experiencing an extreme tidal flood event. A small portion to the south west of the site is shown to lie within Flood Zone 3 and may be at risk from a 1:200 year (0.1% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Chichester Harbour is 3.4m AOD, increasing to a predicted

4.5mAOD by 2115, due to the effects of climate change.

The applicant has submitted a Flood Risk Assessment (FRA) compiled by Aqua Callidus Consulting and dated July 2019, which sufficiently outlines how residual flood risk at the site will be mitigated. As stated within the FRA, the proposed dwellings will be located on land at 8.3 - 8.5m AOD to the north and eastern boundaries of the site, well above the design tide level of 4.5m AOD for Chichester Harbour in 2115. A small portion of the lower lying land to the south west of the site falls within the present-day Flood Zone 3, however this is to be retained as open space and will not increase the flood risk vulnerability of the site. Furthermore, no sleeping accommodation is proposed to be located on the ground floor of the properties, therefore safe internal refuge will be available during an extreme tidal flood event.

## **Community Infrastructure**

### **CIL**

The CIL rate is set out in our Charging Schedule.

The applicant will need to submit CIL Form 2 to obtain mandatory social housing relief.  
**S106**

Subject to statutory consultee responses we would expect the S106 to include (amongst any other site-specific obligations necessary):

1. Affordable Housing
2. Monitoring Fees\*
3. Management Company
4. Management Plan
5. Solent Recreation Mitigation Strategy (see further information)\*\*
6. Nutrient Neutrality: [www.havant.gov.uk/nitrogen](http://www.havant.gov.uk/nitrogen)
7. Education (HCC)
8. Travel Plan (See Developer Contributions Guide for thresholds; the quantum of development proposed would indicate that HBC may require Travel Plan Obligations)
9. Highway Works (HCC)
10. Site Specific Transport Improvements (HCC)
11. Others/relating to Biodiversity Mitigation

### **Countryside Access Team**

No comment received.

### **Council's Ecologist**

***Officer comment:** The Ecologist commented in detail when the proposal was first submitted and fell within the scope of Policy K5 of the emerging Local Plan and the Denvilles – Emsworth Master Plan. A precis of the main points raised by the Ecologist are as follows:*

The site is classified as Land West of Emsworth Recreation Ground (5) Site of Interest for Nature Conservation (SINC) and as such its development would be contrary to Policy CS11 of the Havant Borough Core Strategy March 2011.

Local Plan (Core Strategy) Policy CS11 and E14 of the emerging Local Plan places significant values on its network of SINC's and that development within, or otherwise affecting, a SINC will be permitted only where certain conditions apply, through avoidance and/or mitigation measures; or the benefit of the development clearly outweigh the substantive nature conservation value of the site and where the impact cannot be avoided nor mitigated, compensation is provided.

For the development of the SINC to be acceptable in planning policy terms there would need to be justification for the proposal to outweigh the nature conservation value of the site.

HBC's preference that development in this location is delivered in a strategic manner through the Southleigh strategic site. The proposed Southleigh strategic site should allow for meaningful ecological networks to be an integral part of planned development in this location, with existing protected sites forming the basis for that network.

HBIC have carried out botanical assessments of the site in 2001 and 2011 and again in 2019. The 2019 HBIC (re)survey report concludes that the grassland is semi-improved habitat but has become gradually coarser in character (i.e. dominated by certain coarse grass species) over time with diminishing herb content: HBIC state that this change has not significantly altered the wildlife value of the site and that the SINC status remains valid and of sufficient value to enable 'recovery' to a more species-rich habitat.

The proposal would result in the loss of 70% of the SINC, with 30% remaining (0.27ha) in the wetter part of the site which is to be enhanced. It is proposed to fund and instigate management to encourage greater species diversity within the retained habitat, but is this area of sufficient size or will it be of sufficient habitat quality to be considered adequate compensation for the loss: can sufficient 'uplift' be achieved? Also, the compatibility of the use of the diverse grassland habitat as public open space is also questionable.

Whilst recognising the grassland is not of exceptional value, the site should remain as a SINC as it meets the criterion for a SINC. The proposal would result in the permanent loss of most of the SINC with the compensation aspect not satisfactorily addressed, due to the net loss of habitat which is not compensated. The management of the retained area of SINC would not provide suitable compensation, plus additional net gain.

**Officer comment:** – *Since the submission of the application the site no longer falls within the scope of Policy K5 for the comprehensive development of Southleigh or the Denvilles – Emsworth Master Plan. Following the changes to the emerging Local Plan agreed by Council on 9 September 2020, the site has its own stand-alone Policy HX1, and will not be part of the comprehensive development of Southleigh. In response to this change the Ecologist still questions the need for the loss of the majority of the SINC on site and the transfer and recreation of this nature conservation area onto the Emsworth Recreation Ground immediate to the south and the dual use nature of this land for open space. Concerns are also raised about the potential loss of connectivity to the SINC to the west and insufficient biodiversity net gain on the application site.*

*As to connectivity to the SINC to the west this would be retained by the part of the SINC to be remain on the site and the recreated SINC on the Recreation Ground. As to the use of the land as a recreation ground, this would not significantly impact on its*

*use as a SINC. It is recognised that to achieve biodiversity net gain on the site, is not without its difficulties, as 70% of the site will be development. However, this loss of the SINC would be recreated on land to the south of the application site. This is covered further in Section 7 below.*

### **County Minerals**

No comment.

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

No comment.

### **Developer Services, Southern Water - No Objection**

Our initial investigations indicate that Southern Water can facilitate foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website e via the following link  
<https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems are maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

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."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note

that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

**Officer comment:** *The requested condition is incorporated in the recommendation; the management of the SuDS system would be a matter for the site's management company, details of which would be secured through the S106 obligations recommended.*

### **Education Department**

The development sits in the catchment areas of Emsworth Primary and St James Primary School and Warblington Secondary School.

Emsworth Primary and St James Primary are both full but only get to this position through out of catchment recruitment. It is anticipated that the pupil yield from this development will be able to be accommodated at one of these two schools in the future by securing a place as an in catchment application at the appropriate time.

There are surplus places at Warblington Secondary School in each year group and, therefore, this school does not require any expansion.

In short, the schools served by this development will be able to accommodate any pupils arising from the development and I will not be seeking a contribution towards educational facilities.

### **Engineering/Drainage**

No comments received.

### **Environmental Health Manager**

#### **Initial comment:**

I have reviewed the information submitted and have some concerns with respect to the noise assessment.

The report acknowledges that the site is about 200m from the A27. There is a main railway line at a similar distance to the south as well. I am of the opinion that the noise survey that was carried out may have underestimated the impact of the transport noise sources because the survey took place from Friday midday until Tuesday. There is insufficient data to make a judgement about the suitability of the site.

I would wish to see a noise survey carried out during an average week i.e. Monday to Friday outside of school holiday periods as this is likely to be the noisiest period of network usage for both road and rail links. The assessment should then be carried out based on noise data gathered during this representative period.

**Final comment:**

Further data was collected by the Acoustic Consultants as a result of my comments. Having reviewed that data, I am happy to recommend approval based on the submitted details.

**Forestry Commission**

*Officer comment - Standard advice has been provided by the Forestry Commission, which the Developer is aware of.*

**Hampshire Fire & Rescue Service**

*Officer comment - Standard advice has been provided by the Fire Service, which the Developer is aware of.*

**Hampshire Highways**

**Initial comment – No Objection**

I note from the Design and Access Statement this site forms a part of the Southleigh Masterplan. The exert in the Statement indicates another area to the west this area appears to be equally suggested/allocated for development.

