

HAVANT BOROUGH COUNCIL

At an Extraordinary meeting of the Council of the Borough of Havant held on 21 November 2012

Present

Councillor Shimbart (Mayor)

Councillors Bastin, Mrs Blackett, Bolton, Briggs, Branson, Buckley (Deputy Mayor), Brown, Cheshire, Collins, Cousins, Edwards, Fairhurst, Galloway, Guest, Hilton, Johnson, Keast, Lenaghan, Pierce Jones, Ponsonby, Mrs Shimbart, Mrs Smallcorn, Smith G, Smith K, Turner, Weeks, Wilson and Tarrant

34. Apologies for Absence

Apologies for absence were received from Councillors Mrs Farrow, Gibb-Gray, Gillett, Hart, Hunt and J Smith.

35. Declarations of Interests

There were no declarations.

36. Suspension of Standing Orders

RESOLVED that the following Council Standing Orders be suspended:

- (i) Council Standing Order 10 (Deputations) – To remove the normal restrictions on hearing deputations on the same subject within a 6 month period;
- (ii) Council Standing Order 12 (Questions By Members) – To remove the formal Council style questioning of the Leader, Cabinet and Chairmen;
- (iii) Council Standing Order 14 (Motions Without Notice) – To remove the ability to raise motions at the meeting without notice;
- (iv) Council Standing Order 15.16biii (Time Restriction on Officers Speaking at Council) – To remove a 5 minute time restriction on Officers speaking at Council;
- (v) Standing Order 15.4 (Content and length of Speeches) and 15.5 (When a member may speak again) to allow a less formal style of debate; and
- (vi) Standing Order 15.6 (Amendment to Motions) to enable an amendment which negates a motion. Allowed at Development Management Committee to save time and confusion.

37. Planning Application - Scratchface Lane, Havant

The Council considered a planning application which had been referred to Council for decision by the Development Management Committee at its meeting held on 25 October 2012:

Outline application for the erection of 92 open market and affordable dwellings comprising 4 No. 1 bedroom flats; 5 No. 2 bedroom flats; 26 No. 2 bedroom houses; 44 No. 3 bedroom houses; 13 No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. (Revised Application.)

The Service Manager for Planning Development gave a substantial update on the written report, highlighting the previous applications, the considerations thereof, the Planning Inquiry held in February 2012 and the recommendation of approval together with an explanation of the proposed conditions. As the S106 Undertaking had now been completed the recommendation was changed to delete the proviso for this to be completed.

The Service Manager for Environmental Health then explained the results of the various noise pollution surveys that had been undertaken on the site highlighting the evidence that the opening of the Hindhead Tunnel had not resulted in a significant increase in traffic noise from the A3M and that the levels recorded on the various occasions were within tolerances.

The Council then received deputations on the application as follows:

Mr Graham, a local resident, spoke against the application citing noise levels as a reason for refusal. He suggested that many other sites of a similar nature had been discounted for development adding that the recorded noise levels at the Scratchface Lane site exceeded World Health Organisation's thresholds for safe noise levels. He also added that many of the houses would be above the bund that was to act as screening. He urged the Council to refuse the application.

County Councillor Ann Buckley addressed the Council stating that the site was the worst location in the Borough for a housing development suggesting that future residents would not be able to open windows due to the traffic noise. She went on to say at a recent conference of Planning Inspectors it had been said that decisions such as this should be made at a local level and she therefore urged the Council to refuse the application.

County Councillor Liz Fairhurst addressed the Council stating that the circumstances surrounding the application were well known, asking the Council if this type of development was suitable for their children and was it the type of community they wanted. She urged the Council to defer the application while further noise surveys were carried out.

Mr Higgins and Mr Clarke representing the applicant then addressed the Council outlining that extensive local consultation had been carried out and that there were no major objections from any statutory consultee nor the Council. He referred to the

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Inspector's comments from the Inquiry adding that the site was a reserve site for development and that the need for affordable housing was rising daily.

Mr Clarke then added that noise levels were similar to other developments built in the vicinity of motorways and that the properties would be conditioned to withstand noise. He added that all the relevant policies on noise levels had been met and that the surveys carried out had been very consistent and thorough.

The Mayor thanked the deputees and then asked Councillors if they had any questions for clarification.

Points covered by questions were as follows:

- Prevailing wind blowing noise levels onto the site. Given the extent of the noise survey it was likely that noise measurements had been captured during prevailing wind conditions;
- It was confirmed that the site was withdrawn from the reserve sites in the Local Plan and then put back in when the Local Plan Inspector agreed that it was a suitable site;
- The drainage measures on the open space land were clarified;
- It was confirmed that noise levels at the first floor height were not significantly higher than at ground level;
- Noise surveys submitted by developers were reviewed to ensure they were satisfactory. It was confirmed that the Council would not normally carry out its own parallel noise level monitoring;
- It was confirmed that following a comprehensive survey done prior to the Hindhead Tunnel opening, an additional shorter survey was carried out after the tunnel had opened and found no significant noise increase to warrant a further comprehensive survey;
- It was confirmed that should the application be refused and go to appeal, the inspector would decide upon appropriate conditions;
- It was confirmed that a very substantial increase in traffic levels would be needed to give rise to a significant increase in noise. It was unlikely that a substantial increase in traffic would occur on the A3(M) adjacent to this site;
- It was confirmed that if the application was not determined within 13 weeks the applicant could appeal for non-determination;
- It was confirmed that the Council did have a sizeable waiting list for affordable housing;
- Officers confirmed that although the Local Plan suggested the site should hold 65 dwellings, when applicants investigated sites it was usually the case that more dwellings could be worked into a well planned scheme hence the application for 92 dwellings;
- A measurement of 28 metres between the motorway boundary and the first dwelling was confirmed;
- In terms of air quality, the most sensitive pollutant would be nitrogen dioxide. The national air quality objective for this pollutant was 40 ug /m³ as an annual average concentration. Modelling on this site had suggested that 32 ug /m³ would be predicted at the closest proposed residential unit. These

results have been verified against the monitoring carried out at selected sites in the District. ;

- It was confirmed that the bund facing the motorway could not be conditioned to include extra protection as the bund was outside of the application site area;
- It was confirmed that the understanding of the officers was that as the site developed, houses nearest the motorway would shield those behind from noise to a certain extent;
- It was confirmed that due to the shorter survey carried out after the Hindhead Tunnel opened had revealed no significant rises in noise levels, a further comprehensive survey was not required;
- It was confirmed that Planning Inspectors did not regard reserve sites as sacred;
- It was confirmed that there was some traffic data for junctions 4 and 5 of the A3M were missing from the papers. It was thought that this was because the Highways Agency website may not have listed data in all locations. It was not crucial for this application as all the evidence suggested that the impact of the Hindhead tunnel on traffic noise at this site was negligible;
- It was confirmed that the previous Inspector's decision that noise was not a reason for refusal was an important point;
- It was suggested that in order to monitor the implementation of conditions designed to alleviate noise, the positioning of windows could be scrutinised at the design stage of the application process;
- It was confirmed that a secure boundary to the motorway would be secured through a planning condition.

The Council then adjourned at this point (7.47pm to 7.58pm).

The Mayor then invited the Council to debate the application and asked the Chairman of the Development Management Committee to introduce the debate.

Councillor Buckley outlined the actions of the Development Management Committee in referring the application to Council and highlighted that there had been no significant changes to the application.

Some Councillors spoke against the application saying that the site was not suitable for this type of development, highlighting concerns with land drainage, noise, lack of local amenity, parking and air pollution amongst other issues.

Other Councillors spoke in favour of the application on the basis that an Inspector had ruled that there were no planning reasons to refuse the application and even if the application was refused, the applicant would appeal. Given the previous Inspector's judgment, the applicant was likely to win, with costs being awarded against the Council.

The application was then proposed by Councillor Keast and seconded by Councillor Hilton for approval.

Following further debate the application was proposed by Councillor Brown and seconded by Councillor Bastin for refusal on grounds of noise.

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It was further proposed by Councillor Turner and seconded by Councillor Wride that the application be deferred to allow for further comprehensive noise surveys to be carried out.

Prior to the vote it was requested by Councillors K Smith and Wride that a recorded vote be undertaken.

The Mayor then took the proposals in reverse order:

Proposal to defer to allow for further noise monitoring to be undertaken:

For	Against	Abstain
Turner	Blackett	Smallcorn
Wride	Branson	
	Briggs	
	Buckley	
	Cheshire	
	Collins	
	Cousins	
	Edwards	
	Fairhurst	
	Galloway	
	Guest	
	Hilton	
	Keast	
	Lenaghan	
	Pierce-Jones	
	Mrs Shimbart	
	G Shimbart	
	G Smith	
	K Smith	
	Weeks	

The Mayor declared the proposal lost.

Proposal to refuse on grounds of noise:

For	Against	Abstain
Bastin	Blackett	
Brown	Branson	
Johnson	Briggs	
Ponsonby	Buckley	
G Smith	Cheshire	
K Smith	Collins	
Smallcorn	Cousins	

Turner	Edwards	
Wilson	Fairhurst	
Wride	Galloway	
	Guest	
	Hilton	
	Keast	
	Lenaghan	
	Pierce-Jones	
	Mrs Shimbart	
	G Shimbart	
	Weeks	

The Mayor declared the proposal lost.

Proposal to approve the application:

For	Against	Abstain
Blackett	Bastin	
Bolton	Brown	
Branson	Johnson	
Briggs	Ponsonby	
Buckley	G Smith	
Cheshire	K Smith	
Collins	Smallcorn	
Cousins	Turner	
Edwards	Wilson	
Fairhurst	Wride	
Galloway		
Guest		
Hilton		
Keast		
Lenaghan		
Pierce-Jones		
Mrs Shimbart		
G Shimbart		
Tarrant		
Weeks		

The Mayor declared the proposal carried, thanked all those present and then closed the meeting.

The meeting commenced at 5.00 pm and concluded at 9.03 pm

HAVANT BOROUGH COUNCIL

COUNCIL

21 November 2012

ITEM NO 4

Planning Application APP/12/00612 - Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant

Proposal: Outline application for the erection of 92 open market and affordable dwellings comprising 4No. 1 bedroom flats; 5No. 2 bedroom flats; 26No. 2 bedroom houses; 44No. 3 bedroom houses; 13No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. (Revised Application.)

Report of Head of Planning and Built Environment

For Decision: YES

Portfolio: Councillor Guest

Key Decision: No

1.0 Purpose of Report

- 1.1** At its meeting held on 25 October 2012 the Development Management Committee considered planning application APP/12/00612 for the development of land south of Scratchface Lane, adjacent to A3(M) and west of Brooklands Road and Hillmead Gardens, Havant.
- 1.2** The Committee discussed this application and the matters raised by the deputees in detail including a motion to refuse the application. The main concern raised during the debate was that the noise likely to be generated by traffic on the A3(M) would create unacceptable living conditions for future occupiers of the development.

The Committee was advised that if the Council refused this application and the applicant made a successful appeal, the Council could incur substantial costs if it were demonstrated that there had been no significant material changes since the Planning Inspector considered this development. In view of these financial implications the Committee decided to refer this matter to Full Council.

2 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/12/00612 subject to:

(A) The completion of a Section 106 Agreement of the Town and Country Planning Act 1990 and other relevant legislation, which incorporates the following terms:

- (i) A contribution of £341,974 be made in respect of the Hampshire County Council Transport Contribution Policy;
- (ii) The provision of a Residential Travel Plan;
- (iii) The completion of a Section 278 Agreement with Hampshire County Council to deliver junction requirements for the Brooklands Road site entrance;
- (iv) A contribution in relation to traffic management if required;
- (v) The management arrangements for new roads, including street cleaning and street lighting;
- (vi) A contribution of £123,843.50 be made for the improvement of sports pitch and court improvements;
- (vii) On site open space management and maintenance arrangements;
- (viii) Design and specification of SUDS system including future management arrangements;
- (ix) Reptile relocation area provision, management, maintenance and access arrangements;
- (x) A timetable for the implementation of the drainage scheme;
- (xi) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime;
- (xii) Securing public rights of way and gaining access within the site to the public open space and to cycle/pedestrian routes;
- (xiii) Provision of a cycleway/footpath to the southern and northern boundary of the site;
- (xiv) That 39% (36) dwellings are made available as affordable housing in accordance with Council policy;
- (xv) Affordable housing units to be integrated and compatible with the design of Open Market Housing Units;
- (xvi) Phasing of the affordable housing provision;
- (xvii) Design standards for the affordable housing;
- (xviii) Long term management arrangements for the affordable housing;
- (xix) Nomination arrangements for the affordable housing
- (xx) Tenure mix for the affordable housing;
- (xxi) Management of the site and facilities arrangements including Management Entity set up to maintain and manage open spaces within the residential development, SUDS, and reptile location area.

(B) the following Planning conditions (subject to such changes as the Executive Head of Planning and Built Environment may determine):

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called "**the reserved matters**"] have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in full accordance with the approved details.
 - (i) The appearance of all buildings (including details of the colour and texture of external materials to be used);
 - (ii) Landscaping including an accurate plan showing the position, type and spread of all existing trees on the residential area and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the trees to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree. A soft landscape scheme for the whole site (Residential and Reptile Relocation Area and Public Open Space) not proposed to be hardsurfaced, including the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and timing provisions for completion of the implementation of all such landscaping works.**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11.1, CS11.2, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
4. No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.
With respect to the roads coloured grey on drawing number 9982/P 04 Rev C these shall be constructed to adoptable standards.
Reason: To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) and the NPPF.

5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological 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 completed and thereafter managed and maintained in accordance with the approved details.

The scheme shall also include:

- Design details of the permeable paving areas, including car parking bays
- Design details for infiltration and collection systems
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To improve and protect water quality by ensuring that the infiltration of potentially polluting surface water run-off does not enter groundwater. In addition this will prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance with the NPPF and Havant Borough Local Plan (Core Strategy) policies CS11, CS15, DM8 and DM10.

6. No development shall begin until details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority. Thereafter the bridges shall be constructed as set out in the approved scheme.
- Any bridges to be built over the Bedhampton Brook shall be of a clear span design, with the following features:
- Abutments shall be set back from the watercourse on both banks to provide a bank width of a minimum of 2 metres beneath the bridge to provide an unobstructed corridor to allow the movements of otters and other animals.
 - Bridge soffit levels and flood spans shall be 600mm above the 1 in 100 year flood level to allow floating debris to pass freely through the structure. One metre above maximum known flood level will be required on main rivers if the applicant does not provide hydraulic calculations for the design flood level.

Reason:

The use of clear-spanning bridges will maintain a continuous river

corridor and allow the movement of both the river and associated wildlife in accordance with Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS16 and DM8. It will also ensure that flood flows are conveyed safely on site and that the risk of blockages under the bridge is minimised in accordance with the NPPF.

7. No development shall begin until a scheme for the provision and management of a minimum of an 8m buffer zone both sides of the Bedhampton Brook is submitted to and agreed in writing by the local planning authority. This zone should be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the stream. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
- Plans showing the extent and layout of the buffer zone
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
 - Details of any footpaths, fencing, lighting etc.
 - Details showing how access to the watercourse and grill covering the entrance to the culvert underneath Brooklands Road will be made available throughout the construction phase and after the development is complete.

Reason:

Development that encroaches on watercourses and wetlands has a potentially severe impact on their ecological value. This is contrary to Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS15 and DM8 in addition to the UK Biodiversity Action Plan. Land alongside watercourses and wetlands is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Through securing access to allow maintenance activities to take place if required will reduce the risk of flooding to the local area in accordance with the NPPF.

8. No development shall begin until a scheme for the provision and management of at least one compensatory pond habitat has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason:

Development that encroaches on ponds and other wetlands has a potentially severe impact on its ecological value. Paragraph 109 recognises that the planning system should aim to conserve and

enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is also supported by policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

9. No development hereby permitted shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and other vegetation on the site and in the vicinity of the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

10. No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and other vegetation at the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

11. No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

12. No development hereby permitted shall commence until a scheme for protecting the proposed dwellings and their gardens from noise from the A3(M) has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.

The scheme is required to achieve the following requirements:

Maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided:

Daytime 35 dB LAeq,16h

Night time 30 dB LAeq,8h and should not regularly exceed 45 dB LAmax, F.

Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

13. No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS15, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

14. No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

15. No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent damage to existing trees and hedgerows on the site throughout implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times during which such implementation is in progress. Any such tree or hedgerow which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than 1.6 metres height when planted.

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 NPPF.

16. A Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing before

development commences. This shall, at least, include the following:

- Construction lorry routes;
- Parking and turning provision to be made on site for clearance and construction vehicles;
- On site provision for materials compound and other item storage;
- Siting of construction facilities;
- Measures to prevent mud from being deposited on the highway;
- A programme for construction

In addition the Construction Management Plan shall detail the following:

- No bonfires on site during the clearance or construction phases;
- The hours of works which shall not exceed those detailed below:

Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

The agreed Construction Management Plan shall be fully implemented before the development is commenced and retained during the construction period and the development carried out fully in accordance with the agreed plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the NPPF.

17. No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the commencement of occupation of the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

18. The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting

on the site other than as thereby approved. The lighting proposed should be sympathetically designed to accommodate foraging and commuting bats.

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

19. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no free-standing walls, fences or other means of enclosure of any kind permitted by Part 2, Class A of the 1995 Order as amended shall be erected within the area since hatched in black on Plan 1 attached to this Decision Notice without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

20. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/E and F of the 1995 Order, as amended, shall be erected within the cartilage of units 2, 3, 4, 7, 8, 18, 19, 32 of the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that trees/hedges to be retained are protected from inappropriate development having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

21. No dwelling / building hereby permitted shall be constructed anywhere on the site until the road(s) have been laid to at least base course unless otherwise agreed in writing by the Local Planning Authority.

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 NPPF.

22. No dwelling shall be occupied unless and until the vehicular access and space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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 NPPF.

23. No development shall take place within the area indicated on the approved plan ref no. 9982/P 04 Rev C until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant

and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.

Note for Decision Notice: *Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.*

24. No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.
25. Following completion of archaeological fieldwork a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
Reason: To 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 and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.
26. No development shall commence on the site until details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The agreed details shall be fully implemented before the buildings hereby permitted are first occupied.
Reason: In the interest of maintaining the amenity value of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
27. No development including site clearance shall commence on the site until all trees / shrubs and / or other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along a line to be agreed in writing with the Local Planning Authority. Such fencing shall conform to the following specification in accordance with BS5837 2005. Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.
Such fencing shall be maintained throughout the course of the

works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

28. The soil levels within the root spread of trees / hedgerows to be retained shall not be raised or lowered without the prior written approval of the Local Planning Authority.