The nearest access from an existing or even proposed highway would be via this site. Accepting an existing watercourse has to be crossed and part of that site appears also to be in the flood plain if it needs to be accessed, this site would be the logical and sensible choice. There is no obvious provision for this in this application, I will leave it to the LPA to promote this or not.

As this site is part of the Southleigh Masterplan area it seems reasonable to me that the applicant should pay their and fair and reasonable contribution to the required off site highway infrastructure. At this time, I am not aware of what work has been carried out on this to know what that contribution might be. Perhaps your Policy and other teams might be able to help in this regard.

I accept an access in the location shown can just about provide the required visibility splays as indicated on the proposed Site Plan. I am not sure why a footway crossing of brick paviours is proposed off the desire line for pedestrians walking along Horndean Road or the benefit this would provide. I note it is offered to be to the highway engineer's design but as Highway Authority the County Council would not wish to adopt this type of surface material for extraneous maintenance cost reasons.

This level of development would normally be served by a bellmouth junction on to the existing highway network rather than a crossover. I am aware of the presence of a substantial tree to the north and would seek clarification that if the access arrangement was amended to a bellmouth would there be an objection from the Borough Council's Arboricultural officer on the grounds of the impact on that tree. perhaps a request to the applicant to submit a plan showing a bellmouth would be appropriate to obtain an answer to this question.

The Highway Authority are happy to adopt the type of highway infrastructure serving this level of development under the terms of a Section 38 Agreement. In this particular case more detailed drawings would be required to ensure the appropriate space is available and that any required landscaping is set sufficiently far back to minimise the risk of root damage. Perhaps discussions on this between us and the applicant could

take place at an early stage.

Parking is the responsibility of the LPA, and what is proposed looks reasonable, but it should be checked against your parking SPD. That said, I confirm the Highway Authority have **no objection** to this proposal subject to the following Conditions and Note.

Conditions: -

1. Prior to construction commencing the visibility splays shown on the approved plan of 2.4m. x 59m. shall be provided. and anything within the land affected between 1m. and 3m. above the adjacent carriageway level shall be cleared. The area shall be maintained as such thereafter.

2. Prior to the first occupation at least the first 6m. of the access measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material. This area shall be maintained in this condition thereafter.

**Officer comment:** *The application site no longer forms part of the Southleigh Masterplan development and the proposal in itself does not necessitate off site highway infrastructure. Therefore, it would be unreasonable to require the development to contribute towards highway infrastructure.*

#### **Further comment following representations received from third parties – No Objection**

I have considered the revised traffic count information and am happy to accept both as being accurate. I note that the flow increased during the latter survey and the speeds decreased. This is in fact normal.

The difference in flow between the two surveys is noted and are insufficient to amend my recommendation on the grounds of acceptable gaps for turning traffic. The second survey confirms vehicle speeds are generally slower which reinforces the proposed visibility splays are acceptable. Design guidance does permit minor obstructions such as street furniture of the types quoted as being acceptable in visibility splays. I therefore confirm the Highway Authority's recommendation given in my letter dated 3 September remains unaltered.

#### **Final Comment – No Objection**

In light of the wider connectivity requirements to the Southleigh strategic development, the Highway Authority supports the request to provide a footway through the development to connect into Emsworth Park. Ideally, this should be shared use to cater for both pedestrian and cyclist access through the development.

To future proof the site, a connection should also be provided to the north on the western boundary of the development which will also link into the wider Southleigh development. It looks like there is sufficient space to provide this connection to the north of plot 16. The Land West of Horndean Road development provides a connection on the southern boundary of the site to allow for connectivity to Southleigh Road from Emsworth Park as the land becomes developed and we should therefore look to implement similar measures as part of this development.

As to the Stage 1 RSA we are content that this is acceptable.

**Officer comment:** – *Connections have been provided by cycleways/foopaths on the western boundary (to the north) into the wider Southleigh development and to Emsworth Park to the south.*

## **Housing Manager (Development)**

### **Initial comment:**

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), and the governments Ministerial Statement published during the summer of 2016, mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; Havant Borough Council Draft Local Plan 2036 at policy H2 states that planning permission for residential development resulting in a net gain of 10 or more dwellings will be granted where:

- 30% affordable housing is provided on sites outside of Havant, Waterlooville and Leigh Park town centres; and 20% affordable housing is provided on sites within Havant, Waterlooville, and Leigh Park town centres.

This proposal for 16 dwellings meets this threshold so therefore would be expected to deliver at least 30% (5 units) affordable housing. A tenure split of approximately 70/30 in favour of Affordable Rented (with the remainder of the provision available as Shared Ownership homes), secured by a s106 agreement. Further discussions will need to be had to agree on the exact numbers of each tenure.

The demand for affordable housing remains high within Havant borough; as at 27th August 2019 there were 1722 households registered on Hampshire Home Choice seeking accommodation in our area and of these 822 are waiting for a one-bedroom home, 574 for a two bed, 256 for a 3 bed, and 70 for a 4+ bedroom home.

The applicant is proposing a mixture of 2,3 & 4 bed homes.	1-bed	2-bed	3-bed	4-bed+	Total
Affordable	0	4	1	0	5
Private	0	2	7	2	11
Total	0	6	8	2	16

## **Landscape Team**

From a landscape perspective we have the following comments in relation to this application:

- We require tactile paving across the site entrance to assist visually impaired pedestrians safely navigate across the proposed new access.
- The site layout and provision for sustainable transportation are deemed contrary to planning policy DM11. The lack of cycle storage facilities and footway provision puts an disproportionate emphasis on motorised transportation. As a minimum we would want to see an off road footway and connects the site onto Horndean road to encourage residents away from using their cars. Additionally, we require cycle storage facilities for each property.
- We have concerns with the road width (4.8m) and the available space for pedestrians should two vehicles be using the access road at the same time. We would strongly recommend that an off road footpath be provided to allow

pedestrian traffic a safe access and egress into the site.

We require the following drawing for submission:

- A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.
- 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.

As to the additional information requirements this can be dealt with by a condition.

**Officer comment:** *As to an off-road footpath within the site, this was raised with the developer and further information provided in a Stage 1 Road Safety Audit. The Highway Authority was consulted over the Road Safety Audit and is satisfied that the design of the road without a footpath is acceptable for pedestrians in highway safety terms.*

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

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

- *Flood Risk Assessment and Drainage Strategy (Ref:1946, Issue 1, Date:24/7/2019)*

The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase. Therefore, we recommend the following condition:

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been 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 followings;

- 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.
- 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. ‘

**Officer comment:** *The requested condition is incorporated in the officer recommendation.*

**Natural England Government Team  
Nutrient Neutrality**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

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 any adverse effects, it is the advice of Natural England that we concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission.

**Solent Recreation Mitigation Strategy – no objection subject to mitigation**

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 (SRMP) 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.

**Nutrient Neutrality – no objection subject to mitigation**

If the nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020), and 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.

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.

### **Planning Policy**

#### **Initial comments**

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

The following policies in the adopted Local Plan are of particular relevance:

- CS17 Concentration and Distribution of Development within the Urban Area
- AL2 Urban Area Boundaries

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

K5 Southleigh

E14 The Local Ecological Network

In addition, it should be noted that the Emsworth Neighbourhood Plan has reached an advanced stage of preparation, and is currently being examined by an independent examiner. Depending on the date of determination, it could be the case that an examiner's report may have been received, or a referendum on the plan may have taken place, giving greater weight to that plan

As it stands the development of the application site is supported neither through the adopted local plan, nor the emerging plan, and there is therefore a policy objection to the principle of the proposed development.

#### Nature Conservation:

The site is a designated SINC. Policies in both the adopted and the emerging plan require development to have regard to sites protected for nature conservation, and to protect, conserve and enhance them. This approach is supported by chapter 15 of the NPPF. Planning permission should only be permitted on or adjacent to a local nature conservation designation where:

- The value of the designation is retained and, where possible, enhanced in line with its original criteria for designation through avoidance and/or mitigation measures; or
- The benefit of the development can be shown to clearly outweigh the substantive nature conservation value of the site, and where the impact cannot be avoided nor mitigated, compensation is provided.

The applicant questions the value of the site and has submitted detailed ecological assessments. Advice should be sought from the Council's Ecologist as to the nature conservation value of this site, its SINC status, and the impact of the proposals, as well as what opportunities or constraints exist regarding the Local Ecological Network.

#### Flood Risk

Part of the site is at risk of flooding. The applicant has assessed that risk and avoided development in Flood Zones 2 and 3 through the site layout. In principle this satisfies policy with regard to flood risk, but advice should be sought from the Environment Agency as to the acceptability of the specifics of this proposal.

#### Detail of the Proposal:

The comments below do not represent a full review of the policy compliance of the detail of the proposal, as the key matter in policy terms is first and foremost the principle of development. Nevertheless, the degree to which the proposal complies with adopted and emerging policy should be considered. The following observations on potential non-compliance are offered:

- The scheme is of lower density (30dph) than the emerging local plan expects (40dph); the NPPF also expects developments to make the best use of land.
- The proposed level of affordable housing, while compliant with the adopted and the emerging local plan, does not comply with the expectation in H1 of the emerging Emsworth Neighbourhood Plan for 40% affordable housing

**Conclusion** The principle of the proposed development is not supported by policy.

## **Final comments**

### **Policy Status:**

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The Pre-submission Havant Borough Local Plan ('the emerging plan') was approved by the Council on 9 September 2020 and can be afforded limited weight.

In addition, it should be noted that the Emsworth Neighbourhood Plan has successfully passed its examination. The plan has not been 'made' due to delays to the referendum due to Coronavirus arrangements, but the Government have advised that any plans thus affected plan should be given significant weight.

### **Principle of development:**

The land in question lies outside the urban area as defined by Policies CS17 and AL2 of the adopted Local Plan. These policies seek to restrict development outside of urban areas, and AL2 sets out specific exceptional circumstances where development may be acceptable. These are not shown to apply here. However, in the latest version of the emerging Local plan, the land is allocated through policy HX1 for residential development. This emerging allocation may be given some weight in the determination of the application, and on that basis the principle of development is considered accepted in policy terms. In this context it should be noted, however, that if that allocation is to be relied upon, the scheme should also comply with the other emerging policies in that plan in relation to development requirements and standards, such as those relating to ecology, sustainable construction etc.

### **Housing Density**

Previous comments noted that the proposal is of lower density (30dph) than the emerging local plan expects (40dph). This comment was made ahead of the site being subject to a specific allocation. The new emerging allocation approved in September 2020 has taken into account the nature of the site in question and expects about 16 dwellings on the site. The proposal is in line with that quantum.

### **Affordable Housing**

Previous comments had highlighted that the emerging Emsworth Neighbourhood Plan expected 40% affordable housing. However, during the examination of the Neighbourhood Plan, this specific requirement was removed, and the post examination version which must now be given significant weight, refers as follows:

*POLICY L1 General Housing Policy a) Proposed developments with a net gain of ten or more dwellings should deliver affordable housing, with the appropriate amount and tenure types as stated in the Local Plan.*

### **Property Services Manager**

#### **No Objection**

Havant Borough Council own Emsworth Recreation Ground, which is located to the east of the

subject premises.

No comments in respect of the planning proposal.

### **Public Spaces**

No comment.

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

As a Clinical Commissioning Group, we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built to help us plan for the future.

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

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

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

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

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

This means that South Eastern Hampshire CCG will be looking for a contribution of £2,560 of planning gain for health.

South Eastern Hampshire CCG identifies multiple or a single practice (Emsworth Surgery, The Staunton Surgery, Homewell.Curlew Practice and Bosmere Medical Practice) could be impacted by this development in our CCG area as all the following practice boundaries cover this area. However, it is likely that Emsworth Surgery will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore, we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

**Officer comment** – *This contribution would be secured in the S106 agreement*

### **Southern Electric**

No comment.

### **Southern Gas Network**

No comment

### **Traffic Management Team**

It would appear that there are insufficient visitor parking spaces as per HBC Parking Supplementary Planning Document July 2018. Therefore should this development be given permission then we would request that provision is made for a sum no less than £5000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside to allow a TRO to be processed at any time during the period beginning from the commencement of development and ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the new road layout or adjoining local highway network. 38 spaces shown. 38.6 required

**Officer comment:** *The scheme has been amended to show the required visitor car parking, so there is no requirement for a Traffic Regulation Order.*

### **Waste Services Manager**

No comment.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 19

Number of site notices: 2  
Statutory advertisement: 23/08/2019

Number of representations received: 10

### **Summary of representations received.**

#### Character and appearance of the area

- Overdevelopment of the area
- Adverse impact of cumulative impact of development in the area - from Havant to Horndean Road - both side of Barton's Road

#### Overlooking

- Loss of privacy
- Loss of outlook
- Too close to existing housing
- Access road impacts on privacy of existing properties

#### Ecology

- Continued loss of important ecological environment - part of a chain of SINCs - is there an overview of the loss of such sites?
- Adverse impact on wildlife
- Retention of trees/hedges critical to support wildlife

- Loss of/lack of protection for SINC
- Neglect of SINC not a reason for de-selection
- SINC are non-statutory and have no legal protection, but substantive nature conservation value
- Need to maintain & enhance local, cross border and national biodiversity
- Ecological network of connected open space essential
- Human activity and SINC designation/wildlife dependent on such area are not compatible with open spaces areas
- Adds to precedent of development at Bedhampton & Portsdown site
- Increase nitrate levels
- Nutrient budget incorrect - land fence off, not farmed for many years, if at all
- Ecology assessment flawed - insufficient surveys undertaken
- High record of bats in the locality- vulnerable to development pressures/artificial illumination
- Veteran trees along eastern boundary - contribute to ecological network - likely to come under pressure from new residential
- Development would impact on the Priority Habitat hedgerows, water quality of Westbrook Stream and diffuse pollution run off from the site.
- Mown pathway not conducive to meadow plant growth or wildlife

#### Highways & Access

- Site unsustainable in transport terms
- Traffic surveys inadequate
- Inadequate visibility splays at access - risk of accidents entering highway
- Risk of accident when turning right into site
- Increase in traffic/speed, since other development in locality
- 
- Development generate additional traffic - heavy congested area by a school
- Adverse impact on highway safety - exacerbate situation
- Close to other accesses - could adversely impact on pedestrians & other highway users
- Insufficient parking - lead to parking on Horndean Road

#### Trees

- Adverse impact on trees - some of which have TPOs.
- Conflict unless space provided for tree canopies
- Proximity of trees to development too close - pressure to prune/or fell likely in the future
- Root protection area insufficient
- Works to trees would undermine long term retention
- Oak trees bordering site - a Veteran and 3 Notable trees
- Oaks/trees provide quality habitats

#### Policy

- Contrary to Denvilles/Emsworth Masterplan Document
- Involvement of local community in the Masterplan
- Site to be strategically developed – to avoid piecemeal development that does not cater for community needs
- Substantial green corridor to run down the eastern side of the strategic site - continue along southern border beside A27

- Site is within Strategic Site 2 - part of a Woodland Walk - Barton Road to Emsworth Park
- Contrary to Policy K5 of the local plan, the emerging plan and the NPPF
- The retention and integration of protected trees and hedgerows into the development
- The retention and enhancement of the on-site SINC in accordance with its original criteria for designation
- No mitigation measure for Bechstein's Bats, including appropriate buffer
- Enhancements to the Local Ecological Network through opportunity areas found on site
- The creation of green linkages and wildlife corridors including along the stream

#### Flooding

- Site extremely wet - a bog in winter after rain - loss of vegetation would exacerbate the situation

#### Other Matters

Soakaways from adjacent housing in access

**Officer comment:** *This is a private matter between the parties involved*

## 7 Planning Considerations

### 7.1 Habitats Regulations Assessment & Appropriate Assessment (AA)

7.2 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.