Reason: To avoid damage to health of existing trees and hedgerows and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

29. Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

30. The development hereby approved shall not commence unless and until full details of measures aimed at reducing the possibility crime and antisocial behaviour have been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of reducing the opportunity for crime and antisocial behaviour in the interests of existing and future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

31. The development hereby permitted shall not commence unless and until details in relation to the provision of restrictions to vehicular access to the Scratchface Lane emergency access/footpath/cycleway have been submitted to and approved in writing by the Local Planning Authority. The approved access restrictions shall thereafter be provided and maintained in accordance with the approved details.

Reason: To ensure that the Scratchface Lane access is for emergency vehicle, cycle and pedestrian access only in the interests of amenity and highway safety having due regard to policies CS16 and DM11the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

32. The footpath/cycle routes to Portsdown Hill Road and Scratchface Lane shall be designed in accordance with plans and details to be

submitted to and approved in writing by the Local Planning Authority. The details shall include features to improve the safety of the routes including the design and positioning of fencing, lighting, surfacing materials, landscaping and width of routes. The approved scheme shall be provided prior to the occupation of the dwellings hereby approved and thereafter maintained in accordance with the approved details.

Reason: To ensure that the development provides good pedestrian and cycle access to encourage sustainable means of transport and having due regard to policies CS16 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

33. The development hereby permitted shall not commence unless and until a scheme for cycle parking meeting the standards set out in Havant Borough Residential Parking and Cycle Provision has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided in accordance with the approved scheme prior to the occupation of the associated dwelling and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate cycle parking in the interests of promoting sustainable travel options and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

34. The foul sewer system's pumping station must at no time exceed a pump rating of 4.4 litres per second. In addition no foul sewage shall be discharged from the application site into the Brooklands Road sewerage system.

Reason: To ensure suitable foul water drainage for the site and having due regard to policies CS15, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

35. The development hereby permitted shall not commence until such time as full details of the access arrangements for Brooklands Road as shown 'in principle' on drawing 3356.006 Rev B have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the commencement of development.

Reason: In the interests of highway safety and having due regard to policies CS20 and DM11 of the Havant Borough Core Strategy 2011 and the NPPF.

36. The development hereby permitted shall not commence unless and until a scheme specifying the measures to be undertaken to protect public sewers on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect drainage infrastructure and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

37. Prior to commencement of the development hereby permitted, an updated reptile mitigation strategy shall be submitted for written approval to the local planning authority. In addition to those measures regarding trapping, translocation, monitoring and habitat enhancements already provided in the Phase 2 Ecology Report (PV Ecology, July 2012), this shall include (but not necessarily be limited to): setting out of the wildlife corridor; details of the establishment vegetation management and amended planting of the detention basins, receptor site and wildlife corridor; ongoing management of the detention basins, receptor site and wildlife corridor; and details of how these will integrate with public access requirements. Development shall subsequently proceed and be maintained in accordance with any such approved mitigation strategy.

Reason: To avoid impacts to reptiles in accordance with CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

38. Prior to commencement of the development hereby permitted, plans showing the layout and specification of streetlighting and how impacts from new external lighting will avoid illuminating the identified bat roost and key foraging / commuting routes shall be submitted for written approval to the local planning authority. Development shall subsequently proceed and be maintained in accordance with any such approved details.

Reason: To avoid impacts to bats in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

39. Bat roosting features shall be provided in the development in accordance with paragraphs 6.4-6.6 of the Phase 2 Ecology Report (PV Ecology, July 2012). Upon completion, a brief report provided by a suitably experienced ecologist confirming the installation of these shall be submitted for written approval to the local planning authority.

Reason: To enhance biodiversity in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

40. Clearance of any vegetation shall only take place between August and early February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken by a competent ecologist to ensure there are no occupied nests present. If necessary, the supervising ecologist shall maintain a watching brief during the vegetation clearance. Work shall cease in any areas where occupied nests are identified and an exclusion zone of 5 metres maintained around such nests, until such time as those nests become unoccupied of their own accord.

Reason: To avoid impacts to nesting birds and having due regard to policies CS11, and CS16 of the Havant Borough (Core Strategy)

2011 and the NPPF.

41. The buildings hereby permitted shall not be occupied until plans and particulars specifying:
- i) the design and appearance of informal open space,
 - ii) its relationship to SUDS,
 - iii) the design of any water features to address safety,
 - iv) a timetable for the implementation on site.

have been submitted to and approved in writing by the Local Planning Authority. The informal open space shall be provided in accordance with the approved details and timetable.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, DM1 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

42. No development including site clearance shall take place until a scheme in relation to the proposed reptile relocation area has been submitted to and approved in writing by the Local Planning Authority. These details shall include a schedule for provision, details of any public access to the land, ecological management and boundary treatment. The approved scheme shall thereafter be provided and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and nature conservation and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

43. Notwithstanding the submitted details the development hereby permitted shall not commence unless and until details of the siting and design of the proposed pumping station have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that the wildlife buffer zone and tree protection can be adequately addressed having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

44. Units 7 and 19 hereby permitted shall be designed to ensure that windows or other openings above ground floor level in the east facing elevations are designed to prevent an unneighbourly impact on the properties in Brooklands Road.

Reason: In the interests of residential amenities and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework together with Planning Policy Statement 1.

45. Notwithstanding the submitted details nothing in this permission shall approve the siting and garden areas of units 7 and 8 which will be subject to further details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable amenity space can be provided for unit 7 having due regard to policy CS16 of the Havant Borough

Local Plan (Core Strategy) 2011 and the NPPF.

46. The development hereby permitted shall not commence unless and until full details of suitable boundary treatment to 32 and 38 Brooklands Road have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable boundary treatment in the interests of residential amenity and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

47. List of Plans and Documents

3.0 Supporting Documents

3.1 Attached are:

- (a) the report of the Executive Head of Planning and Built Environment submitted to the Development Management Committee on 25 October 2012;
- (b) the supplementary information submitted to the Development Management Committee on 25 October 2012; and
- (c) the minutes of the meeting of the Development Management Committee held on 25 October 2012.

4.0 Subject of Report

- 4.1 The main issues relating to this development are fully set in the report submitted to the Development Management Committee on 25 October 2012. This included a Briefing Note on the impact of traffic noise on the proposed Scratchface Lane residential development site.
- 4.2 This report provides further guidance in relation to the possible implications of a refusal of planning permission in particular with regard to the potential for the Council to incur substantial costs should an appeal against the refusal of permission on noise grounds be pursued.
- 4.3 The likelihood of the Planning Inspector awarding costs is high for the reasons set out in the officer's report to the Development Management Committee of the 25th October 2012. These can be summarised as:
- The site was allocated as a Reserve Site in the Havant Borough District Wide Local Plan following proper consideration of all factors, including noise, at the Local Plan Public Inquiry and the development of the site can be considered to form part of the overall housing land supply;
 - The site is identified as a 'preferred site' in the Draft Allocations Plan;

- In a clearly drafted Appeal Decision the Appeal Inspector in relation to the previous identical application concluded after a three day Public Inquiry held in February this year and following testing of a wide range of evidence including in relation to noise emanating from the A3M that there were **no** planning grounds for refusal and that the noise environment was acceptable;
- There has been no significant change in circumstances since the Appeal Inspectors Decision Notice (20th March 2012) to warrant a different decision being taken;
- Government policy promotes housing delivery and strongly supports sustainable development.

5.0 Implications

5.1 Resources:

If the application is refused on grounds of noise and the result challenged by way of appeal, the Council's costs (including barrister and noise consultant costs) for defending this appeal would be in the region of £16,000 to £20,000. If the Planning Inspector found that the Council has acted unreasonably, he or she could require the Council to pay the appellants costs which would be likely to be in the region of £32,000 to £40,000. Third party actions in an appeal may also affect the amount of costs involved.

Therefore, if the Council refused this application, the total costs could be in the region of £60,000.

5.2 Legal:

Planning obligations have now been secured under a Section 106 Agreement completed on 22 October 2012

Refusal may result in challenge by way of appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 ("the 1990 Act"). Such challenge on the previous occasion has been by way of public inquiry.

Section 320 of the 1990 Act empowers the Secretary of State, upon application, to award costs in part or whole to a party to an appeal who can show the another party has acted unreasonably in the planning process.

Guidance is set out in the Circular 03/2009 and published government guidance. Within the circular of particular note is paragraph B29 which sets out the various grounds for awards of costs against local planning authorities one of which is - persisting in objections to a scheme, or part of a scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicated to be acceptable.

5.3 Strategy:

- 5.4 The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice

and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy

5.5 Communications:

Details of third party communications are set out in the report and supplementary planning information attached as appendices to this report

6.0 Consultation

6.1 Details of consultations are set out in the report and supplementary planning information attached as appendices to this report

Appendices:

- (a) the report of the Executive Head of Planning and Built Environment submitted to the Development Management Committee on 25 October 2012;
- (b) the supplementary information submitted to the Development Management Committee on 25 October 2012; and
- (c) the minutes of the meeting of the Development Management Committee held on 25 October 2012

Background Papers: **Planning File ref - APP/12/00612**

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Havant

BOROUGH COUNCIL

Council Meeting 21 November 2012

Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3M and West of Brooklands Road and Hillmead Gardens, Havant

Appendices

		Page(s)
(a)	the report of the Executive Head of Planning and Built Environment submitted to the Development Management Committee on 25 October 2012;	1-73
(b)	Supplementary information submitted by Development Services to the Development Management Committee on 25 October 2012	74-83
(c)	Supplementary information submitted by Councillor Wride to the Development Management Committee on 25 October 2012	84-99
(d)	The minutes of the meeting of the Development Management Committee held on 25 October 2012	100-126

Site Address: Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant

Applicant: Crayfern Homes Ltd

Team: 1

Agent: Mr J Higgins

Case Officer: Mr D Eaves

13 Week Date: 31.10.12

Reason for Committee Consideration: Third party request

Proposal: Outline application for the erection of 92 open market and affordable dwellings comprising 4No. 1 bedroom flats; 5No. 2 bedroom flats; 26No. 2 bedroom houses; 48No. 3 bedroom houses; 9No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. (Revised Application.)

Density: Approximately 25 dwellings/ha

EHPBE Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site lies approximately 2 km to the west of Havant Town Centre. The land is bounded to the west by the A3(M), to the east by Hillmead Gardens and Brooklands Road, to the north by the public footpath from Scratchface Lane over the A3(M) and to the south by the B2177 Portsdown Hill Road.
- 1.2 The site is roughly an elongated triangle in shape tapering towards its southern end and the B2177. The site is undulating falling from the south to the north from Portsdown Hill Road at a height of 41m to the central stream with a height of approximately 23m. The land then rises less steeply to the northern site boundary. The north eastern part of the site is relatively flat.
- 1.3 The land itself is relatively open in character and has been grazed by livestock particularly north of the stream. There are trees on site and close to the site boundaries, most notably crossing the site adjacent to the Brockhampton Stream; along the western and northern sides of the site and along parts of the eastern boundary with the properties in Brooklands Road.
- 1.4 The site includes trees and groups of trees protected by Tree Preservation Orders 1934 and 1755. The protected trees are positioned adjacent to the stream in the centre of the site, and to the eastern and western sides of the southern field.
- 1.5 In terms of the surroundings to the site, there are three main areas, the first is formed by the residential properties lying to the east in Hillmead Gardens, Brooklands Road and Pennant Hills; secondly, the A3(M) to the west of the site and its associated landscaping, including banking and trees; and thirdly, the 'Scratchface Lane' footpath and Woodland beyond.
- 1.6 The residential road with the longest site boundary is Hillmead Gardens. These properties consist of semi-detached and terraced two storey houses. The terraced properties have a rear access drive to garages and parking. Brooklands Road contains mainly semi-detached bungalows, with several detached properties of single or two storey design. Finally, two properties in Pennant Hills would adjoin a

section of the eastern site boundary these are two storey detached houses.

- 1.7 To the west of the site is the A3(M) a Trunk Road. The road adjacent to the site consists of 3 lanes in each direction (these include slip lanes for nearby junctions to the north and south). The road varies in height in relation to the site, being set above the site at its northern end and below at its southern end. There is a significant bank between the road and the site where the road is set higher and the road lies in a cutting where it is lower. The bank and much of the cutting are extensively planted with trees.
- 1.8 To the north of the site runs the Scratchface Lane footpath. This becomes elevated in relation to the site as you travel west towards the pedestrian bridge over the A3(M). The route links Scratchface Lane/Hillmead Gardens with South Downs College and beyond. The footpath also follows the line of a Roman Road adjacent to the northern end of the application site. To the north of the footpath is an area of Ancient Woodland, known as Littlepark Wood, and designated as a Site of Importance for Nature Conservation (SINC), and subject to a Tree Preservation Order.

2 Planning History

2.1 Reserve Housing Site Allocation History:

The site was allocated as a Reserve Housing Site in the First Deposit Plan of the Havant Borough District Wide Local Plan (HBDWLP) 1996-2011.

As a result of objections received, and the Councils preference for other sites, the allocation was subsequently deleted from the Revised Deposit.

This led to an objection from the sites promoter.

The HBDWLP Inquiry Inspectors Report (April 2004) recommended that the plan be modified by reinstating the site as a Reserve Housing Allocation, with an estimated provision of 65No. dwellings.

The HBDWLP 1996-2011 Statement of Decisions and Reasons on Objections to the Proposed Modifications (August 2005) confirmed the modification to reinstate the site as a Reserve Housing Allocation.

2.2 APP/10/00497

Outline application for the erection of 92No. open market and affordable dwellings comprising 4No. 1 bed flats; 5No. 2 bed flats; 26No. 2 bed houses; 48No. 3 bed houses; 9No. 4 bed houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2No. dwellings; and new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road.

This application was refused planning permission by HBC on the 22nd June 2011 for the following reasons:

1 The development by reason of the proximity of dwellings, gardens and other outdoor spaces to the A3(M) would give rise to an unacceptable noise climate for future occupiers. This would fail to provide a high quality place where people would want to live, work and play. The proposal is therefore contrary to Policy CS16 of the Havant Borough Core Strategy and national Planning Policy PPS1.

2 Binding arrangements are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner:

- (i) A contribution of £341,974 be made towards Hampshire County Council Transport Contribution;
- (ii) The provision of a Residential Travel Plan;
- (iii) The completion of a Section 278 Agreement with Hampshire County Council to deliver junction requirements for the Brooklands Road site entrance;
- (iv) A contribution in relation to traffic management if required;
- (v) The management arrangements for new roads, including street cleaning and street lighting;
- (vi) A contribution of £123,843.50 be made for the improvement of sports pitch and court improvements;
- (vii) On site open space management and maintenance arrangements;
- (viii) Design and specification of SUDS system including future management arrangements;
- (ix) Reptile relocation area provision, management, maintenance and access arrangements;
- (x) A timetable for the implementation of the drainage scheme;
- (xi) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime;
- (xii) Securing public rights of way and gaining access within the site to the public open space and to cycle/pedestrian routes;
- (xiii) Provision of a cycleway/footpath to the southern and northern boundary of the site;
- (xiv) That 39% (36) dwellings are made available as affordable housing in accordance with Council policy;
- (xv) Affordable housing units to be integrated and compatible with the design of Open Market Housing Units;
- (xvi) Phasing of the affordable housing provision;
- (xvii) Design standards for the affordable housing;
- (xviii) Long term management arrangements for the affordable housing;
- (xix) Nomination arrangements for the affordable housing;
- (xx) Tenure mix for the affordable housing;
- (xxi) Management of the site and facilities arrangements including Management Entity set up to maintain and manage open spaces within the residential development, SUDS, and reptile location area.

The carrying out of the development in the absence of such provision would result in an unsatisfactory form of development having due regard to policies CS1, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM8, DM10, DM11 and DM12 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework, Planning Policy Statements 1, 3, 9 and 25 and Planning Policy Guidance 13 and 17.

Subsequently this decision was appealed and the appeal inspector dismissed the appeal following a three day Public Inquiry. In dismissing the appeal, however, he did not accept the Council's noise reason for refusal and dismissed the appeal for the single reason that the appellants submitted S106 agreement could not be relied upon to deliver what it promised. The Inspector's Appeal Decision Notice is attached at **Appendix B**. Further details in relation to this planning application and subsequent Public Inquiry are provided in part 7 of this report.

2.3

95/53209/004

Erection of hay store, tack room, stable (replacement of existing buildings) and formation of yard with planting using existing access from Portsdown Hill Road.

Permitted October 1995.

- 2.4 95/53209/003B (Split decision see also 95/53209/003A)
Retention of storage container as ancillary to the keeping of horses on the land.
Refused May 1995.
- 2.5 95/53209/003A
Use of land for the keeping of horses, and retention of associated storage shed and non-residential caravan (used as tackroom). Permitted May 1995
- 2.6 92/53209/002
Outline application for 2No. greenhouses, implement shed, store/shed & trade - sales building utilising access off Portsdown Hill Road, Bedhampton. Refused November 1992.
- 2.7 91/53209/001
Erection of 12No. 1 bed houses, 21No. 2 bed houses, 3No. 3 bed houses as starter/social units and demolition of 2No. bungalows with car parking and access roads. Refused April 1991.
Appeal Dismissed January 1992.

3 Proposal

- 3.1 The description of the application the subject of this report is as follows:

Outline application for the erection of 92No. open market and affordable dwellings comprising 4No. 1 bed flats; 5 No. 2 bed flats; 26 No. 2 bed houses; 48 No. 3 bed houses; 9No. 4 bed houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. (Revised Application).

The application is essentially the same as that previously submitted under application APP/10/00497 with some updates to the supporting information.