7.3 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. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. Natural England were consulted on the findings of the HRA.

#### Recreational Pressure

7.4 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, 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

- 7.5 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.
- 7.6 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 as a green field. 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.

### Appropriate Assessment conclusion

- 7.7 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.
- 7.8 In other respects, 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) Nature of Development
  - (iii) Impact on the Character and Appearance of the area
  - (iv) Residential and Neighbouring Amenity
  - (v) Access and Highway Implications
  - (vi) Flooding and Drainage
  - (vii) Archaeology
  - (viii) The Effect of Development on Ecology
  - (ix) Impact on Trees
  - (x) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

(i) Principle of development

- 7.9 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

- 7.10 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

- 7.11 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. At its meeting on 9th September 2020, Full Council agreed a number of changes to the Pre-Submission Local Plan which will shortly be the subject of further consultation. Included within those changes, the application site forms the site identified within Policy HX1 for residential development of about 16 dwellings. The application site is identified as one of the sites necessary to deliver the Objectively Assessed Housing Need for the Borough.
- 7.12 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 for allocation and forms the direction of travel for the emerging Local Plan.

Consistency with the National Planning Policy Framework.

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

*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 this Framework taken as a whole.

7.17 Such a situation would result in a tilted planning balance towards the granting of planning permission. This would diminish the need to provide the necessary infrastructure to support development or appropriate environmental safeguards (outside of those required by the Habitats Regulations.)

7.18 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.

7.19 The development proposed by this planning application is included within these five-year supply calculations with delivery forecast within the five-year supply period. This reflects the time needed to discharge pre-commencement conditions and build the housing. The provision of 16 homes, with much needed affordable housing, would contribute to the Council 5-year housing supply, especially in the next few years.

7.20 There is a need to maintain this five year supply moving forwards with the Council also now being assessed under the Housing Delivery Test – as such there is need for sites in the Pre-Submission Local Plan, including this proposed allocation, to come forward in order to maintain a five year housing land supply. As such, the Council will need to determine such applications which come forward before the adoption of the plan. Given the need to maintain a rolling 5 year housing land supply this is a compelling material consideration, which indicates that a decision could be taken which departs from the development plan. 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. Given the imminent end of the transition period of the Housing Delivery Test, maintaining a healthy supply of housing will be essential. This material consideration will need to be part of the planning balance in the determination of this planning application.

7.21 As such, and notwithstanding that the site is located outside of the urban area in the development plan and in the countryside, it is proposed for development in the emerging Havant Borough Local Plan. It is reasonably proximate to facilities

and services. There are no overriding environmental objections to its development that cannot be mitigated through compensation. It would also deliver some economic and social benefits.

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

#### Deliverability

- 7.23 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."

- 7.24 The application has been supported by a Utility Infrastructure Report 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 proposal. 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

- 7.25 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, which is considered in more detail further in this report. The development would provide open space, which would also retain its SINC status, with the remainder of the SINC transferred to the Council's Recreation Ground to the south.
- 7.26 In terms of the location of the site relative to services and facilities the closest such services are offered by Emsworth, with the site being situated less than 1 km to the nearest facilities. The site is located within proximity to a number of bus routes with bus stops on the northern and southern carriageway of Havant Road, as well as on North Street, New Brighton Road and Southleigh Road; these bus stops are served by routes 27 and 700.
- 7.27 Route 27 runs every 2 hours between Havant, Emsworth & Rowlands Castle, with route 700 running every 10 minutes from Portsmouth to Bognor Regis, via Emsworth.
- 7.28 In addition, Emsworth railway station is less than 1 km from the site, which offers stopping services towards Brighton to the east and Havant 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

- 7.29 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
- 7.30 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 contributions towards the provision of enhanced community infrastructure and the Solent Recreation Mitigation Strategy.
- 7.31 Provided they are appropriately secured and addressed 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

- 7.32 In accordance with the local plan development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist, but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community. The applicant has been working with the LPA on a draft S106 and has agreed to the principle of the obligations sought.
- 7.33 The application proposes a range of house 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 Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people".
- 7.34 The proposal also proposes an open space area on the site (i.e. 0.27 ha), which would have a dual purpose and be managed as a SINC. In accordance with emerging policy HX1, which seeks to address the loss of land west of Emsworth Recreation Ground SINC and in line with emerging Policy E14, this would be transferred and recreated off-site on the Emsworth Recreation Ground immediately to the south of the application site. This area could be used by both new and existing residents and is a worthy benefit in the overall planning balance. In addition, the proposal includes provision of a new pedestrian/cycleway access to the Recreation Ground to the south (and to the west, to eventually link into the Southleigh development), which will be of benefit to both new and existing residents, by eventually enabling safe and sustainable access to facilities in Emsworth. Contributions would also be secured through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the

adopted SPD on Planning Obligations.

### Education

- 7.35 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised the development sits in the catchment areas of Emsworth Primary and St James Primary School and Warblington Secondary School.
- 7.36 As to Emsworth Primary and St James Primary, the LEA has advised they are both full but only get to this position by out of catchment recruitment. LEA anticipate that the pupil yield from this development will be able to be accommodated at one of these two schools in the future by securing a place in an in-catchment application at the appropriate time. As to Warblington Secondary School there are surplus places in each year group and, therefore, this school does not require any expansion. To conclude, LEA has advised that the schools served by this development will be able to accommodate any pupils arising from the development and a contribution towards educational facilities is not sought.

### NHS Clinical Commissioning Group

- 7.37 The NHS Clinical Commissioning Group (CCG) has assessed the impact of the development on existing health facilities. It is acknowledged that not all the occupants of the proposed development will be new to the area. However, the CCG have calculated that this application will generate up to 38 additional residents (proposed no. of dwellings at 2.4 persons per dwelling).
- 7.38 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 level of additional demand that will be placed on NHS primary care does not warrant the commissioning of an additional GP surgery. However, 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. As such a financial contribution of £2,560 is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth. This would be secured through a legal agreement.

### Prematurity

- 7.39 Some third party concern has been expressed that the grant of planning permission would be premature in advance of the examination of the emerging Local Plan. This concern must be weighted in the context of the terms of paragraphs 49-50 of the 2019 NPPF. They state: -

*“...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

- 7.40 *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.”
- 7.41 In the light of this guidance, Officers are satisfied that the emerging plan, which has not yet been submitted for examination, is not yet at such an advanced stage, nor is the development considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.
- 7.42 In reaching this conclusion it is acknowledged that the Council published the Denvilles-Emsworth Masterplan Document in December 2017, which was informed by the South Hampshire Strategic Housing Market Assessment, Havant Borough Local Plan, including the Allocations Plan, the Housing constraints and supply analysis, the Local Plan Housing Statement, the Emsworth Design Statement and community engagement. The Masterplan promotes a comprehensive development of Southleigh under Policy K5. As stated above, the site has been taken out of Policy K5 and has its own stand-alone Policy HX1 and no longer falls within the scope of the Masterplan. That said, the development would not prevent the provision of a green swath along the eastern boundary as part of the Southleigh development, as identified in the Masterplan, or connectivity to other nature conservation areas.
- 7.43 In conclusion on the issue of the principle of development:
- (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 and is required to bolster the 5-year supply.
  - (6) The scheme is not premature.
  - (7) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan
- (ii) Nature of Development
- 7.44 The proposal is for the erection of 16 new dwellings with associated access, parking and open space. The proposed quantum of development equates to a net development density of approximately 17 dwellings per hectare including the public open space. This level of development on the site, whilst particularly low, is consistent with emerging Policy HX1 and would strike an appropriate balance between making the most efficient use of land whilst responding to the local pattern and density of existing development and also reflecting the flood risk and SINC constraints on the site.
- 7.45 The development is for 6 detached and 10 semi-detached two storey properties, traditionally designed around a cul-de-sac layout, with no separate

pedestrian footpath. Five affordable housing units would be provided. The mix of the social housing would show a policy compliant tenure of 70/30 split in favour of affordable rentals, with the remainder of the provision available as Shared Ownership homes.