- 3.2 The application has been submitted as an outline application and the submitted form indicates that the Access, Layout and Scale of development are to be considered at this stage. The appearance (detailed design) and landscaping are not to be considered at this stage although some indicative information is provided in relation to both matters in the application submission.
- 3.3 Vehicular access to the site is proposed via Brooklands Road and this is the same access point proposed in the Reserved Site allocation in HBDWLP and in the previous planning application APP/10/00497. The construction of the access would result in the demolition of a pair of semi-detached bungalows (No's 34 and 36).
- 3.4 There would also be two other access points into the site, the first would be an emergency vehicular access from the end of Scratchface Lane. This would also include a pedestrian and cycle route into and across the development. This would link into the wider road and footpath network.
- 3.5 The second route would be a pedestrian and cycle link to Portsdown Hill Road at the southern end of the site. This would link to retail (B&Q) and leisure (Ten Pin Bowling) units and to Portsdown Hill. There would be a pavement link through the site from the three access points.
- 3.6 The roads internal to the site would enter the site from Brooklands Road with Unit 1 accessing this point of the road, and split close to Brooklands Stream. The southern part of the road would branch to the south and serve Units 2-19. There would be two

'shared surface' zones which would be cul-de-sacs. One of these would link to the pedestrian and cycle route to Portsdown Hill Road.

- 3.7 The northern part of the road would cross the stream via a bridge and would serve Units 20-92. The main section of road would form a dog-leg at its northern end to run parallel to the Scratchface Lane footpath. There would also be two shared surface 'home zones' linking into this route. The emergency access and pedestrian/cycle route to Scratchface Lane would also link into the internal road layout at this northern end of the site.
- 3.8 In terms of the layout, there are significant areas that would not be developed. The southern portion of the site is steeply sloping and would form a reptile reception site, whilst the central area adjacent to stream and large water retention basins to the north and south of the stream would not be built on. Finally, a wildlife corridor along the western boundary and a further smaller drainage feature along the northern boundary would be provided.
- 3.9 In terms of the dwellings to be provided, the units would predominately be two storey, 2, 3 and 4 bed houses, with some 1 and 2 bed flats. The houses would be mixed in form with detached, semi-detached and terraced properties. A total of 9No. flats are proposed; these would comprise a block of 6No. flats in the north-west corner of the site and 3No. other flats over garages. Affordable housing would also be provided in a mix of houses throughout the site. The housing density, mix and tenure are considered in detail in Section 7 of this report.
- 3.10 The planning application includes the following documents:

Design and Access Statement
Addendum to Statement of Community Involvement
Flood Risk Assessment and Drainage Statement
PPG24 Assessment Report (Noise)
Transport Assessment
Addendum Transport Assessment
Interim Travel Plan
Affordable Housing Statement
Extended Phase 1 Ecological Assessment
Phase 2 Ecology Report: Bat, Great Crested Newt and Reptiles
Biodiversity Checklist
Arboricultural Statement
Archaeological Desk Based Assessment

Many of these documents are as submitted with the original application with updates where necessary to reflect changed circumstance or legislation.

4 Policy Considerations

National Planning Policy
National Planning Policy Framework 2012

South East Plan
SP3 (Urban Focus and Urban Renaissance)
CC1 (Sustainable Development)
CC2 (Climate Change)
CC3 (Resource Use)
CC4 (Sustainable Design and Construction)
CC7 (Infrastructure and Implementation)
CC8 (Green Infrastructure)
H1 (Regional Housing Provision 2006-2026)

H2 (Managing the Delivery of the Regional Housing Provision)
 H3 (Affordable Housing)
 H4 (Type and Size of New Housing)
 H5 (Housing Design and Density)
 T1 (Manage and Invest)
 T2 (Mobility Management)
 T4 (Parking)
 T5 (Travel Plans and Advice)
 NRM1 (Sustainable Water Resources and Groundwater Quality)
 NRM2 (Water Quality)
 NRM4 (Sustainable Flood Risk Management)
 NRM5 (Conservation and Improvement of Biodiversity)
 NRM9 (Air Quality)
 NRM10 (Noise)
 NRM11 (Development Design for Energy Efficiency and Renewable Energy)
 M1 (Sustainable Construction)
 C4 (Landscape and Countryside Management)
 C6 (Countryside Access and Rights of Way Management)
 BE6 (Management of the Historic Environment)
 S6 (Community Infrastructure)
 SH5 (Scale and Location of Housing Development 2006-2026)
 SH6 (Affordable Housing)
 SH7 (Sub-Regional Transport Strategy)
 SH8 (Environmental Sustainability)

It should be noted that the Government intends to abolish the Regional Strategies (including the South East Plan).

Havant Borough Local Plan (Core Strategy) 2011

CS1 (Health and Wellbeing)
 CS7 (Community Support and Inclusion)
 CS8 (Community Safety)
 CS9 (Housing)
 CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
 CS13 (Green Infrastructure)
 CS14 (Efficient Use of Resources)
 CS15 (Flood and Coastal Erosion Risk)
 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)
 DM8 (Conservation, Protection and Enhancement of Existing Natural Features)
 DM11 (Planning for More Sustainable Travel)
 DM12 (Mitigating the Impacts of Travel)
 DM13 (Car and Cycle Parking on Residential Development)

Saved Policies from the Havant Borough Wide Local Plan

H4 (Reserved Housing Sites)
 H4.1 (Scratchface Lane, Bedhampton)
 R17 (Playing Space related to New Housing Development)

5 Statutory and Non Statutory Consultations (Summarised)

Internal Consultee:

Access

The proposal is in outline with detailed unit design considered at the Reserved Matters stage. The submitted layout indicates that parking is mainly on site and it is considered that the design can be compatible with Building Regulations requirements in relation to access.

Arboriculturalist

Further to the previous scheme – The scheme remains the same (in line with BS5837-2012) and I conclude there are no arboricultural objections to the proposed development.

Building Control

- The emergency vehicle access adjacent plot 76 is not strictly necessary under Requirement B5 of the Building Regulations, however even though the road is only approx 3.2m wide, as this is only for access and the emergency crew is unlikely to need to exit the vehicle or use the equipment whilst on this road, I would accept the road width as complying. A clearance height of 3.7m is also required and the trees adjacent the access road, some of which are shown for removal, may be an issue.
- The existing roads leading to the site being block or difficult to access for emergency vehicles is not an issue detailed in Approved Document B. The existing roads are normal sized domestic roads and access to the new site will be no worse than access to the existing dwellings.
- Fire Service access should be to within 45m of all points within all new dwellings, from the plan it appears that some plots will not achieve this requirement. This may be an issue to plots 1-6, 32-34 and 56-64, to determine this a more detailed examination of a larger scale site plan and plot layouts would be necessary. There are options to deal with this by either providing turning circles or by using compensatory features such as domestic sprinklers. This matter will need to be resolved once a Building Regulation application is made.

Environmental Health

Air Pollution

Although the site is close to a busy motorway, because of its open nature, the dispersion of pollutants emitted from traffic will result in concentrations well below the National Air Quality Strategy Objectives and air pollution is therefore not considered to be a material consideration.

Noise

I would ask that the following condition and note be imposed on any consent granted.

B32 Details of measures to control external noise

No development hereby permitted shall commence until a scheme for protecting the proposed dwellings from traffic noise from the A3(M) has been submitted to and approved in writing by the Local Planning Authority. Those dwellings shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.

N.B.

Maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided:

Daytime 38 dB LAeq, 16h

Night time 30 dB LAeq, 8h

Reason: To safeguard the amenities of occupiers of those dwellings.

Comment: In the light of representations received with regard to the noise

information submitted with the application further comments are expected from the Council's Environmental Health Department.

Housing

Affordable Housing Provision

I support the development on this site as it will provide much needed affordable housing in the Havant area. 39% of the site (36 units) of the site has been set aside for affordable housing. At this time it is not clear as to what tenure these units will be but a mixture of affordable rent and shared ownership would be expected providing an approximate 70/30 split.

Demand for all forms of affordable housing remains consistently high and this development will help to improve the supply of social housing. The new homes will provide much needed accommodation in a good location within accepted walking/cycling distance of a number of local facilities including, educational facilities, transport links and other amenities.

Mix

The council's policy is that on all development sites where more than 15 homes are being provided there must be an on-site provision of affordable homes between 30-40%; these proposals meet this requirement.

I can confirm that I am satisfied, at this outline stage, with the mix of unit sizes and their location within the site; the site layout plan shows the affordable homes integrated and mixed into the development. There is some clustering of the affordable housing but not in significant numbers and no doubt this makes sense for the RSL from a land transfer and management perspective.

The precise mix of tenures is yet to be discussed as are the detailed floorplans, elevations and unit sizes, however the Planning consultant has confirmed that the affordable units have been designed to achieve compliance with the Housing Quality Indicators (HQI's) and Lifetime Homes criteria.

Design

I am encouraged to see that the applicants have considered the 20 Building For Life criteria and agree in principle to their justification for each. Should this outline application be granted I look forward to further details being provided as part of the Reserved Matters. I would like to see some consideration in future for disabled adapted units where appropriate.

Summary

- **39% affordable units**
- **Clarification needed on tenure in the future**
- **Clarification needed on layout and size in the future**

Landscaping Team

Landscaping

Landscaping suggested to footpath to Scratchface Lane.

Landscape recommendations to front gardens and car park to flats (87-92).

Garden planting recommendations provided.

Trees to rear of units 20-50 will provide screening to existing houses.

Stream boundary needs consideration.

More tree planting required along access road.

Landscape proposals should be provided for the Reptile Translocation Site retaining natural native vegetation under minimal maintenance with buffer strip to the edge of the footpath maintained to a higher standard to prevent encroachment of scrub to keep the footpath route open in character for pedestrian safety.

Comment: Landscaping is subject to condition and will be addressed further at the reserved matters stage.

Planning Policy Team

The Principle of the Release of this Reserve Housing Site

The site is a reserve housing allocation in Saved Policy H4 of the HBDWLP. Policy H4 makes it clear that reserve sites should only come forward where there is a short fall of housing supply coming forward to meet need.

When planning policy provided comments on the original application in September 2010, the council did not have an adequate 5 year supply without the reserve sites coming forward. This allowed the reserve site to come forward through Policy H4. As a result Planning Policy raised no in principle objection to this planning application.

When the application subsequently went appeal in 2012, the council had reviewed its 5 year supply of housing in the 2011 Annual Monitoring Report (AMR) and found that there was an adequate supply of housing. As a result, under Policy H4, the reserve sites were therefore no longer needed to make up the shortfall. In light of this, Planning Policy provided the Inspector with this up-dated information for his consideration, as part of the appeal process. The Inspector considered the information, and this is noted in paragraphs 15 and 16 of the appeal decision.

The Council also drew the Inspector's attention to recent appeal decision in the Hampshire area on the role of reserve sites. The Inspector refers to this in his decision note and concludes that *'recent decisions by the Secretary of State establish that reserve housing sites form part of the identified housing land supply'*. Following this the Inspector supported the release of Scratchface Lane reserve site when he stated that *'development of this allocated site would comply with national and local housing policy objectives and, as an eminently available and achievable site, would help to ensure a continuous delivery of housing over the plan period'*. In light of this, Planning Policy have no in principle objection to release of Scratchface Lane as a reserve site to help to ensure a continuous delivery of housing.

In addition to this the Inspector concluded that *'subject to the improvements envisaged through the planning obligation, I consider that the development would be in a sustainable location. Government policy set out in Planning for Growth makes it clear that sustainable development should be supported to ensure a quick return to economic growth. Taking all these matters into account I consider that the proposal would meet a clear housing need, in accordance with established policy objectives'*. In light of this, Planning Policy have no in principle objection to release of Scratchface Lane, as a reserve site to help meet a clear housing need.

The Inspector's decision also notes that *'the site's allocation for housing is current Council policy and any review of that is a matter for the LDF process rather than through consideration of an individual appeal'*. Paragraph 216 of the National Planning Policy Framework states that *'from the day of publication, decision-takers may also give weight to: relevant policies in emerging Local Plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given'*. HBC are positively progressing its Local Plan (Allocations), which will allocate specific sites to meet the housing need of the Borough up to 2026. The application area, referred to as UE7 Scratchface Lane in the Strategic Housing Land Availability Assessment (SHLAA), has been identified as a potential housing site that is being considered for inclusion in the Local Plan (Allocations). UE7 was been identified as a potential site in the informal consultation on the Local Plan (Allocations) in May and June, which focused on housing sites. The consultation proposed three options for housing delivery A, B and C. Option B was the most supported option for delivery and this included UE7 Scrachface Lane.

It is highly likely that site will be identified as a preferred housing site in the Draft Local Plan (Allocations). This is scheduled for Regulation 18 public consultation from 9 November 2012 to 21 December 2012. A weight could be attached to the policies once the formal consultation has taken place, and the Council has had an opportunity to duly consider and response to the representations received. Planning Policy anticipate 2-3,000 people and organisations will respond to this consultation, and therefore it is likely to be at least March before all responses are processed and duly considered. The application for Scratchface Lane has been in the public and private arena since 2010, and has received support from the Inspector for its release. It is highly likely to be included in the Draft Local Plan (Allocations), as a preferred housing sites and therefore given the Inspectors clear view on housing supply and sustainability, Planning Policy have no in principle objection to the release of Scratchface Lane, as a reserve site as soon as possible. The release of this site will ensure that the Council can continue to meet the housing need of the Borough. The release of this site will also ensure that the Council can demonstrate that it has a healthy 5 year supply of housing in the 2012 AMR. A healthy supply of housing is needed in the Council's 2012 AMR, to prevent unallocated sites coming forward for development in advance of the adoptions of the Local Plan (Allocations).

Planning Policy must take into account the position set out in paragraph 15 and 16 of the Inspectors appeal decision, which acts as a material planning consideration. The Inspector is clear that development of this 'sustainable site' 'would help to ensure a continuous delivery of housing over the plan period'. The release of this reserve site is considered necessary to meet the housing needs of the Borough, and will help the Council to defend unallocated sites coming forward for development in advance of the adoption of the Local Plan (Allocations). Therefore, Planning Policy raise **no objection** to the principle of this current planning proposal.

Affordable housing:

The adopted Local Plan (Core Strategy) Policy CS9 requires 30-40% affordable housing provision. The supporting text to this policy also details the requirement for an appropriate mix between social rented and intermediate housing.

In conclusion, no policy objection to this planning proposal.

Public Space Development Manager

Confirms that he is happy that the proposals regarding open space are adequate. The publicly accessible open space is sufficient to be considered as informal open space and the inclusion of the SUDs features will not detract from this. Indeed, the more varied maintenance regime will enhance the diversity of green space in the area.

The site is not suitable for provision of equipped play space given its nature, the propensity of this type of open space to attract anti-social behaviour and its proximity to Scratchface Lane open space. Instead, a contribution will be required towards improvement of the equipped playground in the nearby Scratchface Lane open space.

A contribution towards the provision and improvement of formal sports pitches is also required. Both contributions to be in line with our contributions policy and to include a sum to be commuted for future maintenance. No commuted sum for maintenance is required in respect of the open space provided on-site as this is to be maintained by means of a management company, not by the Council.

Special Projects Engineer

The SUDs proposals for the site broadly follow the draft Guidance which is currently the recognised best practice for design of such systems, in conjunction with the 'SUDs Design Manual' C697.

The detail of the SUDs scheme itself will be the subject of iterative ongoing design once the outline stage has been passed, and this will be undertaken in conjunction with the relevant officers from the Borough and County Councils, the Environment Agency and the developer's consultants, to achieve a scheme meeting the requirements for future adoption by the County Council and satisfying the parties involved.

It should be noted that there is no duty in law at this present time for the County Council to adopt the SUDs scheme, and there is no guarantee that retrospective adoption will apply. However it is possible that this duty will apply by the time the SUDs scheme is implemented.

Waste Services Manager

No comments received.

External Consultee:

County Archaeologist

The site of proposed development has some archaeological interest as identified in the Archaeological Desk Based Assessment submitted with the application. It is likely that previously unidentified archaeological remains are present within the development site that would be disturbed by associated groundworks.

Although archaeology does not present an overriding concern in accordance with the NPPF the assessment and investigation of the archaeological significance of the site and the mitigation of impact of the development upon this should be secured through the attachment of a suitable conditions. Given the scale of the development I would advise that multiple or staged conditions be applied.

Comment: Three conditions are suggested by the County Archaeologist and these will be included in the list of suggested conditions.

Environment Agency

The Environment Agency has no objections to the proposed development as submitted. We have no further comments to make from those made in our letter dated 14 October 2010 (**Comment:** submitted in relation to previous application).

However, with the implementation of the National Planning Policy Framework (NPPF) in 2012, we have ensured our response is in line with new policy.

The Environment Agency requests conditions be attached to any planning permission granted, and that details in relation to these conditions (and on which the Environment Agency would wish to comment) be submitted to and approved by the Local Planning Authority (LPA). Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

- Surface Water Drainage Scheme for approval
- Details of bridge for approval
- Buffer zone to Bedhampton Brook

The Environment Agency has permissive powers under the Water Resources Act 1991 to carry out works on designated main rivers and associated structures, which include the Bedhampton Brook. The Environment Agency regularly clears the grill at the entrance to the Brooklands Road culvert to reduce the risk of flooding to properties downstream, and so it is essential that access is available at all times.

- Compensatory pond habitat

Ponds are an important BAP habitat, therefore steps need to be taken to preserve and create them. Even seasonal ponds provide important habitat for a selection of invertebrates and other wildlife adapted to using this type of habitat.

Informative requested in relation 8m buffer zone to Brockhampton Brook.

Advice to LPA/Applicant:

Foul Drainage

Liaison with Southern Water with regard to capacity within the sewerage system to accommodate the development is welcomed.

Advice is given in relation to liaison with Southern Water with regard to sewerage systems capacity.

Comment: Southern water in relation to the previous application confirmed that there is adequate capacity in the foul system and have confirmed in relation to the current application that their initial investigations have confirmed that Southern Water can provide foul sewage disposal to serve the proposed development.

Flood Risk

The EA welcome the intention to include SUDS within the development to manage surface water run-off and thereby reduce the risk of pollution to nearby watercourses.

Status of the water body considered and confirm that this development should not cause any deterioration of the quality of the water body and improvements to enhance the water body should be taken if appropriate.

The Flood Risk Assessment and Drainage Statement includes the use of pervious surfacing for car parking and the EA provides detailed comments on the protection of source protection zone 1 requirements in relation to surface water drainage.

The Flood Risk Assessment demonstrates that surface water runoff from the site can be managed sustainably. However, the drainage layout included within the FRA is indicative only, and does not include detailed calculations and designs for each element of the drainage scheme.

Properties downstream of the development have suffered flooding in the past as a result of blockages at the entrance to the culvert under Brooklands Road, and therefore it is essential that a condition is placed requiring a comprehensively-designed and properly maintained drainage scheme to ensure that additional runoff from the development is properly controlled.

The developer will be required to accommodate surface water runoff according to the following criteria:

- The surface water drainage system must be designed to control runoff and prevent flooding of property in up to a 1 in 100 year storm event, plus an allowance for an increase in storm intensity with climate change.
- The rate at which surface water is discharged from the site may vary with the severity of the storm event but should be no greater than the undeveloped rate of runoff for a given event;
- The drainage arrangement should also be such that the volumes of surface water leaving the site are no greater than that at pre-development. Long-term storage may be required to control any additional surface water volumes generated.
- Surface water discharges to watercourses must not exceed a velocity of 1 m/s.

Biodiversity

Given the timelines of the construction, it is likely that a number of protected species surveys will need to be revisited. The County Ecologist should be consulted on this matter. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the LPA.

Hampshire Biodiversity Information Centre

Site identified as being:

Within 2km:

SPA – Chichester and Langstone Harbours

SAC – Solent Maritime

RAMSAR - Chichester and Langstone Harbours

Within 100m:

SINC – Littlepark Wood (East)

Within 50m:

Protected/Notable Species – West European Hedgehog

Protected/Notable Species - Pipistrellus

Hampshire Constabulary

The proposed layout raises the following concerns:

Footpaths:

The development will provide a pedestrian link between Scratchface Lane, Brooklands Road and Portsdown Hill Road. These short cuts will increase the vulnerability of both Brooklands Road (currently a cul-de-sac) and the feeder roads and the development to crime. If these accesses are required steps should be taken to reduce the impact this connectivity on crime.

There are two cycle and pedestrian accesses into the site. These footpaths are not overlooked and will compromise the safety and security of the development.

The pedestrian/cycle access from Portsdown Hill Road into the development is not overlooked and gives access into a car parking area. To provide for the safety and security of those using the footpath this footpath should be: straight, well lit, wide and the foliage should be cut back to ensure that persons cannot lie in wait. The pathway gives access to a small parking area, to reduce the opportunities for crime this area needs to be well lit.

The pedestrian/cycle access from Scratchface Lane is between the rear gardens of plot numbers 76 and 77. As proposed the footpath is not overlooked and could be used to gain entry to two adjoining properties. Those using the footpath will be confined by the boundary treatments of the adjacent properties. To reduce the opportunities for crime I recommend that the adjacent properties be re-orientated to face this access way and that an appropriate level of lighting is installed.

Public Open space:

There appear to be two areas of public open space one to the front of plot numbers 14 to 18 and the other adjacent to plot number 28.

The space to the front of plots 14 to 18 is fairly well overlooked, however, it does look as though people might cut across the centre of the area, instead of following the footpaths around the outside. If this is the case I would suggest a path way diagonally across the area.

The space adjacent to plot number 28 is not well overlooked and offers the

opportunity to access the rear garden of plot 28 from the open space. There is great potential for anti-social behaviour on this piece of land therefore, I recommend that consideration is given to better natural surveillance of the area, that the area is fenced (perhaps four feet high hooped topped railings) two access points should be provided each fitted with gates. Boundary treatment to No.28 needs to be robust.

Lighting

To reduce the opportunities for crime the development should be lit to British Standard 5489. Parking courts should be well lit. Replacement light column should be installed to replace that removed at the Brooklands Road access.

Boundaries

To provide for the security of the proposed dwellings rear boundary treatments (especially of those properties abutting Scratchface Lane and the proposed wildlife corridor) should be of robust construction and at least six feet high.

The design and access statement contains the following statement:

The internal road layout and adequacy/suitability of on site parking

The developers have advised that the internal roads would not be offered for adoption by Hampshire County Council. The roads within the development would be designed to an adoptable standard but would remain private. Public rights of way will be required over the private roads to ensure that local people have access to the proposed links to the wider area (pedestrian and cycle) and informal public open space. This issue will be addressed within the Section 106 Agreement.

It is my understanding that there is not a requirement for vehicles to have a valid road tax or MOT on such roads and that the enforcement of speed limits can be more difficult. Therefore I would recommend that professional legal advice is sought to understand the implications of such an arrangements prior to agreement.

Hampshire Fire and Rescue Service

Original Comments:

Access to proposed site should be in accordance with the Hampshire Act 1983 Section 12. (Access to buildings within the site will be dealt with as part of the building regulation application at a later stage).

Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Additional water supplies for fire fighting may be necessary.

Timber Framed Buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

Further Comments:

Following concerns raised regarding access for fire fighting and the availability of Scratchface Lane for access to the site, scaled plans requested to enable a detailed appraisal of the application and confirmation that the access arrangements meet the requirements of the Fire Authority, as detailed Approved Document B5 of the current Building Regulations. The ownership of any roads or access points should be clearly established to evidence that access can be guaranteed at all times.

HCC Highways

The application is a revised application to that submitted under APP/10/00497, which was refused permission due to the effect of noise from the A3(M) on future occupiers of the proposed development and also the failure to secure the associated planning obligations within a section 106 agreement.

The applicant subsequently appealed the decision to refuse permission and the appeal was dismissed in which the inspector accepted the previous highway

recommendation for approval, as stated below;

34. *Access to the site would be from Brooklands Road, as envisaged in the LP Inspectors report. I recognise that the impact of the development on the local road network is a matter of considerable concern to local residents. However, the highway authority has carried out detailed investigations and concludes that road widths and alignments are adequate and there is sufficient capacity within the local road network to accommodate additional traffic from the development. Similarly, while there would be an increase in traffic using junctions in the wider network, the highway authority considers that there is sufficient capacity to absorb it. A highways objection to the proposal is not therefore justified.*

In addition to this the inspector considered the required contribution of £341,974 towards transport improvements including pedestrian and cycle routes, junction alterations and bus stop upgrades, the inspector concluded with the following;

- 31 *I consider that the provisions of the planning obligation would be necessary to make the development acceptable in planning terms. They would meet the tests of CIL Regulation 122 and the policy objectives of Circular 5/2005 and would overcome the impact on local infrastructure that the development would otherwise have in those respects.*

The current application does not propose any amendments to the proposed highway access and therefore the comments provided previously in relation to application APP/10/00497 remain valid.

Recommendation

The County Council raises no objection to the scheme proposals in principle subject to the applicant entering in to a section 106 agreement to secure the above contribution and the following conditions which will require a subsequent Section 278 agreement;

- No development hereby permitted shall commence until such time as full details of the access arrangements for Brooklands Road as shown 'in principle' on drawing 3356.006 Rev B have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the commencement of development.

Reason: *In the interests of highway safety*

- A Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in writing before development commences. This shall, at least, include lorry routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before the development is commenced and retained during the construction period.

Reason: *In the interests of highway safety*

HCC Ecologist

The County ecologist confirms that he has visited the site with the applicants ecologist.

Reptiles

The applicant has clarified that the detention basins themselves would not be receptor sites in the sense that any reptiles moved from the development site would

be released in these locations. Rather, all the reptiles will be released in the identified area to the south of the site, which is a suitable site. It is acknowledged that this area is not sufficient to support a high a population as is anticipated to be present in the long term – however, the retention, enhancement and management of the western habitat strip, linked to the detention basins, would ensure that upon completion of the development, there would be sufficient habitat area to sustain the population.

The nature of the detention basins and surrounding open areas are considered suitable habitat for reptiles subject to suitable management.

There were concerns over the potential dual use of these areas as reptile areas and public open space, but as I understand it, your open spaces officer is satisfied that the measurements provided by the applicant are acceptable and that the site can accommodate the necessary biodiversity elements of the scheme without compromising the ability of the site to also provide sufficient informal public open space.

There were concerns over the 'wildlife corridor' however the ecologist while on site demonstrated the width of the corridor and I am satisfied that the habitat, with appropriate establishment and management, can be appropriate for reptiles. Any fencing around the pumping station can be designed to give small gaps along the base to allow passage of small mammals and reptiles.

In general, the reptile mitigation measures set out in the applicant's ecology report are sound, although some small amendments are necessary as a result of these recent discussions. I am however satisfied that the principle of the strategy is acceptable, and that the detail of the outstanding modifications can be provided under a planning condition.

Mitigation

The ecologists have also recommended a range of other measures to avoid impacts to, and enhance, biodiversity, particularly with respect to bats. In particular, given the level of bat activity identified, and the presence of a bat roost in an oak tree near the central stream, it is important to ensure that any street lighting or other external light sources do not impact on features used by roosting or foraging bats. This should also be secured.

Suggested conditions would be (summarised):

- Prior to commencement, an updated reptile mitigation strategy shall be submitted for written approval to the local planning authority.
- Prior to commencement, plans showing the layout and specification of street lighting and how impacts from new external lighting will avoid illuminating the identified bat roost and key foraging / commuting routes shall be submitted for written approval to the local planning authority.
- Bat roosting features shall be provided in the development.

HCC Education

Confirm that no education contribution will be sought for this development.

HCC Rights of Way

No objections or comments to offer.

Highways Agency

No objection

Natural England

Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar Solent Maritime Special Area of Conservation (SAC)

The application site is within approximately 1km of Chichester and Langstone Harbours SPA/Ramsar, we would therefore advise that work is on-going with regard to the Solent Disturbance and Mitigation Project, and that there is the potential that the outcomes of this work could be relevant to the proposal site in the future.

Natura 2000 site – No objection

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Chichester and Langstone Harbours SPA/Ramsar or Solent Maritime SAC have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

Chichester Harbour AONB

Full regard should be paid to the Chichester Harbour AONB Management Plan 2009-2014.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.

Southern Electric

No comments received

Southern Water

Sewer records showing the approximate position of a public foul sewer crossing the site provided. No development or new tree planting should be located within 3m either side of the centreline of the public sewer and existing infrastructure should be protected during construction works.

Our initial investigations indicate that Southern Water can provide foul and surface water 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.

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: 430

Number of site notices: 10

Statutory advert: Yes

Number of representations received:

- 6.1 97 letters of objection (with 88 signatories) have been received from 69 different addresses, raising the following concerns:

Drainage

- Foul drainage – sewerage appears in gardens during heavy rainfall
- Concern over Southern Water discharge of sewerage into Langstone Harbour
- Health risks from rats and sewerage
- Sewage reports questioned
- Who would be responsible for post development foul flooding issues
- Wet boggy land unsuitable for housing including spring and pond on site
- Not sensible to build where rainfall replenishes the aquifers
- Development should aim to improve existing drainage
- Central public area contains two storm water detention basins with water/mud for half the year
- Sewage pumping option should be abandoned in favour of a connection to the existing Brooklands Road system with the cost of necessary upgrade shared between Southern Water and the Developer.
- Concern over pumping station including maintenance
- Potential foul sewage pollution to Brookside stream if pumping station fails
- SUDS system not fit for purpose
- Development does not take account of changing weather patterns
- Surface water flooding to Brooklands Road, Brookside Road, Maylands Road, Scratchface Lane and Penhurst Road
- Flood risk to adjoining properties

Highways

- Roads quite congested now
- Inadequate road infrastructure including
- Parking and road safety issues Brooklands Road to Maylands Road
- Safety issues re mini, dangerous, awkward, accident prone Maylands roundabout
- Concerns regarding adequacy, safety and ease of use of Maylands Roundabout currently and following increased traffic as a result of the development
- Roundabouts at Asda and Farlington are very busy and dangerous
- Unsupportable level of traffic
- Access to Scratchface Lane preferable
- Single access inadequate
- Impact of construction traffic on Brooklands Road
- Poor site accessibility from public transport. Nearest bus stop 10 minute walk, railway station even further
- Parking in surrounding areas will become difficult as insufficient places in plan
- Concern that cars will park in Hillmead, Scratchface and Hazelwood and access the site by foot via Scratchface Lane pedestrian access.
- Internal site roads width questioned
- Roads too small for the amount of traffic
- Concerns over fire engine or ambulance access to existing residential roads
- Concern over bin collection times and road obstruction
- Existing problems with roads being “blocked” by delivery vehicles
- Lack of visitor parking
- Concern re quality of unadopted roads
- The Brooklands Road between Penhurst Road and new junction will become a ‘through road’ rather than turning into a cul de sac resulting in loss of privacy.
- Penhurst Road not suitable for any traffic growth
- Access to Portsdown Hill Road safety concerns for pedestrians and cyclists

- Concern regarding construction traffic noise, smell and fumes and potential damage to roads from construction traffic Concern over construction traffic routing
- Concern over mud on road
- Traffic dust on existing properties
- Concern regarding parking and traffic on Scratchface Lane and Penhurst Road
- Increased traffic a potential risk to children going to the park in Scratchface Lane and crossing Maylands Road
- Are traffic flow improvements to be made?
- Concern that access to Scratchface Lane and Littlepark Avenue will be used as a rat run
- Vans parking in Brooklands Road
- Highway safety on narrow roads and A3M
- Access radii questioned for Southern Water service vehicles

Noise

- Noise impact from A3M on new residents including families which is likely to increase following opening of Hindhead Tunnel
- Very poor quality of life for new residents who would not be able to open windows
- No way to reduce noise levels to and acceptable level
- Concern regarding future residents health
- Concern regarding noise affecting existing properties
- Traffic noise levels increased since last application
- Noise survey not still valid with increased traffic
- Noise consultants still haven't published predicted sound levels across the built development which will be very different to the open field contours.
- Concern over adequacy of previous noise surveys
- Noise from pumping station
- Prevailing winds increase noise
- Conflict with UK Environment Protection Website information on noise and health.
- Highways Agency has area marked as noise problem for existing residents but no plans to improve the situation.
- Noise causes stress and mental health problems
- Ownership of Bund unknown
- Would need a 5m deflector/barrier along the bund to buffer the noise. Will the owners of the bund or developer pay for the deflector
- Bund to A3m does not provide adequate barrier

Pollution

- Impact of vehicle fumes on children playing in gardens
- Harmful vehicle emissions from increased traffic
- The Environmental Health Officer states air pollution well below air quality guidelines but offers no supporting evidence. Has account been made of HGV movements during the Construction phase?
- Has site been tested for air quality?
- Site should act as a filter/buffer for pollution

Impact on Neighbouring Residents

- Overlooking of bungalows in Brooklands Road and Hillmead Gardens.
- Excessive traffic noise and car fumes from development.
- Conflict with policy CS14 (High Quality Design).
- If approved all proposed dwellings adjacent to Brooklands Road and Hillmead gardens must not have windows facing existing properties.
- Concerns regarding impact of affordable housing on existing residents.
- Impact on light available to existing properties.

- Noise and light disturbance from vehicles using new access .
 - Impact on health of occupiers of existing properties.
- Impact on outlook of existing properties.

Crime and Disorder

- Character of development would contribute to anti-social behaviour.
- Community safety compromised by streets dominated by vehicular traffic
- Police concerns.
- Contrary to policy CS16 (Development Management)
- Crime and anti-social behaviour more likely on pedestrian routes away from traffic carrying ones. Two such 'pedestrian only' routes proposed
- Footpaths make the area too permeable. Hampshire Police are against footpath/cycleway to Portsdown Hill Road. This gives access to Bowling Centre which closes at 1am increasing likelihood of anti-social behaviour in immediate area.
- Undeveloped area behind Brooklands Road would become BMX track to annoyance of residents and encourage anti-social behaviour.
- Security and safety of existing residents and their property should be important considerations.

Human Rights

- Human Rights Act 1988, implements the European Convention on Human Rights. Article 8 provides that everyone has the right to respect for his private and family life, his home and his correspondence. Would argue that any infringement on our present peaceful home and day-to-day life made by this development going ahead would impinge upon our Human Rights.

Wildlife

- Land used by wildlife with frequent sightings of deer, foxes and occasionally badgers. There is a dewpond in spring with newts and frogs.
 - Range of wildlife spotted Green Woodpecker, Tawney Owl, Long Tailed Tits, Jay, Grey Heron, Linnet, Blackcap, Coal tit, Dunnock, Snipe, Little Egret, Buzzards, Redwing and Fieldfare and at least one species of bat – risk of loss of habitat to many of the species listed.
 - Concern over future development of wildlife area
 - Impact on bats
 - Impact on slow-worms, pipistrelle bats and common lizards
- Drainage impacts on Langstone Harbour Flora and Fauna

Policy Issues

- Other more suitable sites in the area
- Designated as a reserve site for maximum of 65 dwellings and should only be developed when all other sites (brownfield in particular) are developed.
- Increase in dwelling numbers since allocation as a reserved site.
- Contrary to Local Plan (Core Strategy) policy
- Originally designated as Countryside and Strategic Gap
- Plans in place for hundreds of new dwellings in Waterlooville and Hayling Island. Another 92 would not significantly add anything to these.
- Sustainability appraisal from March 2008 describes site as "Fairly isolated to non-car users" yet site is being developed ahead of more suitable ones.
- Government in favour of local planning decisions being made by local people. There is considerable opposition.
- High density housing and flats out of character with area
- Density calculation questioned
- Sets a precedent

Other Matters

- History of refusals of planning applications – and should be refused again
- Council leaving themselves open to legal action from new residents if their health or quality of life suffers.
- No local amenities to serve site
- No local stores, just Belmont newsagent a fair walk from site
- Families would need to drive to nearest Hypermarket or town centre
- Would need to drive to nearest schools, nurseries, churches, doctors and other medical services.
- Better for residents if land turned over to allotments or solar panel farm
- Cannot assess if S106 issues resolved.
- Need to ensure no future liability for site maintenance for HBC or future residents.
- Central area veteran oaks could present H&S issues
- No on site play areas and children will use southern area designated as a nature conservation area.
- Concern over tree/hedge loss
- Loss of open space
- Concern over urban sprawl
- Land should be planted with trees/shrubs and used as open space
- Scratchface Lane playground too far away
- Wrong location for social housing (away from facilities)
- Property values and compensation (Comment – No a planning issue)
- Re-siting of lamppost at access point
- Ownership issues at access point

7 Planning Considerations

7.1 The development plan identifies the main considerations in relation to the proposal as:

- (i) Principle of development;
- (ii) Nature of the development;
- (iii) Impact on the Character and Appearance of the area;
- (iv) Residential amenity;
- (v) Access and Highway Implications;
- (vi) Flooding and Drainage;
- (vii) Noise Issues;
- (viii) The effect of development on Ecology;
- (ix) Impact on Trees;
- (x) Other Environmental Effects;
- (xi) Crime prevention;
- (xii) Sustainability;
- (xiii) Archaeology;
- (xiv) Contribution Arrangements/S106

(i) Principle of Development

7.2 Scratchface Lane was identified as a reserved housing site (Policy H4) as part of the HBDWLP 1996-2011 which forms part of the Havant Borough Local Development Framework (HBLDF) 2011. The purpose of a reserve housing site is that it could be released for development in the event that housing supply was failing to meet targets. This policy is a saved policy of the HBDWLP, which forms part of the HBLDF.