- 7.46 All the dwellings would meet the Nationally Described Space Standards referenced in Policy H1 of the emerging Local Plan. Regarding the social housing element, the 2-bed dwellings are 4-person houses, with the 3-bed dwelling, a 5-person house.
- 7.47 The development is of a traditional 2 storey design, using facing brickwork. Except for plot 9, which would have a hipped roof, the roofs are half hipped. The material for the roof would be tiles. Externally the dwellings would be adorned with some detailing including string courses, lintel and cilla detailing and porch designs.
- 7.48 The garden areas conform to the requirements of Havant's Design Guide SPD, with a minimum depth of 10m.
- 7.49 The site would be served by a vehicular/pedestrian access point onto Horndean Road in the north-east corner between 27 and 35 Horndean Road. On-site parking is proposed for all the dwellings, with visitor car parking on the access road in the form of laybys; a total of 40 spaces would be provided, which includes 6 visitor spaces. Electric charging points would be provided for each dwelling. The proposal is designed around a cul-de-sac road layout with connectivity via a cycleway/footway into Emsworth Recreation Ground to the south and the future Southleigh development to the west of the site.
- 7.50 To improve natural surveillance over the cycleway/footpath into Emsworth Recreation Ground and the public open space in the south-west corner two additional first floor side windows serving habitable rooms have been provided in the dwelling for Plot 10, (this would be in addition to an existing window serving the lounge area on this elevation on the ground floor) with low level boundary fencing to be provided adjacent to the dwelling overlooking the cycleway/footpath. As to Plot 11 additional windows at ground and first floor to the rear for habitable accommodation have been provided together with low level fencing and planting to the western boundary of this property, which would overlook the open space. The dwellings on Plots 12 and 13 would also be able to view the open space from first floor windows serving bedrooms, albeit of a more oblique nature. In addition, lighted bollards for the cycleways/footpaths would be provided, with low level street lighting within the site. This level of natural surveillance and lighting should address concerns over possible anti-social behaviour.
- 7.51 The south west corner is identified as being situated within Flood Zones 2 and 3. This area is identified as open space, which would be 0.27 hectares. This area would provide open space, retaining its designation as a SINC, with biodiversity enhancement whilst also providing flood alleviation. To facilitate the development, the remainder of the SINC would be transferred onto the Council's Recreation Ground to the south.
- 7.52 The proposed scheme for the site has evolved since the submission of the original application in response to comments from the internal and external consultee and officers at the Council. The amendments made to the scheme from the original submitted layout include:

The transfer of the majority of the site's SINC onto the Council's Recreation Ground to the south, so that this nature conservation area would not be lost;

Provision of cycleways/footways to link the development into the Council's Recreation to the south and to the future development at Southleigh to the west.

Additional parking and cycling provision and provision of electrical charging points for each dwelling; and

The re-design of plots 10 and 11 so that there would be a greater level of natural surveillance over the adjacent open space and the cycleway/footpath to the Recreation Ground to the south

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

7.53 The development would be located to the rear of 15 - 27 Horndean Road, limiting visibility from this direction to the east. The development would however be viewed from the Emsworth Recreation Ground to the south and from land to the west. This development would be partly screened from the south by existing mature trees along this boundary as it would to the west, and if permission is granted, benefit from further screening along this boundary. The open space, which is in the south-west corner would help act as a buffer between the development and the land to the west, which forms part of the major development for the Southleigh site, allocated in the emerging Local Plan.

7.54 The proposal is low density and would have an impact on the character and appearance of the area, as the use of the site will change from a field, to residential development. However, this change to the character and appearance of the area was recognised and assessed when the land was included in Policy HX1 in the emerging Local Plan and found to be acceptable. This change to the character and appearance of the immediate area must also be balanced against the recognised need for housing, which due to the small-scale nature of the development (i.e. 16 dwellings) should come forward in the short term. When balancing the competing aims, the emerging Local Plan position and the need for housing is considered to override the limited impact the development would have on the immediate locality and the character and appearance of the area.

(iv) Residential and Neighbouring Amenity

7.55 There are residential properties to the east of the site and to the north of the proposed access. The separation distance between the properties to the east at the closest point would be approximately 37m, with other separation distances along this boundary up to 50m. The Council's Havant Design Guide SPD, requires that there should be a minimum 20m distance between first floor habitable room windows. The separation distances between existing and proposed development clearly exceeds the separation requirements in the Design Guide.

7.56 In addition, along most of the eastern boundary there is an established, mature tree line, which would further reduce the potential of overlooking or impacting on the residential amenity of the occupiers of 15 - 27 Horndean Road.

7.57 The access/road would lie between 27 to 35 Horndean Road to the east. The access/road would be sited 7 m to the north of No. 27 Horndean Road and over 10m to the south of No. 35, with fencing along both boundaries. The separation distances between the existing housing and the access/road and

the low-level nature of development proposed i.e. 16 dwellings, would be unlikely to give rise to an unacceptable level of noise and disturbance to these two neighbouring properties.

- 7.58 As to No. 31 Horndean Road, to the north of the site, this is approximately 6m from the boundary at its closes points with windows on the side windows which partially overlooks the site. At this point in the development, the road moves away from the northern boundary, curving into the site. The road at its closest point to 31 Horndean Road would 20m which would be an appropriate distance and the likely low-level use of the road should not materially impact on the residential occupiers of this property
- 7.59 As to the separation distances within the development along the proposed road this varies from 11m to 16m, and would either overlook front gardens, or the side elevations of other properties. This degree of separation would be appropriate and reflects the guidance in Havant's Design Guide. As to plot's 16 relationship with number 31 Horndean Road to the north, there would be an approximate 20m separation distance, which would overlook the flank wall of the main dwelling 31 Horndean Road, which has windows at first floor. Due to the separation distance and the staggered relationship between the two properties, coupled with the existing vegetation and proposed planting along this boundary, the degree of separation would be appropriate and would not give rise to an unacceptable loss of privacy, or result in overshadowing to 31 Horndean Road.

(v) Access and Highway Implications

- 7.60 The vehicular access to the site would be in the form of a crossover, in the north-east corner off Horndean Road, between 27 and 35 Horndean Road. Visibility splays of 2.4m by 59m would be provided. The width of the road at the access would be 5.5m, dropping down to 4.8m within the site. The applicant would be required to enter into a Section 278 Agreement with the Highway Authority for the works to the highway, which would be covered in the Section 106 agreement for the site.
- 7.61 The design of the internal road is that of a cul-de-sac, with no separate pedestrian footpath within the site. The Highway Authority has been consulted over the design of the access and road, which has been the subject of a Stage 1 Road Safety Audit and has raised no objection.
- 7.62 The level of car parking, which has been revised upwards since the submission of the proposal, would be 40 spaces. 34 on site car parking spaces would be provided, with 6 visitor spaces in the form of laybys. Two secure and covered residents' cycle spaces (within garden sheds) would be provided for each dwelling, together with a cycle rack for each property.
- 7.63 Electrical charging points would be provided for each property, in accordance with Policy IN3 of the emerging Local Plan.
- 7.64 Low level street lighting is proposed within the site, with directional LEDs that would be downward facing to minimise upward light spill. The lights would be regulated and would not be in operation after 1am to ensure minimal light pollution to the night sky. Bollard lighting is proposed for the cycleways/footpaths to the south and west.
- 7.65 The Highway Authority has been consulted over the highway aspects of the development and following additional information has 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 in providing a safe access to and within the site. This is subject to conditions requiring the provision of visibility splays prior to commencement and the provision of non-migratory materials for the surface of the access for the first 6m, measured from the nearside edge of the carriageway of the adjacent highway. Such conditions are recommended.