7.3 When the previous application APP/10/00497 was considered by members in 2011, the Council did not have an adequate 5 year supply without the reserved sites coming forward. This allowed the reserve site to come forward under the Saved

Policy H4 of the HBDWLP 2005.

7.4 When the application was considered at the Public Inquiry in February 2012, the Council had reviewed and updated its 5 year supply of housing and found that there was an adequate supply of housing, without the reserve sites coming forward. The 2011 Annual Monitoring Report (AMR) published the housing supply position.

7.5 The Appeal Inspector was provided with this up-date as part of the appeal process for consideration, together with information on appeal decisions in other Hampshire Authorities, which supported the release of reserve sites regardless of the 5 year supply. The Inspector had the opportunity to consider the Council's position with regard to housing supply and commented:

The site is allocated in the Havant Borough Local Plan (LP) as a reserve housing site. At the time the Council considered the application it could not demonstrate a 5 year housing supply, as required by PPS3. Although the Council refused the application, in the balance this clearly weighed in favour of the proposal. I note that, following the grant of planning permission for a large local housing site, a 5 year supply does now exist. Nonetheless, recent decisions by the Secretary of State establish that reserve housing sites form part of the identified housing land supply. Development of this allocated site would comply with national and local housing policy objectives and, as an eminently available and achievable site, would help to ensure a continuous delivery of housing over the plan period. The Council makes no objection to development in principle. Local residents, and some councillors, argue that the site is not suitable for residential development. However, the site's allocation for housing is current Council policy and any review of that is a matter for the LDF process rather than through consideration of an individual appeal.

7.6 The Planning Policy comments in section 2 provide a very detailed analysis of the policy position, including the emerging Local Plan (Allocations) document.

7.7 With the planning history in mind and the recent appeal decision which is a significant material planning consideration there is no objection to the principle of the current planning application. The development of this site is still considered necessary in order to meet the indicative requirement for new housing in the Havant and Bedhampton area.

(ii) Nature of Development

7.8 In assessing whether the nature of the development would be acceptable the following factors have been considered:

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

The density of residential development

7.9 The application seeks 92No. dwellings which equates to approximately 25 dwellings per hectare. It should be noted that if the reptile reception area, open space and SUDS features are excluded the density is approximately 32 dwellings/hectare. Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

- 7.10 The supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

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

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

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

Paragraph 6.23 makes it clear that *'It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents. This is therefore best assessed through individual planning proposals through the development management process'*.

- 7.11 The NPPF states that *'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'*. The proposed density of 25 dph is considered to be an appropriate density, which would be well-related to the density and form of neighbouring housing estates to the east of the site. Hillmead Gardens has a density of approximately 33 dph and Brooklands Road approximately 23 dph. The proposed density for the site is in accordance with Core Strategy policy CS9.

- 7.12 In relation to density the Appeal Inspector stated: *'the proposed development would be consistent with the form and density of the adjoining area'*.

The Mix of Dwelling Sizes and Tenures

- 7.13 With regard to the type and size of proposed accommodation and its potential to create a mixed and integrated community, regard is to be had to Core Strategy policy CS9 which states that development should *'Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities'*. Paragraph 6.24 states that a mix of dwelling types is sought from one and two bedroom flats to terraces and larger detached houses.

- 7.14 In this case the following mix of dwelling types is proposed:

Flats:

4No. 1 Bed Flats

5No. 2 Bed Flats

Houses:

26No. 2 Bed Houses

48No. 3 Bed Houses

9No. 4 Bed Houses

The dwellings are proposed as 3No. single flats and a block of 6No. flats, terraced, semi-detached and detached houses. This is considered to meet the requirement to provide a good range of dwelling types in the development.

- 7.15 The development would provide approximately 39% of the total number of dwellings

proposed as affordable housing units. This equates to a total of 36No. dwellings. Core Strategy policy CS9 requires that housing developments will 'Deliver on average 30-40% affordable housing on sites of 15No. dwellings (gross) or more...' The units are spread throughout the site and provide a mix of types (11No. 2 bed, 25No. 3 bed houses). The Council's Housing Officer has raised no objection to the proposal subject to the affordable housing being subject to a Section 106 Agreement. The Appeal Inspector also commented in relation to the affordable housing that: '*A high proportion – 39% - would be affordable homes, going some way towards meeting the pressing need for 2 and 3 bedroom affordable housing accommodation*'. The location of the Affordable Housing is shown at **Appendix C**.

The Design and Layout of the Development

- 7.16 The layout of the development needs to be considered at this stage as it is one of the matters indicated for consideration at the outline stage. The site layout plan (**Appendix D**) demonstrates how the 92No. dwellings would be provided on the site.
- 7.17 The vehicular access into the site would be provided from Brooklands Road (which is as agreed in the Inspectors agreement to the sites inclusion as a Reserved Site in the HBDWLP). This requires the demolition of 2No. bungalows which front Brooklands Road. The site widens from the access point, and to the north of the access point would be a detached house which could be designed to address both the Brooklands Road frontage and the access road. A footpath would be provided to either side of the access. With the exception of the single house, the entrance to the site would present a green frontage, with open space and a green sustainable urban drainage (SUD) basin to the southern side of the road, and the central stream with mature trees subject to a Tree Preservation Order (TPO).
- 7.18 The northern access road would run from the centre of the site parallel to Hillmead Gardens. The road turns west at its northern end terminating at the flats (units 87-92). To the eastern side of the road would be terraced, semi-detached and detached units. An indicative streetscene has been provided and this is shown at **Appendix E**. To the western side would be a large green retention basin and landscaped area. There would be semi-detached and detached properties fronting the road to the north of the basin. In addition, there are two spurs of the main road to the west side with shared surfaces serving semi-detached and terraced houses. At the north-east corner of the site would be a pedestrian and cycle route linking into Scratchface Lane. This would also provide an emergency site access.
- 7.19 The area to the south of the stream includes 18No. residential units which comprise detached, semi-detached, terraced houses and a flat over a garage. The northern units would overlook a green SUDS feature and include parking accessed from the rear. The other properties are accessed via cul-de-sacs which include areas of shared surface. The properties would be sited on land which rises to the south. An area designated as a reptile reception area would be provided on the southern part of the site on land which rises steeply to Portsdown Hill Road. This is the most prominent part of the site and it is considered important in landscape terms that this area remains undeveloped in order to retain the openness of this area.
- 7.20 It is considered that the layout provides a form of development that is compatible with the built form of development in the surrounding area. The scheme contributes features which are considered to complement the existing character of the area. The north/south road reflects the linear form of Hillmead Gardens and the use of cul-de-sacs is also reflective of the pattern of nearby development. The development has been designed to provide 'active' street frontages and where possible areas of open space are also overlooked. The design of the dwellings would be subject to consideration at the reserved matters stage however, an illustrative street scene has been provided to demonstrate how the buildings could be designed. The reserved

matters stage would provide opportunity to ensure a good quality of design. Overall it is considered that the development would also respond positively to the constraints of the site for example its elongated shape, stream, drainage and protected trees. The Appeal Inspector in commenting on the effect on the character of the area etc commented: *'Thus the layout would be compatible with the surrounding area in terms of density and access, important mature trees would be retained and managed, new trees would be planted, reptiles would be relocated on-site and bat habitat would be protected. All these factors lead me to the view that, with regard to housing density, access, trees and local wildlife the proposed development would have no harmful effect on the character and appearance of the area'*.

Public Open Space

- 7.21 Saved policy R17 of the HBDWLP relates to playing space related to new housing development which requires that housing developments of more than 5No. dwellings make provision for children's play space and playing fields. Playing space can either form part of the development or be provided at an alternative location which the Borough Council considers acceptable.
- 7.22 The Council expects the payment of contributions where it would be inappropriate to justify provision as part of the development. Contributions may also be negotiated to improve the capacity of existing playing space to meet the requirements of the occupiers of the new housing.
- 7.23 The development proposes two areas of open space in the central area of the site. Although they are primarily designed as surface water attenuation features, these areas, if suitably set out, would also serve as informal recreation and play space. The Open Space Development Officer has previously confirmed that such spaces commonly serve a dual purpose, and that the area is sufficient to meet the requirements for this type of open space.
- 7.24 The site is not suitable for the provision of equipped play space given its nature, the propensity of this type of open space to attract anti-social behaviour and its proximity to Scratchface Lane open space. A contribution will therefore be required towards improvement of the equipped playground in the nearby Scratchface Lane open space.
- 7.25 In terms of provision for sports pitches, the development is too small and unsuitable for the provision of sports pitches or courts that would accommodate ball games. Such facilities already exist nearby in Scratchface Lane open space and Bidbury Mead recreation ground. The Council would not therefore seek provision of such facilities on site, but would require a contribution towards improvement of facilities in line with policy on developer contributions. The total level of the contributions to be secured via the S106 Agreement would be £123,843.50.
- 7.26 In addition, an area to the south of the site is proposed as a reptile relocation area. The agent has indicated that public access could be provided to this land. The extent of any public access to the land would need to be subject to detailed further consideration to ensure that ecological interests are adequately addressed and that the potential crime and disorder issues are adequately addressed. Conditions are therefore proposed to address these matters.
- 7.27 Crayfern Homes have confirmed that a management company would be established to maintain the Sustainable Urban Drainage System (SUDS), informal open space and reptile reception area. Notwithstanding this the provision and future maintenance of these areas would be subject to the S106 agreement. As the SUDS may be required to be transferred in the future, a bond in relation to management and maintenance costs would also be required as part of the S106 agreement.

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

- 7.28 Whilst the site at present has a rural character, with a large field grazed by horses to the northern side of stream that crosses the site and rough pasture to the south side of the stream, it is also affected by the urban influences of nearby housing development to the east and the A3(M) to the west. It is also reasonably well contained from public views which are limited to views from the elevated Portsdown Hill Road and the footpath along Scratchface Lane. There are also limited views of the site between houses and bungalows in Hillmead Gardens and Brooklands Road. It is of course recognised that there are views into the site from the properties to the east. The public views into the site are further limited by the existing established bank and planting to the west of the site and trees along the northern boundary together with other boundary trees.
- 7.29 The site is undulating with the southern part elevated and steeply sloping. During the consideration of the site as a Reserved Site, the Inspector considered that the southern part of the site should remain undeveloped due to its prominence in the wider landscape. The development would retain the southern part of the site as an undeveloped area which would act as a reptile reception area. The most southerly dwelling would be set approximately 134m north of Portsdown Hill Road. It is considered that the layout of the development helps to retain the open aspect of the prominent southern part of the site.
- 7.30 The development would also retain the central stream corridor with its important mature trees. It would also seek to retain northern and western boundary trees. The landscaping of the site is again indicative at this stage and would be subject to a reserved matters application and a planning condition.
- 7.31 Having regard to the contained nature of the site, the retention and incorporation of natural features into the layout and the retention of prominent landscape features, it is considered that the proposed development would not significantly affect the visual amenity or character and appearance of the wider area, subject to retention of boundary vegetation and new planting at the reserved matters stage.
- 7.32 The Appeal Inspector commented on the impact of the development on the surrounding area stating: *'I consider that there would be sufficient additional landscaping, and retained trees, to harmonise the scheme with its surroundings so that the layout would accommodate the 92 dwellings without compromising the quality of the local environment'*.

(iv) Residential Amenity

- 7.33 With regard to existing residential amenity, the main impacts are considered to relate to the following areas:
- Whether the proposed houses would have an overbearing impact on existing properties in terms of mass/bulk and proximity to existing residential properties,
 - Would the development be likely to lead to unacceptable overlooking?
 - The likely impact from noise and disturbance from the use of gardens and open areas of the site,
 - Traffic noise and disturbance from the cars entering/leaving the site and manoeuvring within it.

These potential impacts will be addressed below.

- 7.34 The site is bounded by properties in Pennant Hills, Brooklands Road and Hillmead

Gardens. Properties in Brooklands Road and Hillmead Gardens would back onto the residential part of the development site. The properties adjacent to the site boundary in Brooklands Road are bungalows with rear gardens with a depth of approximately 15m. Proposed Units 2-6 and 18 are set well off the common boundary. The closest proposed Units are No's 7 and 19. These properties would be likely to be two storey. The distance between the existing and proposed properties would be approximately 19m. It is considered that this relationship would be acceptable subject to suitable boundary treatment and design of the proposed units. Proposed Unit 1 has been carefully positioned to reduce the impact on the properties either side in Brooklands Road and it is considered that, subject to detailed design, would be acceptable.

- 7.35 The properties in Hillmead Gardens are two-storey houses with substantial rear gardens. The dwellings proposed to their western side would back onto the existing properties and be set a minimum of 24m off their rear walls. This distance would result in an acceptable relationship between dwellings subject to suitable boundary treatment and landscaping.
- 7.36 In relation to concerns about overlooking, at this outline stage the proposed fenestration of the dwellings is not known. This would be considered at the reserved matters stage. However, given the separation distances proposed between dwellings it is considered that the detailed designs could appropriately address overlooking issues to result in an acceptable relationship between dwellings. It is also recommended that conditions in relation to proposed Units 7 and 19 are imposed at this stage to ensure that the detailed design avoids overlooking windows.
- 7.37 With regard to noise from the use of gardens and open space within the site, it is considered that the development generally provides adequate garden amenity space around properties. This would reduce the risk of likely disturbance to neighbouring residents, although it has to be recognised that the residential development would increase activity close to the rear boundaries of adjacent properties. It is considered that a minor change to the siting of Units 7 and 8 would provide a more useable garden area to Unit 7, and a condition is recommended to ensure that this is achieved. This would also increase slightly the separation distance between Unit 7 and No's 48 and 50 Brooklands Road.
- 7.38 With regard to the open areas of the site, these are mainly set off the boundary with existing residential properties with the exception of the Reptile relocation area and the area close to the central stream. The management and public use of the Reptile Relocation area would be subject to planning conditions and the S106 Agreement. Whilst it is hoped to allow public access, this will need to be subject to detailed consideration in order to reduce the risk of unsociable behaviour and protection of wildlife. It would also be necessary to ensure that suitable boundary treatment is provided. Subject to suitable conditions and the S106 Agreement it is considered that the use of this land should not have a harmful impact on neighbours residential amenities.
- 7.39 The open space close to the stream and adjacent to neighbouring properties is considered important in terms of the visual amenity of the development but is not likely to attract significant informal use. Subject to suitable boundary treatment and landscaping, any impact on neighbouring residents from the informal use of this area is likely to be limited and acceptable.
- 7.40 Finally in relation to traffic noise, it is considered that the most significant impact would be on the 2No. bungalows in Brooklands Road flanking the access road (No's 32 and 38). It is recognised that the use of the access road by the traffic entering and leaving the site would have an impact on the residents of these properties and it is therefore important to ensure that adequate boundary treatment is provided to minimise this. It should be noted that the access to the development shown in the

HBDWLP was anticipated to be in the location currently proposed and therefore the direct impact of the access road on the immediate neighbours is consistent with that inherent in the HBDWLP allocation. As such it is considered that the proposals impact on the amenity of the adjacent properties would be acceptable subject to conditions requiring suitable boundary treatment. It is appreciated that the wider access to the site utilises the wider residential street network and that there would be increased vehicular movements on surrounding roads. In this regard Hampshire County Council (Highways) have confirmed that there is sufficient road capacity to accommodate this increase, and consequently it is not considered that these increased movements associated with the new dwellings would themselves have a sufficient impact on residential amenities to warrant a refusal of planning permission.

(v) Access and Highway Implications

7.41 The proposal raises a number of issues in relation to highway matters and these are considered to be:

- The internal road layout and adequacy/suitability of on site parking,
- Pedestrian/cycle links from the site to the wider area,
- The design of the access at the entrance to the site and its suitability in terms of highway safety,
- The adequacy of the local residential road network to serve the site,
- The impact on the wider road network, in particular in terms of the impact on the wider road network, in particular in terms of the Maylands Road/Portsdown Hill/Bedhampton Hill and Bedhampton Road (the Belmont Junction) roundabout and the junction of Scratchface Lane and Hulbert Road and the junction of Scratchface Lane and Hulbert Road,
- The impact on the wider strategic highway network,
- Consideration of the submitted travel plan and Hampshire County Councils Transport Contributions.
- Construction Traffic

The internal road layout and adequacy/suitability of on site parking

7.42 The developers have advised that with the exception of the first section of access road from Brooklands Road, the internal roads would not be offered for adoption by Hampshire County Council. The roads within the development would be designed to an adoptable standard but would remain private. Public rights of way will be required over the private roads to ensure that local people have access to the proposed links to the wider area (pedestrian and cycle) and informal public open space. This issue will be addressed within the Section 106 Agreement.

7.43 Internal road layout has been subject to detailed consideration, and the design has been critically assessed in terms of urban design requirements. The layout has a single point of vehicular access to the existing highway network, and the road narrows to provide for lower traffic speeds within the development. As stated above the road divides to a north and south route leading to cul-de-sac spurs which themselves incorporate shared surfaces and changes to re-enforce the residential character of the area, and encourage low traffic speeds. The main north spine road has more of the character of a street reflecting the alignment of Hillmead Gardens. The layout of the on-site roads are considered acceptable in highway terms and

should also lead to an attractive internal character for the development.

- 7.44 In relation to car and cycle parking, the development would provide parking in accordance with the adopted Havant Borough Residential Parking and Cycle Provision Supplementary Planning Document.
- 7.45 Planning conditions are recommended in relation to securing parking at the appropriate level, and subject to this, the development is considered to appropriately address these requirements. As such it is not anticipated that the development would lead to any significant change in the demand for parking on nearby residential roads.

Pedestrian/Cycle links from the site to the wider area

- 7.46 The development proposes the creation of 2No. additional cycle/pedestrian routes into the site. The first would link the site to Portsdown Hill Road to the south and the second to the north, would link into the end of Scratchface Lane and the existing public footpath which crosses the A3(M). The second access would also serve as an emergency access route. These routes are considered to be very important in terms of increasing the permeability of the site and providing links to the wider area. They would serve not only the residents of the development, but also the wider community.
- 7.47 In terms of the uses of the two routes, the southern link would provide a direct access to the leisure (10 Pin Bowling) and Retail (Homebase) facilities on Portsdown Hill Road. The route would be approximately 640m from the central road junction in the site via the link and 921m using the existing road network. It is also considered that this route provides opportunities for accessing public open space further west along Portsdown Hill Road.
- 7.48 The northern route would link into the existing Public Right of Way which leads east across the A3(M) to South Downs College and beyond. This is an important link reducing the distance travelled by someone living in the northern part of the development from 1.5km (shortest route via proposed and existing road and footpath network) to 675m (via proposed link and footpath network). It is considered important to provide the most direct links possible in order to maximise travel by foot and cycle, and reduce reliance on the private motor car.
- 7.49 In addition to the link to South Downs College, the route would also provide a direct link to the Scratchface Lane Recreation Ground which has a children's play area, football pitch and surfaced multi-purpose games area. Finally it offers improved links to bus services and the ASDA store and facilities to the north.
- 7.50 It is recognised that opening up the permeability of the site can lead to concerns in relation to crime and disorder. These matters are considered in (xii) below.

The design of the access at the entrance to the site and its suitability in terms of highway safety

- 7.51 The vehicular access to the site has been subject to detailed consideration at pre-application and application stages by HCC Highways and HBC Development Engineers. The proposal is essentially to provide the vehicular access from Brooklands Road (resulting in the demolition of two bungalows), with the access road becoming the main route, and the existing Brooklands Road cul-de-sac becoming a spur to the main route. It should be noted that the access to Brooklands Road was envisaged in the Local Plan Inspectors report.
- 7.52 No objections have been received regarding the design of the access from the highway engineers at Hampshire County Council and Havant Borough Council

subject to conditions. As such it is considered that the proposed access to the site is acceptable in terms of highway safety.

The adequacy of the local residential road network to serve the site

- 7.53 It is recognised that the issue of the adequacy of the existing residential road network to serve the development has been of particular concern to residents. The issues have been considered at length during the pre-application and application stages. A Transport Assessment has been submitted in support of the application. The assessment has been prepared in accordance with a 'Scope of Works' agreed by Highway Engineers at Hampshire County Council and Havant Borough Council. The work includes a number of detailed surveys to predict the distribution of traffic likely to be generated by this proposal and existing conditions including parking surveys on Brooklands, Maylands and Penhurst Roads.
- 7.54 The Scratchface Lane site was allocated as a Reserve Housing Site following the Local Plan Inquiry in 2004, with an indicative dwelling number of 65. The Inquiry found that the local highway network was capable of accommodating the additional traffic generated by the site. It was also accepted that the main vehicular access could be taken to the site from Brooklands Road. The current proposal is for a development of 92No. units (an increase of 27No. units over the indicative figure).
- 7.55 The application has been submitted with a Transport Assessment prepared in accordance with the Department of Transport's Guidance on Transport Assessments (2007) which considers the impact of the proposed development on the surrounding highway and transport network. This Assessment has been considered in detail by the Havant Borough Council and Hampshire County Council as the Highway Authority.
- 7.56 The Transport Assessment considered the impact of the development on the capacity and safe operation of the surrounding local highway network. The Transport Assessment used the industry standard TRICS database to generate trip rates from the proposed development. The Transport Assessment predicts that the site will generate at peak times (AM 08:00-09:00 PM 17:00-18:00) the following movements:

Peak AM			Peak PM		
Arrivals	Departures	Total	Arrivals	Departures	Total
15	39	54	37	21	58

The site will generate 39 departure movements in the AM Peak and 37 arrivals in the PM Peak. These are the busiest parts of the day and therefore represent the maximum movements.

- 7.57 These trips are then distributed onto the network based on the 2001 Census Journey to Work Data. Over half the development traffic would join the local primary network via the roundabout junction off Maylands Road, with the remaining traffic joining Hulbert Road via Scratchface Lane.
- 7.58 The local road network serving the site has been assessed to be adequate to serve the development proposed by HCC Highways as there is sufficient road capacity to accommodate this increase. The Appeal Inspector in commenting on the local road network stated: *'I recognise that the impact of the development on the local road network is a matter of considerable concern to local residents. However, the highway authority has carried out detailed investigations and concludes that road widths and alignments are adequate and there is sufficient capacity within the local road network to accommodate additional traffic from the development'*. There is not considered to be a Highway reason to warrant a refusal of planning permission based on the impact on the residential roads.

The impact on the wider road network, in particular in terms of the Maylands Road/Portsdown Hill/Bedhampton Hill and Bedhampton Road (the Belmont Junction) roundabout and the junction of Scratchface Lane and Hulbert Road

7.59 As stated above the majority of the additional traffic generated by the development would join the local primary network via the Bedhampton Road/Maylands Road roundabout with the remaining traffic joining Hulbert Road via Scratchface Lane. These two junctions were assessed as part of the Transport Assessment. Beyond these junctions the development traffic disperses and the impact on the rest of the network is considered to be minimal.

Belmont Junction Capacity

7.60 Using the industry standard roundabout modelling programme, ARCADY, the Transport Assessment assessed the impact of the development traffic on this roundabout including a future assessment year of 2015, to account for traffic growth. All arms operated within capacity in the AM Peak in each of the scenarios tested.

7.61 Modelling identified that the junction is currently operating at capacity in the PM Peak on the Bedhampton Hill and Portsdown Hill arms, resulting in vehicle queues of 20 and 10 respectively. Including factored traffic growth these queues increase to 26 and 12 vehicles respectively. The additional development traffic is likely to increase these queues by 9 and 1 vehicles respectively. These increased queues are a worst case scenario and only likely to occur during short peaks within the peak period as the development will actually only result in an increase of 15 vehicles using Bedhampton Hill and 13 vehicles using Bedhampton Road during the busiest hour. The development traffic therefore represents an additional vehicle every 4 minutes on each of these arms, and an increase of only 2% of traffic passing through the junction in the PM Peak.

7.62 The Highway Authority conclude that whilst the development does have an impact on this roundabout, onsite observations and surveys indicate that the additional queuing will not interfere with other junctions, and is likely to be for relatively short periods of time. It is therefore considered that a highway capacity reason for refusal is untenable, particularly as the applicant has offered to make a financial contribution towards measures which support the uptake of sustainable travel modes and reduce reliance on the private car.

7.63 Improvements to the roundabout have been considered, however, these are not considered practical due to the physical constraints of the roundabout. The roundabout has also been assessed for safety. In the three year period to 31st January 2011 there were five road accidents in the vicinity of the roundabout, all attributed to driver error. The roundabout is identified on the County Council's refurbishment programme to maintain the existing safety markings and features.

Scratchface Lane/Hulbert Road Junction

7.64 The operation of this priority junction has been assessed using industry standard modelling programme PICADY. The results demonstrate that in 2015 with development traffic the maximum Ratio of Flow to Capacity is 0.35 in the AM Peak and 0.21 in the PM Peak, where 1.0 represents theoretical capacity. The Highway Authority therefore considers that capacity improvements are not required at this junction, and it will operate satisfactorily with the additional development traffic.

7.65 The development adds 35No. vehicles to this junction in the AM Peak and 16No. during the PM Peak. This represents an increase of 4% and 2% to the overall junction traffic flow.

- 7.66 The Appeal Inspector in commenting on the impact on the wider highway network stated: *'..while there would be an increase in traffic using junctions in the wider network, the highway authority considers that there is sufficient capacity to absorb it. A highways objection to the proposal is not therefore justified'*.

The impact on the wider strategic highway network

- 7.67 As stated above, beyond these junctions the development traffic disperses and the impact on the rest of the network is considered to be minimal.
- 7.68 The Highways Agency (HA) considers development proposals in respect of the potential impact on the strategic road network. In this case their interest relates primarily to the A3(M) Junction 5 (Rusty Cutter). The HA offer no objection to the proposal.

Consideration of the submitted travel plan and Hampshire County Councils Transport Contributions

- 7.69 The application has been accompanied by an Interim Travel Plan. This document sets out the proposed aims and objectives which would be developed in preparing the final Travel Plan.
- 7.70 The Travel Plan seeks to achieve a modal shift away from the private car. The Travel Plan will aim to reduce resident's dependency on the private car for accessing the site whilst subsequently increasing the use of sustainable travel options.
- 7.71 A Residential Travel Plan for this development is required by means of the Section 106 Agreement. The travel plan will include a number of measures to encourage travel by sustainable modes, and could include bus taster tickets and cycle vouchers. The Travel Plan will also provide information on travel by means other than the private car, with special regard to pedestrian/cycle routes to South Downs College.
- 7.72 A transport contribution for the site of £341,974 based on Hampshire County Council's Transport Contribution Policy would be required, and this is considered to be an acceptable amount to mitigate the impacts of the development. The Borough Council and County Council have assessed the application against Havant Borough's Transport Scheme list to consider what schemes could come forward as a result of this development (**Appendix F**). These measures would provide an improved local road network, and encourage and enable a greater choice of sustainable transport modes, and therefore reduce reliance on the private car.

Construction Traffic

- 7.73 In response to concerns raised by residents regarding the manoeuvring of construction traffic along Brooklands Road and Maylands Road around on-street parked vehicles, a car parking survey was undertaken and used to assess the tracking of a large tipper construction vehicle on these roads. The survey was undertaken on a weekday and on a Saturday. The results were used to plot an auto-track of the construction vehicle and demonstrated that construction traffic would be able to access the site with vehicles parked on Brooklands Road or Maylands Road. Penhurst Road will not be used as part of the construction traffic route for the development. A Construction Method Statement would be required by planning condition.
- 7.74 The Appeal Inspector in relation to highway matters stated: *'the highway authority has carried out detailed investigations and concludes that road widths and alignments are adequate and there is sufficient capacity within the local road network to accommodate additional traffic from the development. Similarly, while there would*

be an increase in traffic using junctions in the wider network, the highway authority considers that there is sufficient capacity to absorb it. A highways objection to the proposal is not therefore justified'.

(iv) Flooding and Drainage

7.75 The flooding and drainage issues relating to this site fall into two areas, surface water drainage/groundwater protection and foul drainage. It is recognised that both these areas have raised concerns partly as a result of previous problems in the area resulting from surface water flooding and foul drainage capacity problems. As a result the developer has submitted a detailed Flood Risk Assessment and Drainage Statement and developed a detailed strategy for addressing the drainage issues associated with the development.

Surface Water Drainage/Groundwater Protection

7.76 The Environment Agency Flood Risk Map shows the development site is located in Flood Zone 1. Whilst development is considered appropriate for Flood Zone 1, in accordance with the Technical Guidance in the NPPF, a Flood Risk Assessment is still required together with drainage proposals. The Technical Guidance states that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems.

7.77 Under the existing situation, the main feature of surface water drainage is the stream which crosses the site and is designated a main river by the Environment Agency. Due to the topography of the site, water tends to drain down from the existing fields to the stream which is at the lower point of the land which rises to north and south. In addition, part of the northern end of the site drains towards the north-east corner where a ditch leads to Scratchface Lane. There is also an area in the north-east of the site where water pools during the winter to form a winter/spring pond feature.

7.78 Ground investigations have been carried out that indicate that generally the site is underlain by clay, with chalk to the south of the site. The southern part of the site is located within Groundwater Protection Zone 1.

7.79 The Brooklands Stream is an open feature as it runs west to east across the site but enters a triple pipe culvert at the boundary with No. 34 Brooklands Road, later emerging approximately 0.5km to the southeast of the site. Drainage ditches are also present along the northern part of the site and adjoining the western site boundary which appear to convey water run off from the A3(M) embankment to the Brooklands Stream, with a small section leading to the northern ditch. A plan showing existing drainage is attached at **Appendix G**.

7.80 As the site is not within an area susceptible to coastal flooding, fluvial flooding is considered to represent the main surface water flood risk on this site and its surroundings. The Flood Risk Assessment (FRA) has considered the historical flooding concerns in the vicinity of the site. Flooding from watercourses has related to the following routes:

- Brookside Road Stream
- Scratchface Lane Ditch
- A3(M) Toe drains/ditches

The Brookside Road Stream had an original pipe culvert that proved inadequate and resulted in flooding to properties in Brooklands Road and Brookside Road. The pipe culvert was later triplicated along part of its length in an attempt to alleviate flooding. There have also been incidents of overland flow caused by obstruction of the inlet

grille at Brooklands Road.

The Scratchface Lane Ditch has been prone to blocking which causes overland flow down Scratchface Lane. There are also reportedly issues in relation to maintenance of the grille.

Inspection of the A3(M) ditches indicate piped connections from the road drainage system. However, the ditches themselves exhibit little evidence of use and it is suspected that drainage from the A3(M) probably connects directly to the Brookside Road Stream culvert.

- 7.81 The FRA also considers groundwater flooding but concludes (as a result of ground investigation) that there is no evidence of groundwater affecting the site and that the risk of groundwater flooding affecting the site is low. Infiltration testing on the site has confirmed that underlying clay exhibits very low permeability. Site investigation has confirmed that a layer of sand underlies the clay in the location of standing water in the north east corner of the site. Groundwater was not discovered in the sand layer. The standing water is considered the result of runoff collecting in the localised depression and unable to dissipate.
- 7.82 The FRA considers the impact of climate change with the potential for increased peak rainfall intensities.
- 7.83 The development proposals would incorporate sustainable drainage solutions to dispose of surface water runoff. Ground investigations demonstrate that the site exhibits very poor soakage characteristics. Given the impermeable nature of the strata underlying the site, the potential for infiltration of surface water is negligible. The use of infiltration devices for the disposal of surface water has therefore been discounted. The proposed drainage strategy therefore proposes a “surface water management train” to attenuate runoff with controlled discharges and implementation of SUDS to minimise the risk of increasing downstream flood risk. Essentially this will result in the retention of water on site with managed restricted discharge to stream and Scratchface Lane ditch. A plan indicating the surface and foul water drainage strategy is attached at **Appendix H**.
- 7.84 The surface water runoff storage/attenuation facilities would be designed to accommodate water runoff from the proposed development for all rainfall events up to and including the 1 in 100 year occurrence, including a 30% increase to allow for the possible effects of climate change. The development is required to result in a run-off rate from the site that is no greater than that of greenfield undeveloped land. To reduce the impact of the development on the natural hydrology of the catchment, the development would be designed with sustainable drainage solutions that mimic, as closely as possible, the existing natural flow regime of the greenfield site.
- 7.85 The development incorporates the following surface water management techniques:
- Porous Car-Parks/Pervious surfaces,
 - Geocellular Storage,
 - Detention Basins
- 7.86 The FRA states that porous car parks allow rainwater to infiltrate the surface layer and into the underlying sub-structure where it will be temporarily stored before being discharged into the drainage network at controlled rates. Runoff from the roofs of the properties surrounding these areas could also drain to the porous car park construction. As runoff percolates through the sub-layers, pollutants are filtered out by the surfacing layer and biological processes in the sub-base.
- 7.87 Geocellular units are modular plastic systems with a high void ratio that can be used

to create a below ground storage structure. The devices can be located under private roads and parking areas to provide additional volume for flow attenuation.

- 7.88 Detention basins are vegetated depressions designed to store runoff and release it gradually to the local watercourse at a controlled rate. The design of the detention basin should incorporate sediment traps prior to runoff entering the basin. The detention basins would be located within areas of informal open space and be designed to attenuate the 1 in 100 year + 30% climate change event whilst restricting the runoff to the undeveloped Greenfield runoff rate.
- 7.89 The FRA and Drainage Statement have been considered by the Environment Agency.
- 7.90 The Environment Agency and the Councils Special Projects Engineer confirm that they have no objections to the proposed development as submitted subject to appropriate conditions and Informatives. The Appeal Inspector also commented that: *'Other principle concerns include an increased risk of surface water flooding so details of the design, implementation and management of a sustainable surface water drainage scheme must show how run-off would be restricted to no more than current rates'*.

Foul Drainage

- 7.91 The foul drainage has been assessed in the submitted FRA and Drainage Statement. This states that sewer records indicate that there are public foul sewers in Brooklands Road to the east of the site and Portsdown Hill Road to the south of the site. Sewer records supplied with Southern Water's Level 2 Capacity Assessment indicate a public sewer located in Scratchface Lane to the north of the site.
- 7.92 Southern Water has previously identified multiple recurring flooding incidents from the public foul sewers in the vicinity of the site. The majority of reported incidents have occurred along Brooklands Road, especially at No's 31 and 2 to 8, and along Maylands Road. The problems may be attributable to irregular changes in pipe diameters within the network causing constrictions.
- 7.93 Southern Water has undertaken a Level 2 Design Capacity Assessment for the proposed development. This identified the preferred solution for servicing the development with a connection to the nearest point of sufficient capacity to cope with increased flows. Southern Water has identified that there is sufficient capacity in the foul sewer in Scratchface Lane to serve the proposed development. This avoids a connection to the sewer in Brooklands Road, which has capacity problems known to cause flooding to properties.
- 7.94 To connect the Scratchface Lane sewer it would be necessary to incorporate an adoptable pumping station into the wastewater system. A condition is recommended in relation to the design of the pumping station. The surface and foul drainage strategy is shown at **Appendix H**. To connect the southern area of the site to the system, a pipe will be required to be installed beneath the central stream subject to Environment Agency consent.
- 7.95 The Environment Agency has raised no objections to the FRA/Drainage Statement. Southern Water have raised no objections to the proposed foul water drainage strategy. The Appeal Inspector stated *'Foul water flooding is currently a problem in Brooklands Road so the scheme has been designed to connect into a separate system in Scratchface Lane, at a higher level, by a pumping station. Full details of the design and siting of the pumping station would be submitted for approval. The rate of discharge from the pumping station would be restricted to a maximum*

compatible with the existing sewer to avoid overload'. It is therefore considered that the proposals demonstrate an appropriate response to drainage issues at the site.

Management and Maintenance

7.96 The Flood and Water Management Act 2010 encourages the use of sustainable drainage in new developments. It does this by requiring drainage systems to be approved by the SUDS Approving Body (SAB), against a set of National Standards. Crayfern Homes Ltd has indicated that a management company would be established to deal with the maintenance of the SUDS. This arrangement will be subject to the Section 106 Agreement. It is necessary to require a non-performance bond to be paid by Crayfern Homes Ltd to ensure that the SUDS system can be maintained in perpetuity.

(vii) Noise Issues

7.97 As members will recall, the previous application was refused planning permission for two reasons only, noise and non-completion of a S106 Legal Agreement.

7.98 The application site is bounded to the west by the A3(M) and its associated landscaping bank and tree screen. The site is therefore subject to traffic noise from this major trunk road. This issue is of course long established and known at the time of the Inspector's consideration of the site in the HBDWLP Inquiry, when the site was allocated as a reserve site. It was also identified at the pre-application stage as a significant consideration. The application has been submitted with a Planning and Noise) Assessment Report.