- 7.66 The provision of car parking accords with Havant's Car Parking Supplementary Planning Document and Policy DM13 of the Core Strategy and emerging Policy IN3.

(vi) Flooding and Drainage

Flooding

- 7.67 The Environment Agency Flood Risk Map shows the proposed 16 dwellings and associated development would be in Flood Zone 1 (lowest risk of flooding), on the higher part of the site, with the proposed open space in Flood Zone 2 and 3. This area would have a dual function; that of open space and a SINC.
- 7.68 A Flood Risk Assessment and Drainage Strategy were submitted in support of the proposal. The Environmental Agency (EA) has been consulted over the proposal and have raised no objection to the development. A separate sequential test by the Local Planning Authority in respect of the application is not required, in this case, because the site was assessed in the Local Plan Sites' Sequential Test, as an allocated site. As to an exception test, the Flood Risk Assessment submitted with the application demonstrates that the development is located within Flood Zone 1 on higher ground, avoiding the area at risk on the site, now and in the future, when factoring in climate change. Therefore, the proposal passes the exception test.

Foul Drainage

- 7.69 The proposal is to link the foul drainage into the existing foul sewerage network in Horndean Road. Southern Water has raised no objection to the proposal. A formal application to connect to the public sewerage system would be required, which the developer is aware of and would be an informative on the decision notice, if permission is forthcoming.

Surface Water

- 7.70 As to the surface water, the drainage system would be designed to accommodate a 1 in 100 years + 40% combined climate change and urban creep rainfall event. It is proposed that surface water from the site would be managed by Sustainable Urban Drainage (SUDs) principles. The existing site falls towards and discharges surface water run-off to the watercourse on the western boundary. The proposed water strategy mimics the existing run-off regime from the land. It is proposed to provide a swale to treat attenuated run-off prior to discharge into the watercourse. Individual surface plot drainage would be maintained by the owners. Common assets would be maintained by a Management Company.
- 7.71 Hampshire County Council in their role as Lead Local Flood Authority (LLFA) has commented on the applicant's 'Flood Risk Assessment and Drainage

Strategy (Ref:1946, Issue 1, Date:24/7/2019)' and as to the general principle for the surface water drainage they are of the view the proposals are acceptable. However, the LLFA recommend the submission of further information as part of a more detailed design phase, as a pre-commencement condition. Such a condition is recommended.

- 7.72 The SUDs would not be adopted. Therefore, the applicant would need to ensure that arrangements exist for the long-term maintenance of the SUDs facilities. The Section 106 Agreement will require full details of how the SUDs are managed and maintained to ensure the optimum operation of the system.

(vii) Archaeology

- 7.73 The County Archaeologist has identified the area immediately around the site as having the potential to contain archaeological remains dating from the Roman period (AD43-410). However, the Archaeologist has advised that the archaeological potential of the site is not an overriding concern to possible development and that any archaeological work could be secured via conditions to be attached to a planning permission. Therefore, from an archaeology perspective, there is no fundamental impediment to the development of the site, subject to conditions that secure a programme of archaeological assessment in accordance with a Written Scheme of Investigation and following completion of the archaeological fieldwork a report to be produced setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement. Such conditions are recommended.

(viii) The Effect of Development on Ecology

- 7.74 All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network. As set out in Policy E14 of the emerging Local Plan development should result in biodiversity net gain and avoid the fragmentation of the Local Ecological Network. The majority of the site is sited within a SINC, with the exception of the proposed access onto Horndean Road.

Site of Interest of Nature Conservation (SINC)

- 7.75 The site is classified as Land West of Emsworth Recreation Ground (5) Site of Interest for Nature Conservation and as such its development would be contrary to Policy CS11 of the Havant Borough Local Plan (Core Strategy) March 2011 and Policy E14 in the emerging Local Plan, unless mitigated through compensation measures. A SINC is a non-statutory local nature conservation designation, that does not benefit from legal protection.
- 7.76 When the application was submitted in September 2019 the applicant was seeking the de-notification of the SINC due to its claimed deterioration over time. Hampshire Biodiversity Information Centre (HBIC) have carried out botanical assessments of the site in 2001 and 2011 and again in 2019, due to the request to de-notify the SINC. The 2019 HBIC (re)survey report concluded that the grassland is semi-improved habitat that has become gradually coarser in character (i.e. dominated by certain coarse grass species) over time with diminishing herb content: HBIC found, however, that this change has not significantly altered the wildlife value of the site and that the SINC status remains valid. The Council's Ecologist, who has given detailed responses to the application, has recognised "... *that the site is not especially species-rich*

*grassland habitat, but this does not detract from its status and value as SINC habitat and part of the Local Ecological Network."*

- 7.77 When the application was initially submitted the proposal would have resulted in the loss of 70% of the SINC, compensated in part by the retention and enhancement of the remaining 30% of the SINC, which would have a dual use as open space to the south west of the site, located within Flood Zone 2 and 3. The loss of 70% of the SINC is clearly contrary to adopted policy and national advice in the NPPF, as amongst other matters, insufficient compensation was provided to mitigate against this loss.
- 7.78 As stated above, since the submission of the application, the site no longer falls within the Emsworth - Denvilles Master Plan or Policy K5 Southleigh Site and now has its own specific policy within the emerging Local Plan; Policy HX1, which requires at criterion b. that any development of the land '*Addresses the Land West of Emsworth Recreation Ground SINC in line with Policy E14;*'. The proposal before the Committee would transfer and recreate the remaining 70% of the SINC onto the Council's Recreation Ground to the south, to compensate for the loss of on-site habitat through the delivery of meadow grassland on adjoining Council owned land. This would involve an area of land of 0.59 ha, which would reflect the loss of the area of the SINC on the site. The intention is that this area would be managed by the Council once set up, and its ongoing management would be paid for by an upfront financial contribution of £12,880.05.
- 7.79 As to the use of the Emsworth Recreation Ground to provide mitigation compensation for the loss of the majority of the SINC on the site, this has been agreed with Havant Borough Council outside of the planning process. However, to ensure that the transferred SINC goes forward, this would be a requirement of the Section 106 agreement for the site.
- 7.80 As to an appropriate management regime for the 0.27 ha of grassland within the site, which would have a dual function as open space, this is to be retained and enhanced to meet the identifying qualifiers of Lowland Meadow. As set out in Ecology Solutions' 'Briefing Note: Guiding Principles for Lowland Meadow Restoration (MG5 Community)' this would include rotational and timed cuts to encourage gradual growth of a structurally and ecologically diverse sward and to allow a gradual reduction in nutrient levels at the site, undertaken in a manner to protect any reptiles on the site. The management of this area would be undertaken in perpetuity by a professional management body, thereby ensuring the retention and enhancement of the SINC.
- 7.81 The Council's Ecologist is not supportive of the loss of the SINC on the site, preferring it to be retained, recognising its importance, amongst other matters, as a local site of nature conservation, with connectivity to other such sites. In this regard it is recognised that the proposal would result in the loss of the majority of the existing SINC by the development. However, the application site has now been agreed as a proposed housing allocation site in the emerging Local Plan, and this area would be recreated on Council's land to the south, as off-site compensation, which would be managed appropriately as a suitable alternative natural green space, via funding by the developer. It should also be recognised that the existing SINC is a non-statutory designation, which does not benefit from statutory protection, and as such there is no formal or legal mechanism to secure improvements to its condition, or prevent its deterioration, to the detriment of the Borough's Local Ecology Network. The loss of 70% of the existing SINC, which may continue to deteriorate over time, must be

balanced against the enhancement of the remaining SINC on the site and the recreation of a nature conservation area on Council land to the south, which would be maintained, with the housing gain of 16 dwellings, 5 of which would be affordable. Also, due to the small nature of the development, this much needed housing, both market and affordable, should be delivered relatively quickly, contributing to the Council's recognised housing need which would accord with adopted Policy CS9 of the Core Strategy and Policy H1 of the emerging Local Plan and "...Government's objective of significantly boosting the supply of homes...".