7.99 The Assessment Report includes a traffic noise survey. Noise levels were measured at two fixed locations on the site over consecutive 15-minute periods between 12:00 hours on Friday 15th January and 12:00 hours on Tuesday 19th September 2009. These were supplemented by other readings including extended monitoring in 2010. The positions were located at the proposed building line of the most affected properties at the north and southern ends of the site. Noise contour modelling has also been carried out with a noise contour map produced.

7.100 The NPPF states that the planning system should contribute to and enhance the natural and local environment by (amongst other matters) *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*. Planning policies and decisions should aim to: *'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'*.

7.101 Noise issues were of course central to the Public Inquiry where the Council's reason for refusal (set out in paragraph 2.2) was fully explored. This included the appearance at the Public Inquiry of an independent noise witness who provided evidence in support of the reason for refusal. It should be noted that the Hindhead Tunnel was open at the time of the Public Inquiry.

7.102 The Appeal Inspector stated that: *The road traffic emits a low, steady hum with slight variations reflecting daytime, rush hour and night time traffic levels. The daytime noise environment is accepted to be the worst case condition. No significant increase in noise levels has been found since the recent opening of the Hindhead tunnel, and no significant future increase is forecast.*

7.103 The Inspector then considered the site against noise the guidance in PPG24 (now cancelled) with most of the site within Category B where noise should be taken into account when determining planning applications and, where appropriate, conditions

imposed to ensure an adequate level of protection against noise. A strip of land along the western boundary was in Category C where permission should not normally be granted. The layout reflected these findings with buildings located only within Category B.

- 7.104 The Appeal Inspector commented that: *'The Council accepts that the internal environment of the dwellings can be protected from the impact of noise by conditions requiring façade protection and attenuated mechanical ventilation. That would provide acceptable living conditions within the dwellings. It was confirmed at the inquiry that the Council's objections relate only to external noise levels in gardens and public recreation areas'*.
- 7.105 The Appeal Inspector noted that the surveys showed noise levels across the site were fairly consistent and commented that: *'There can be an assumption that noise levels are higher closer to the road but, as I found at the site visit, it was perceptibly quieter near the bund than at the boundary with the gardens of the existing houses. That may be the combined result of the bund's shielding effect and the light westerly wind blowing that day but it was a convincing illustration that, in the prevailing conditions, noise levels in the public open spaces and the gardens of the new development would be likely to be little different to those found acceptable in the existing gardens'*.
- 7.106 The Appeal Inspector also considered the impact on the southern units which are potentially in the most noisy part of the site and stated: *'Most of this area is given up to the reptile translocation site and the few dwellings at the southernmost end of the site potentially affected have been designed so as to shield their gardens from traffic noise. He concluded in relation to noise: 'I consider that, with appropriate conditions in place to control internal conditions, these houses and gardens would not be over-exposed and that, overall, the design and layout of the development would take sufficient account of the prevailing noise climate'*.
- 7.107 It is considered that the development of the site as proposed (in the absence of any objection from Environmental Health and having been fully assessed at the Public Inquiry) would subject to the imposition of a condition result in an acceptable living environment for future occupants. It is not therefore considered that a noise objection to the development could be sustained.

(viii) The Effect of the Development on Ecology

- 7.108 The proposal has been assessed in terms of both its on site and off site impacts on Ecology. Consultations have been carried out with Natural England, The Environment Agency and Hampshire County Councils Ecologists, and their comments are summarised in Section 5 of this report. Following the original application, further ecological surveys have been carried out and updated Extended phase 1 Ecological Assessment and Phase 2 Ecology Report have been submitted.

Off Site Impacts:

- 7.109 The site is located approximately 1km from habitats which form part of the Langstone Harbour Site of Special Scientific Interest (SSSI). This SSSI is part of the Chichester and Langstone Harbours Special Protection Area, and a Wetland of International Importance under the Ramsar Convention (Ramsar Site). It also forms a component of the Solent Maritime SAC.
- 7.110 The main potential impacts on these areas are considered to arise from any additional recreational pressure on the protected areas from future site residents and secondly, any potential impacts from the development on the stream crossing the site which leads eventually into Langstone Harbour and the SSSI. Littlepark Wood is a Site of Interest for Nature Conservation (SINC) and the impact on this area also

requires consideration.

- 7.111 In terms of the additional recreational pressure, it is considered important that future residents have opportunities for informal recreation close to the site, rather than necessarily relying on the Harbour for recreational activity. In this regard the site itself would provide areas for informal recreation which would serve a dual use with the sustainable urban drainage requirements. In addition, the provision of the cycle/footpath accesses to Portsdown Hill Road and Scratchface Lane provide links to other recreation areas and wider footpath networks. The site is also close to the Recreation Ground in Scratchface Lane and approximately 840m from Bidbury Mead Recreation Ground. It is considered that the development is unlikely to lead to unacceptable additional recreational pressure on the SSSI or designated sites.
- 7.112 With regard to the potential impacts on the stream and via the watercourse the SSSI/designated sites, the impact of the development on the stream has been fully considered. Subject to the imposition of suitable conditions it is not considered that the foul and surface water drainage systems would be likely to have a harmful impact on the water environment and, by association, the wider internationally protected areas.
- 7.113 It is noted that Natural England state that they advise *'if undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which Chichester and Langstone Harbours SPA/Ramsar or Solent Maritime SAC have been classified.*
- 7.114 In relation to the impact on Littlepark Wood which is a SINCC, there would be no direct additional access to the woods as a result of this development. The wood is already adjacent to residential and commercial activity and although the development may result in additional pressure on this area, it is considered unlikely that this would be significant.

On Site Impacts:

- 7.115 The application has been submitted with appropriate ecological assessments and the development has been considered in detail by the Hampshire County Council's Ecologist.
- 7.116 A Phase 1 habitat survey was submitted with the application with the following issues/species addressed:
- Botanical surveys
 - Animal surveys
 - Assessment of current bat roost potential
 - Survey and inspection for bats or evidence of bats
 - Dormice
 - Great Crested Newt
 - Otter and Water Voles
 - Badger
 - Birds
 - Reptiles
 - Other species (including amphibians, invertebrates and mammals)

Habitats and plant species

- 7.117 The Phase 1 habitat survey identified the following on site habitats:
- *Short-sward, grazed, improved grassland*
 - *Poor semi-improved grassland*

- *Species-poor hedgerow*
- *Rederal vegetation*
- *Scrub*
- *Woodland bank*
- *Scattered mature and semi-mature broad-leaf and coniferous trees*
- *Stream*
- *Single storey brick built residential properties with attic*
- *Amenity grassland (lawn)*
- *Hard standing*

No protected plant species were recorded from the site.

Bats

7.118 Surveys have been carried out in relation to bats both in relation to roost potential and commuting and foraging bats. In terms of bat roost potential, the bungalows (to be demolished) were assessed as having a low bat roosting potential.

7.119 Surveys have been carried out within the site:

- Bat activity transect surveys recorded foraging and commuting activity by serotine, common pipistrelle, soprano pipistrelle and noctule bats along vegetated site boundaries.
- The majority of bat activity was recorded along site boundaries, along the strip of trees dividing the site in two and over the wet area to the north east of the site.
- The linear strips of connecting and foraging habitat for bats are being retained and protected and the wet area is being mitigated for.
- Some bat passes were recorded through the site with limited foraging and commuting activity.
- The species recorded passing through the site are species that are commonly found in houses and are unlikely to be impacted by the proposals.
- Previous surveys in 2010 confirmed the presence of roosting pipestrelles within the mature oak trees adjacent to the stream. These trees will be retained on-site and protected during the development. Measures proposed to maintain and enhance foraging and roosting habitat on site are recommended.

7.120 Outline mitigation measures including retention of mature Oak trees and other vegetation, lighting requirements, provision of bat boxes and other measures. The HCC Ecologist has raised no immediate concerns over the potential impacts on bats subject to suitable planning conditions including mitigation methods.

Great Crested Newts

7.121 Surveys have been carried out in relation to Great Crested Newts to prove their presence or absence. An assessment of the suitability of the site for the species has also been carried out. As a result of the survey no evidence of Great Crested Newt was found within the on-site water body or within terrestrial habitat within the site. Therefore the proposed development should not impact on Great Crested Newt.

Reptiles

7.122 Assessments of suitable reptile habitats and surveys in relation to reptiles have been carried out.

7.123 The site contains habitat and features suitable for reptiles. The site was found to

support an exceptional population of slow-worms and a low population of common lizard. A mitigation strategy has been designed to retain the population on-site whilst maximizing connectivity to the wider landscape and maintaining the long-term viability of the population. Mitigation would consist of a combination of dedicated wildlife areas, native planting, habitat enhancement and connectivity features and appropriate long-term site management. The Hampshire County Council Ecologist has confirmed that the proposal would (subject to the imposition of suitable conditions) suitably address the requirements to accommodate the reptile population on site.

Other protected species:

- 7.124 The Ecological Assessment/Report considers impacts on other protected species as follows:
- 7.125 No evidence of **badger** was found during the survey.
- 7.126 All trees, bushes and scrub on site could be used by nesting **birds**. To prevent any impacts, removal of any affected vegetation with the potential to support nesting birds should be undertaken outside the bird breeding season to avoid destruction of active bird nests. Mitigation measures are recommended in the Ecology Report and subject to these measures and suitable conditions the proposals are considered acceptable in relation to birds.
- 7.127 **Dormice** - thirty records of Dormouse dated 2007-2009, were returned from within 2km of the proposed development. These records were from a single site approximately 500m west of the boundary, across the A3(M). There was no evidence found of Dormouse activity on the site, although habitat outside the boundary is more suitable, including the SINC to the north.
- 7.128 **Otters and Water Voles** have been recorded within 2km of the site in 2000 (recorded 1.95km to the south of the site). There has been no evidence of on site activity.
- 7.129 In conclusion, subject to conditions including the provision, management and maintenance of the reptile relocation area, the proposals are considered to have an acceptable impact on wildlife and ecology.

(ix) Impact on Trees

- 7.130 The proposal has been submitted with an Arboricultural Statement and this has been updated to take account of BS5837:2012. The design of the proposed scheme has been influenced by the Arboricultural constraints imposed by the existing mature trees present on the application site, some of which are subject to Tree Preservation Orders (TPO No: 1934 and TPO No: 1755). The most significant arboricultural feature of the site is considered to be the line of mature Oak trees that cross the site adjacent to the stream. There are also several other areas of important boundary trees and groups of trees. Many of the boundary trees and groups of trees are shown to be retained along the eastern boundary, and they would provide important screening which would help to soften the impact of the development in relation to existing residential properties. Other important trees close to the northern and western boundaries are also to be retained.
- 7.131 The Arboricultural Statement identifies that the implications for trees is as follows:

In order to facilitate the development two individual trees on the site would need to be removed, T28 (Hawthorn) a 'C' grade tree located within the area designated to be used as a detention basin, and T29 (Field Maple) designated as an 'U' grade tree.

Category C are trees of low quality and value which might remain for a minimum of 10 years, or young trees with stems of less than 150mm diameter, and Category U trees are trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

Groups 1 (Sycamore Cat B), 3 (Sycamore Cat B), 7 (Sycamore, Willow and Elder Cat C), 8 (Elder, Sycamore and Hawthorn Cat C), 9 (Sycamore Cat C), 10 (Elder Cat C) and 11 (Elder Cat C), are also shown to be removed in order to facilitate the development. In the case of Groups 10 and 11, however, these tree groups would bound the reptile relocation area and should be able to be retained and the Agent has been asked to confirm that this will be the case.

- 7.132 Whilst it is important to note that landscaping is a reserved matter, the layout is submitted for approval. The layout is considered to successfully retain important on-site and boundary trees. The Council's Arboriculturalist broadly approves the Arboricultural Statement. A condition is recommended in relation to the removal of permitted development rights (extensions and outbuildings) close to existing trees, and a condition is therefore included in the recommendation.
- 7.133 In relation to the future retention and management of trees adjacent to the A3(M) it is recognised that this area is outside the applicants control as the land is owned by the Secretary of State for Transport.
- 7.134 The proposals show additional landscaping indicatively including some planting to the eastern boundary and to the sides of the new roads, however these details would need to be considered further at the reserved matters stage should outline consent be granted.

(x) Other Environmental Impacts

- 7.135 In terms of other environmental impacts, the Environmental Health officer has considered air pollution to the site and has commented that although the site is close to a busy motorway, because of its open nature, the dispersion of pollutants emitted from traffic will result in concentrations well below the National Air Quality Strategy Objectives and air pollution is therefore not considered to be a material consideration.
- 7.136 As the site has not been previously developed there are not considered to be any likely underground contaminants that would impact on development.

(xi) Crime Prevention

- 7.137 In relation to crime prevention, Hampshire Constabulary Crime Prevention Design Advisor (CPDA) has commented on the proposals in detail.
- 7.138 The main issues highlighted relate to concerns over the permeability of the site. The development would provide a pedestrian link between Scratchface Lane, Brooklands Road and Portsdown Hill Road. These shortcuts are considered by the CPDA to increase the vulnerability of both Brooklands Road (currently a cul-de-sac) and the feeder roads and the development to crime. If these accesses are required, steps should be taken to reduce the impact of this connectivity on crime.
- 7.139 The access to Portsdown Hill Road is considered an important element of the proposal in terms of urban design and accessibility. In particular the route would enable future residents and existing residents of nearby roads to have more direct access to Portsdown Hill with its recreational opportunities, and access to the Ten Pin Bowling Centre and Homebase retail unit. It is recommended, on balance, that the proposed southern entrance should be provided as part of the proposed

development. The Appeal Inspector commented on the permeability of the site stating: *'The Police recommend limited access into the development so that there would be no alternative escape routes for wrongdoers. This is contrary to urban design advice promoting the permeability of development and would also seriously limit the accessibility of the site. A suggested condition would require measures to reduce the possibility of crime and anti-social behaviour so, taking that into account, on balance I consider the more permeable layout to be acceptable'*.

- 7.140 The CPDA states in relation to the pedestrian/cycle access from Portsdown Hill Road to the development is not overlooked and gives access into a car parking area. To provide security for those users of the route this footpath should be: straight, well lit, wide and the foliage should be cut back. The small parking area should also be well lit.
- 7.141 In this regard, the route is relatively straight (given the constraints of the land ownership and overall layout), the route has a width of approximately 3m. It is recognised that the route is limited in terms of public surveillance, although Units 2 and 3 do provide a limited amount of passive surveillance for the route. It is considered important therefore that the route is lit and that the route has an 'open' and unenclosed feel as possible. In this regard any fencing should be chain link rather than solid, and grass verges to the sides of the route should also be provided. A condition in relation to the detailed design of the route is therefore recommended.
- 7.142 It is also recognised that in order to help maximise the security of existing and proposed residents, the boundary treatments need to be controlled. Particularly important are the site boundaries to the eastern side. This boundary should be robust and secure to improve security. Where such treatment does not already exist new boundary treatment can be secured by condition.
- 7.143 The CPDA states in relation to the pedestrian/cycle access from Scratchface Lane is between the rear gardens of plot numbers 76 and 77. As the proposed footpath is not overlooked and could be used to gain entry to the two adjoining properties. Those using the footpath will be confined by the boundary treatments of the adjacent properties. To reduce opportunities for crime it is recommended that the adjacent properties are re-orientated to face this access way and that an appropriate level of lighting is installed.
- 7.144 As the application is in outline the degree of overlooking to this footpath is not known at this stage. It is considered appropriate that the units either side of the footpath should incorporate a dual aspect design, such that they will face the highway and provide a degree of overlooking to the footpath.
- 7.145 The CPDA makes comments in relation to the areas of public open space. It is confirmed that the area in front of plots 14 to 18 is fairly well overlooked. A suggested path across the open space (as recommended) is not however considered appropriate given the proposed position of the SUDS feature.
- 7.146 The open space adjacent to plot 28 is not considered to be well overlooked by the CPDA and concerns are raised in relation to the security of the rear garden of plot 28 and the potential for anti-social behaviour on the land. It is therefore recommended that the area is given better natural surveillance and fenced with two access points. It is also recommended that the boundary treatment to plot 28 is robust.
- 7.147 With regard to natural surveillance, it should be noted that units 20-23 together with unit 28 do allow for a reasonable degree of passive surveillance to the area and the internal access road and footpath run adjacent to the area. It is important that planting does not preclude views into the area and this can be addressed by the landscaping proposals (a matter for the reserved matters stage). Conditions in

relation to boundary treatments are proposed and the exact proposals in terms of the boundary to this open space would need to be assessed by the open spaces team to ensure appropriate treatment.

- 7.148 Lighting throughout the site including to parking courts will be subject to condition. It should be noted that lighting needs to be well directed and would also need to take account of ecological constraints in particular with regard to the impact on bat roost/foraging areas.
- 7.149 Comments in relation to boundary treatments are addressed by the proposed boundary treatments condition.
- 7.150 Finally, comments are made with regard to implications of the roads being unadopted. Whilst concerns in relation to highway enforcement on private roads are recognised, this arrangement in relation to the non-adoption of roads is not unusual and it is not considered that the enforcement or otherwise of highway regulations on such roads is a reason in itself, to resist the granting of a planning permission.

(xii) Sustainability

- 7.151 There are considered to be three main areas to assess in relation to the sustainability of the development. One of which relates to the sustainability of drainage issues, and has been addressed above. The other matters relate firstly to the sustainability of the site in terms of access to facilities and employment and secondly the sustainability of the construction.
- 7.152 As discussed in detail above, the site has been allocated as a Reserve Housing Site, and its suitability for residential development has therefore been established. The sites accessibility is assessed in the Transport Assessment submitted with the application. This demonstrates that the site has a range of facilities within walkable distance (local convenience store and bus stops). The now cancelled PPG13 (Transport) recognised that trips up to 2km and 5km respectively are reasonable distances for journeys to be made on foot and bicycle respectively.
- 7.153 The surrounding facilities of Bedhampton are within 2km of the site and are therefore considered accessible on both foot and by bicycle. These facilities include ASDA superstore, local shops and food outlets, schools, colleges, bus stops, Bedhampton station and recreation areas. Havant Town Centre is itself well within the 5km reasonable cycling distance.
- 7.154 In relation to the sustainability of construction, Havant Borough Core Strategy policy CS14 requires development to meet Code for Sustainable Homes Level 3 on completion. A condition is therefore recommended to ensure that this is the case.
- 7.155 The Appeal Inspector considered the sustainability of the site and stated:
'The footpath/cycleway through the site would ensure that a range of retail, leisure, education and other facilities, including bus stops and rail station, would be within reasonable walking and cycling distance. Although there seems over the years to have been a range of assessments giving a variety of indications of the accessibility of the site, I note that the site ranked high in the accessibility matrix at the time it was recommended by the LP Inspector. Subject to the improvements envisaged through the planning obligation, I consider that the development would be in a sustainable location.'