- 7.82 The off-site recreation of the SINC onto the Council's Recreation Ground would be outside of the football ground to the south east, and would be on an area used by dog walkers and other public activities. This area would still be accessible to members of the public for such activities, which should not conflict with its status as a SINC. Therefore, there should be no loss of this public facility, but it would be managed appropriately for its designation as a SINC. The transfer of this local ecological area would provide suitable off-site mitigation measures for the loss of the majority of the SINC on the application site and would protect, conserve and enhance the Borough's Local Ecological Network in accordance with Policy CS11 of the Core Strategy and Policy E14 of the emerging Local Plan.

#### Biodiversity Net Gain

- 7.83 Policy E14a of the emerging Local Plan requires that development results in biodiversity net gain to make a positive contribution to the existing natural environment. In this regard, the development proposed would achieve the following:
- (i) Enhancement of the remaining SINC on the site in perpetuity, thereby preventing its further deterioration and possible de-notification in the future, whilst avoiding the fragmentation of the Local Ecological Network, by retaining direct links to the SINC to the west and the newly recreated SINC to the south.
  - (ii) Appropriate mitigation and compensation by the transfer and recreation of the SINC on land to the south, which would be maintained, in perpetuity by the Council, following payment by the developer.
  - (iii) Planting of trees and vegetation within the site, to encourage wildlife.
  - (iv) A condition requiring bird boxes on all the plots and bats boxes erected within the site.

- 7.84 Whilst it is recognised that the biodiversity net gain for the development is not wide-ranging, due to the development of the site, this must be balanced against the contribution the proposal would make to the Council's ongoing 5-year housing land supply which would be delivered in the short term. As such the level of biodiversity net gain is considered to be appropriate for the proposed development and as such would not warrant a reason for refusal.

#### Bats

- 7.85 The ecological assessment includes specific bat surveys to assess the potential for roosting bats within trees and structures on site. The assessment advises that the work was undertaken by an experienced bat worker and aimed to establish the

likelihood of presence/absence of bats. The surveys found:

*“The buildings / structure within the site are completely unsuitable to support roosting bats.*

*Three mature Oak trees within the application have developed features of potential value to roosting bats. These trees are associated with the linear features along the sites northern and eastern boundaries. Initial inspections of these trees found no evidence of roosting bats.*

*The linear habitats within the site offer a degree of suitable foraging and commuting habitats for bats. However, given the small extent of the site, and the prevalence of similar habitats in the local area, it was considered unlikely that the site constitutes a significant resource for local bat populations. “*

7.86

The outcome of the surveys was that “... only very low levels of bat activity were recorded during the course of the static surveys, further reaffirming that the application site is of low importance for foraging and commuting bats.” The Council’s Ecologist has no significant concerns regarding the bat surveys, and found no “...fundamental issue with either the scope or quality of ecological assessment carried out at the site”. Based on the ecological evidence before the Local Planning Authority, which has been thoroughly assessed, the development would be unlikely to have an adverse impact on the bat population and as such would not warrant a reason for refusal.

(ix) Impact on Trees

7.87 The site has mature trees along the boundaries, with 3 trees the subject of a Tree Preservation Order along the eastern boundary. Concerns were initially raised by the Arboricultural Officer about the useable garden areas, particularly for plots 2-8 along the eastern and southern boundaries and the likely post development pressure to unsympathetically prune or remove these trees. Concerns were also raised regarding the position of fencing along the eastern boundary. Amended plans were submitted addressing these issues, with rear garden lengths of 15m provided for plots 2 - 6 and 8, with plot 7 benefiting from a length of 15m at its widest point.

7.88 Negotiations by officers have secured 2 footpaths/cycleways to the south and west to provide connectivity to the wider area. Following consideration of the amended plans and details received, the Council’s Arboricultural Officer has raised no objection to the footpath/cycleways (and the development), subject to conditions that tree and ground work protection is in place before development commences and that full engineering/construction methods for the no dig cellular surfacing should be submitted for approval prior to commencement. Such conditions are recommended.

(x) Community Infrastructure Levy (CIL), Contribution Requirements and legal Agreement

7.89 The impacts of the proposed development on key infrastructure have been assessed and a Utilities Assessment has been submitted. The infrastructure provision in respect of 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 the paragraph below.

7.90 The CIL liability for this site currently stands at £171,532.86 - 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
2. S106 monitoring fee
3. Management and maintenance plan for the lifetime of the development for all unadopted/communal areas including roads, open space and SUDs and SUDs bond.
4. Solent Recreation Mitigation Strategy
5. Public Rights of access over the development
6. Access Highway Works
7. Off-site mitigation and creation of a SINC on Council land and fees for its management and maintenance
8. Off-site mitigation of nitrogen on Council land at Warblington.
9. Clinical Commissioning Group contribution

## **8 Conclusion – Overall planning balance**

- 8.1 This application brings about several 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 Pre-Submission Havant Borough Local Plan, 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 makers 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. 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 16 dwellings, the site makes a modest, but 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 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 and within the site. Furthermore, the proposed car parking levels comply with the standards set out in the Parking SPD, both in terms of parking for each dwelling, and visitor parking. In addition, it has been concluded that the proposed development would not give rise to any harmful impacts from 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 Pre-Submission Havant Borough Local Plan , with specific regard to provision of an appropriate level of onsite biodiversity net gain, with this compensated off-site. 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 dis-benefits 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.

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## **9 RECOMMENDATIONS:**

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 Plan and Elevations	1862 10 REV B
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

## 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 Statement	September 2020

**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. 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

## 8 Highways

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**

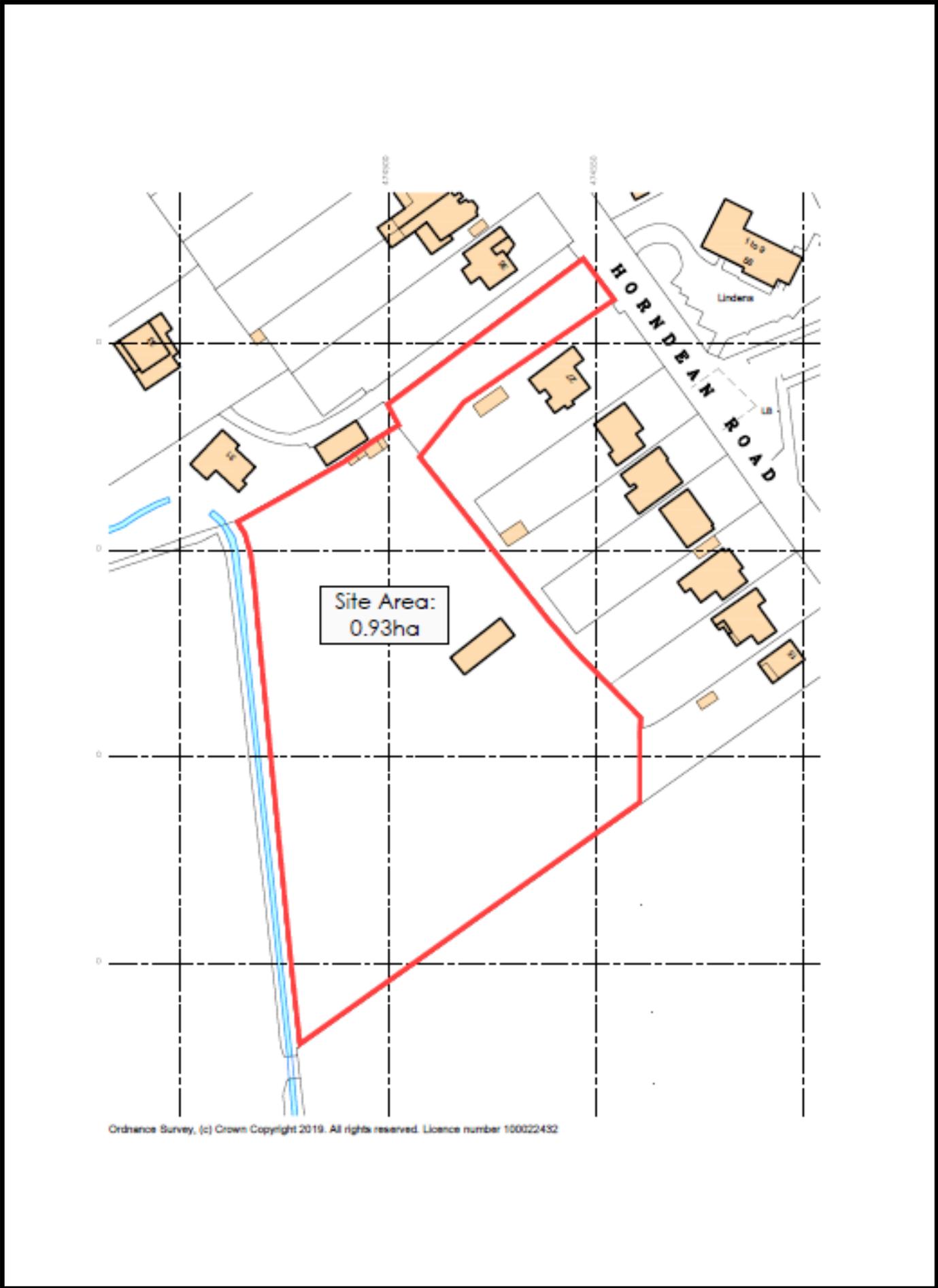
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B and E Schedule 2, Part 1 of the Order shall be carried out on plots 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.

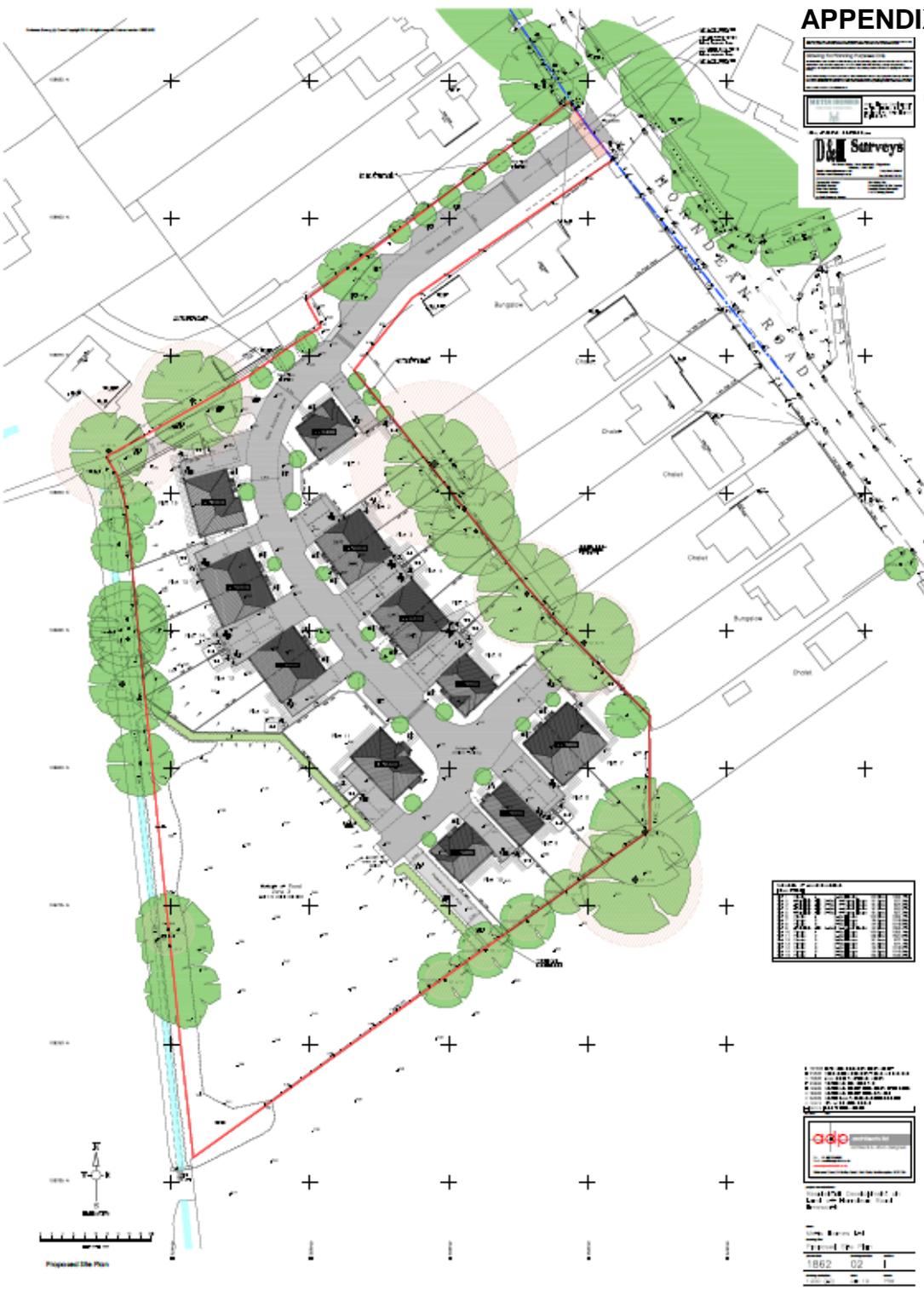
**Appendices:**

- (A) Location Plan
- (B) Layout Plan
- (C) Artist Impression 1
- (D) Artist Impression 2

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**APPENDIX B**

DATE: 02/10/2010

PROJECT: [illegible]

D&M Surveys

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	02/10/2010	[illegible]
2	REVISED PER [illegible]	02/10/2010	[illegible]
3	REVISED PER [illegible]	02/10/2010	[illegible]
4	REVISED PER [illegible]	02/10/2010	[illegible]
5	REVISED PER [illegible]	02/10/2010	[illegible]
6	REVISED PER [illegible]	02/10/2010	[illegible]
7	REVISED PER [illegible]	02/10/2010	[illegible]
8	REVISED PER [illegible]	02/10/2010	[illegible]
9	REVISED PER [illegible]	02/10/2010	[illegible]
10	REVISED PER [illegible]	02/10/2010	[illegible]

**adp**

Land Use Consultant & Surveyors

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