(xiii) Archaeology

- 7.156 With regard to archaeology, the application has been submitted with an Archaeological Desk Based Assessment, and this has been assessed by the HCC

Archaeologist.

- 7.157 There are no Scheduled Ancient Monuments on the study site. A Roman Road runs to the north of the site and this is marked by the public footpath at the end of Scratchface Lane.
- 7.158 The HCC Archaeologist confirms that the site is within an area of archaeological potential with a number of significant archaeological sites nearby. The HCC Archaeologist states that: *Although archaeology does not present an overriding concern in accordance with the NPPF the assessment and investigation of the archaeological significance of the site and the mitigation of impact of the development upon this should be secured through the attachment of suitable conditions.* Three archaeological conditions are recommended.

(xiv) Contribution Arrangements/S106

- 7.159 The previous application APP/10/00497 was refused planning permission for two reasons. The second reason related to the S106 requirements as set out in paragraph 2.2.
- 7.160 This reason for refusal was added to ensure that the S106 requirements could be considered by the Appeal Inspector.
- 7.161 In considering the appellant's unilateral undertaking the inspector accepted the contents of the agreement (excepting the obligation to provide the reptile relocation area since it would be maintained by the management company and its formation was required by a suggested condition). He stated that: *'With that exception, I consider that the provisions of the planning obligation would be necessary to make the development acceptable in planning terms. They would meet the tests of CIL Regulation 122 and the policy objectives of Circular 5/2005 and would overcome the impact on local infrastructure that the development would otherwise have in those respects'*. The Appeal Inspector therefore concluded that the acceptability of the scheme is dependent on the effectiveness of the planning obligation.
- 7.162 The Appeal Inspector, however, was not satisfied that the executed undertaking presented at the Public Inquiry was satisfactory for two reasons. These related to the fact that the document was submitted as 4 counterpart obligations, each identical but signed by different parties. This presented considerable difficulties and the Appeal Inspector commented *'To be effective there must be a single document signed by all parties'*.

The second concern related to the signatories. Two of the properties were subject to mortgages and whilst the mortgagees were listed as interested parties and signatories to the deed, they had not signed the document. This resulted in concerns that the mortgagees if they were to take possession would not then be bound by the undertaking and the obligation could not be enforced. Finally, one of the listed signatories was no longer a party to the undertaking. In the light of these issues the Inspector concluded: *'For these reasons the undertaking is unsatisfactory and, since there are circumstances in which it might become unenforceable, I consider that it would not effectively overcome the harmful impact of the development on those parts of the local infrastructure to which it refers. This is a critical failing'*.

- 7.163 Following the Appeal Decision, the applicants for the new application have been in discussion with the Council and a revised S106 has been progressed. The draft agreement takes the form of a single document (overcoming the Appeal Inspectors first concern). The mortgagees are to be signatories to the deed and the parties to the agreement have been amended. This is considered to overcome the Appeal

Inspectors second area of concern.

7.164 The content of the agreement reflects the previously identified requirements which can be summarised as:

- Highway Contribution - A contribution of £341,974 be made towards Hampshire County Council Transport Contribution;
- The provision of a Residential Travel Plan;
- The completion of a Section 278 Agreement with Hampshire County Council;
- Traffic regulation contribution;
- Management arrangements for new roads and footpaths;
- Open space contribution of £123,843.50 in relation to provision, improvement and maintenance of playing space;
- Open space management and maintenance arrangements;
- Design and specification of SUDS system including future management and maintenance arrangements for the lifetime of the development including a programme for its construction and delivery.
- Reptile relocation area provision, management, maintenance and access arrangements (notwithstanding the Appeal Inspectors comments these provisions remain in the agreement to provide an additional level of control over the area);
- Securing public rights of way and gaining access within the site to the public open space and to cycle/pedestrian routes and reptile relocation area;
- Provision of a public right of way across the site;
- Affordable housing provisions, including provision of 39% affordable units, integrated design with the market housing, phasing requirements, standards, Long term management arrangements for the affordable housing, nomination arrangements for the affordable housing, Tenure mix for the affordable housing
- The provision of an Employment and Skills Plan (this is an additional requirement to ensure that the development works with local employment/training agencies to provide employment opportunities for local people during the construction process).

7.165 In terms of the engrossment of the agreement, at the time of writing the contents of the agreement are understood to have been agreed and the applicants legal team are in the process of providing the necessary signatures. Hampshire County Council have also confirmed that they are in a position to engross the agreement.

7.166 The draft S106 agreement is considered to meet the requirements of the NPPF and CIL and would subject to satisfactory final engrossment successfully overcome the issues raised by the Appeal Inspector in relation to the previous application.

8 Conclusion:

8.1 In reaching a decision the Council must have regard to all material considerations, including the Council's previous decision and the reasons for refusal, and the Inspectors decision on the subsequent appeal.

8.2 On the policy issue regarding the release of this site for development there is considered to be no justification for refusal as set out by the Councils Policy consultation response.

8.3 The nature of the development is acceptable in terms of density, layout and form. It illustrates that a satisfactory form of development can be achieved with an acceptable impact on the character and appearance of the area.

- 8.4 The development is considered to have an acceptable impact on the residential amenities of adjoining residents subject to the detailed design of the proposed houses which would be considered at the reserved matters stage.
- 8.5 The proposed access arrangements are considered acceptable and no objection has been raised by the Highway Authority. The proposal includes provision for cycle and pedestrian routes into the site and this would improve the permeability of the development. The proposal would make provision for contributions towards infrastructure improvements.
- 8.6 The proposals seek to address drainage and flooding issues and the Environment Agency, Southern Water and the Council's special Projects Engineer have confirmed that subject to conditions, they have no objections to the proposals.
- 8.7 Noise issues in relation to the adjacent A3(M) have also been considered in detail. Subject to conditions the Environmental Health Officer raises no objection to the proposed development it is also noted that the Appeal Inspector in considering the previous application considered that the development was acceptable in terms of the impact of noise.
- 8.8 Sufficient information has been provided as part of the application to satisfy HCC Ecologist that reptiles within the built development site can be successfully relocated into the reptile reception area. Other protected species can also be successfully accommodated subject to planning conditions. The manner in which the development is proposed would have an acceptable impact on off site ecology and protected areas.
- 8.9 Trees are, where possible, proposed to be retained, and the Council's Arboricultural Officer raises no objections to the proposals.
- 8.10 Whilst Hampshire Constabulary raise some concerns in relation to the number of routes into the site, it is considered that the permeability of the site has significant advantages for residents of the site and residents of nearby roads. Subject to the imposition of suitable conditions in relation to boundary treatments, footpath design etc, it is considered that the development would satisfactorily address crime and disorder issues.
- 8.11 A package of planning obligations will be delivered through a Section 106 Agreement which will mitigate the impact of the development.
- 8.12 In summary, the proposed development is considered to comply with the saved policies of the HBDWLP 1996-2011 and the Local Plan Core Strategy and the NPPF. As such the recommendation is for permission subject to a Section 106 Agreement and planning conditions.

RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/12/00612 subject to:

- (a) The completion of legal agreements under Section 106 of the Town and Country Planning Act 1990 and other relevant legislation, incorporating the terms set out in **paragraph 2.2** of this report (subject to such changes as the Executive Head of Planning and Built Environment and the Solicitor to the Council may determine);
- (b) Planning conditions as set out in **Appendix I** (subject to such changes as the Executive Head of Planning and Built Environment may determine)

Appendices:

- (A) Location Plan
- (B) Inspectors Appeal Decision APP/10/00497
- (C) Affordable Housing
- (D) Site Layout Plan
- (E) Indicative Street Scene
- (F) Transport Scheme List
- (G) Existing Drainage
- (H) Surface Water and Waste Water Drainage Plan
- (I) Planning Conditions –





Appeal Decision

Inquiry opened on 14 February 2012

Site visit made on 16 February 2012

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2012

Appeal Ref: APP/X1735/A/11/2160369

Land South of Scratchface Lane and West of Brooklands Road, Bedhampton, Havant PO9 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Crayfern Homes Ltd against the decision of Havant Borough Council.
 - The application Ref APP/10/00497, dated 6 August 2010, was refused by notice dated 22 June 2011.
 - The development proposed is described in the application form as the erection of 92 open market and affordable dwellings comprising 4 no. 1-bedroom flats, 4 no. 2-bedroom flats, 31 no. 2-bedroom houses, 44 no. 3-bedroom houses, 9 no. 4-bedroom houses, new vehicular and pedestrian access.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The inquiry sat for 3 days on 14-16 February 2012. I made an initial unaccompanied visit to the area on 13 February and I carried out a site visit on 16 February accompanied by the appellant, the Council and other interested parties.
3. The application was made in outline, with the matters of access, layout and scale to be considered as part of the proposal. Appearance and landscaping are matters reserved for future consideration.
4. Following an amendment of the scheme at application stage, the description was amended to 'the erection of 92 open market and affordable dwellings comprising 4 1-bedroom flats, 5 2-bedroom flats, 26 2-bedroom houses, 48 3-bedroom houses, 9 4-bedroom houses, new pumping station, new vehicular access from Brooklands Road including demolition of 2 dwellings, and new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road.' Although the original description was used in the application decision notice, it was confirmed at the inquiry that this was an error. I have adopted the amended description for the purposes of the appeal.
5. The North Hill Bedhampton Residents Association (NorHBRA) was granted Rule 6 status for the inquiry. Although the Council's case centred on the 2 reasons for refusal (related to noise and the lack of planning obligations), NorHBRA made a wide range of objections, supported by Councillors and other local residents. I have taken all these objections into account.

Agreed matters

6. Before the inquiry the appellant and the council submitted a statement of common ground. This sets out the planning history of the site and the policy background, and lists issues not in contention including that the 2nd reason for refusal would be overcome if met by planning obligation. The parties agree that, with the appropriate planning obligations in place, the scheme would have an acceptable impact on the highway network and an appropriate level of car parking; it would not lead to an increased risk of flooding or have an adverse effect on protected species; it would be of high quality design and there would be adequate separation distances between dwellings, new and existing; it would make a meaningful contribution towards meeting the need for affordable housing; the site would be in an accessible and sustainable location and would provide new pedestrian and cycle links; and the development would accord with the spatial strategies of the development plan.
7. At my request, a statement of common ground between the expert noise witnesses was submitted at the inquiry. This sets out agreed matters including a description of the site's noise climate; noise propagation modelling methodologies; assessment methodologies and the utilisation of appropriate standards, guidance and local policy; and an assessment of noise impact and amenity. It confirms that the external noise environment is the sole matter at issue between the main parties.
8. A statement of common ground between the expert highway witnesses was also submitted at the inquiry. This sets out the agreed access strategy; site traffic generation; and sustainability and accessibility considerations. It confirms that, subject to appropriate conditions and obligations, the local highway authority has no objections to the proposal.

Planning Obligation

9. Before the inquiry the appellant submitted a draft of a unilateral undertaking as a deed of planning obligation under s106 of the Act. An executed undertaking, unaltered from the draft, was submitted at the end of the inquiry. In summary, the undertaking is intended to bind the appellant, should the appeal succeed:
 - o to contributing £341,974.00 towards transport improvements including pedestrian and cycle routes, junction alterations and bus stop upgrades
 - o to preparing and implementing a residential travel plan and to appointing a travel plan coordinator
 - o not to commence development until a s278 Highway Agreement has been entered into for the alteration and improvement of local roads
 - o to providing and laying out the reptile relocation area
 - o to contributing £123,843.50 towards the provision, improvement and maintenance of playing space
 - o to making if required a contribution not exceeding £5,000.00 towards traffic management measures on local roads
 - o to forming, registering and operating a management company for the cleaning and maintenance of the common parts of the development

- to constructing the public right of way on the site for public use in perpetuity
 - to providing 39% of the total number of housing units as an integrated scheme of affordable housing and to transferring them to a registered affordable housing provider
 - to designing, implementing and maintaining a sustainable urban drainage system (SUDS), including the provision of a performance bond.
10. The Council considers that these provisions would overcome the 2nd reason for refusal. I consider this in more detail later.

Application for costs

11. At the inquiry an application for costs was made by Crayfern Homes Ltd against the Council. This application is the subject of a separate decision.

Main issues

12. I consider the main issues in this appeal to be:
1. Housing need and the sustainability of the location;
 2. The effect on the character and appearance of the area, with regard to housing density, access, trees and local wildlife;
 3. The acceptability of living conditions for the future occupiers of the development, with regard to the prevailing noise climate; and
 4. The impact of the development on local infrastructure and whether any harmful impact would be overcome by condition or planning obligation.

Reasons

13. The site lies on the western edge of Bedhampton, between the existing built-up area and the A3(M) trunk road. A raised earth bund separates the site from the road. The eastern boundary of the site adjoins the rear gardens of 2-storey detached and semi-detached houses in Hillmead Gardens and of mainly semi-detached bungalows in Brooklands Road. The site consists of 2 fields, mainly poor quality grazing land, divided by the Brockhampton Stream. The northern field falls gently from its northern boundary on Scratchface Lane to the stream, from where the southern field rises more steeply to its southern boundary on Portsdown Hill Road. There are 2 groups of trees protected by TPO along the stream and on the eastern boundary of the southern field.
14. The development would consist of a mix of 2-storey detached, semi-detached and terraced houses. Vehicle access would be from Brooklands Road, with additional pedestrian/cycle access onto Scratchface Lane and Portsdown Hill Road. Slow-worms and common lizards, both protected species, are known to be present on the site and an area of land to the south would be set aside as a reptile translocation site.

Housing need and the sustainability of the location

15. The site is allocated in the Havant Borough Local Plan (LP) as a reserve housing site. At the time the Council considered the application it could not demonstrate a 5 year housing supply, as required by PPS3. Although the Council refused the application, in the balance this clearly weighed in favour of the proposal. I note

that, following the grant of planning permission for a large local housing site, a 5 year supply does now exist. Nonetheless, recent decisions by the Secretary of State establish that reserve housing sites form part of the identified housing land supply. Development of this allocated site would comply with national and local housing policy objectives and, as an eminently available and achievable site, would help to ensure a continuous delivery of housing over the plan period. The Council makes no objection to development in principle. Local residents, and some councillors, argue that the site is not suitable for residential development. However, the site's allocation for housing is current Council policy and any review of that is a matter for the LDF process rather than through consideration of an individual appeal.

16. The development would provide a good mix of high quality, mainly family houses. A high proportion – 39% - would be affordable homes, going some way towards meeting the pressing need for 2 and 3 bedroom affordable family accommodation. The footpath/cycleway through the site would ensure that a range of retail, leisure, education and other facilities, including bus stops and rail station, would be within reasonable walking and cycling distance. Although there seems over the years to have been a range of assessments giving a variety of indications of the accessibility of the site, I note that the site ranked high in the accessibility matrix at the time it was recommended by the LP Inspector. Subject to the improvements envisaged through the planning obligation, I consider that the development would be in a sustainable location. Government policy set out in *Planning for Growth* makes it clear that sustainable development should be supported to ensure a quick return to economic growth. Taking all these matters into account I consider that the proposal would meet a clear housing need, in accordance with established policy objectives.

The effect on the character and appearance of the area, with regard to housing density, access, trees and local wildlife

17. The site would be laid out in a traditional manner with dwellings on either side of estate roads, reflecting the characteristic layout of the adjacent built-up area. The Council calculates that the development density of Hillmead Gardens is about 33 dwellings/hectare and that of Brooklands Road to be about 23 dwellings/hectare. This is low density development in terms of Core Strategy policy CS9. The density of the proposed layout of 92 houses and flats, excluding open space, SUDS features and the reptile translocation area, would be approximately 32 dwellings/hectare. Thus the proposed development would be consistent with the form and density of the adjoining area.
18. I note that the LP Inspector estimated that the site had a capacity for 65 dwellings. However, at that time, the site was within the designated Strategic Gap and extensive landscaping was considered appropriate. The site is no longer within the Strategic Gap so the extent of landscaping it is not now such a vital consideration. As PPS3 makes clear, there is every reason to make the most efficient use of available housing land. I consider that there would be sufficient additional landscaping, and retained trees, to harmonise the scheme with its surroundings so that the layout would accommodate the 92 dwellings without compromising the quality of the local environment.
19. The access to the site would be off a sharp bend in Brooklands Road and would involve the removal of a pair of semi-detached bungalows, built on a splay across the corner. There are other frontage gaps so the new opening would

not be uncharacteristic, and it would allow attractive views into the site of mature protected trees and open space. A single detached 4-bedroom dwelling, set back from the road, would act as an appropriate transitional feature between old and new development.

20. All the protected trees on the site would be retained, with the layout designed around them to make the trees a key feature of the development. The oak trees lining the stream, with green open space on either side, would be a particularly attractive focal point. The trees have been neglected and would receive appropriate maintenance, thereby ensuring the longevity of these important landscape features. There would also be scope for extensive tree planting throughout the site. A substantial wildlife corridor adjacent to the planted bund on the western boundary, appropriately planted, would link the reptile translocation area at the south of the site to Littlepark Wood to the north, a Site of Interest for Nature Conservation (SINC), and to the wider area. The wildlife corridor would also link to the oak trees along the stream. Bats are known to occupy these trees and the wildlife corridor would maintain flight paths and foraging routes to the north and south.
21. Thus the layout would be compatible with the surrounding area in terms of density and access, important mature trees would be retained and managed, new trees would be planted, reptiles would be relocated on-site and bat habitat would be protected. All these factors lead me to the view that, with regard to housing density, access, trees and local wildlife, the proposed development would have no harmful effect on the character and appearance of the area.

The acceptability of living conditions for the future occupiers of the development, with regard to the prevailing noise climate

22. The site lies immediately adjacent to the A3(M) trunk road. When the road was built, the earth bund was constructed to shield the adjacent area from excessive traffic noise. Nonetheless, noise surveys show that the site would be exposed to a degree of environmental noise. The road traffic emits a low, steady hum with slight variations reflecting daytime, rush hour and night time traffic levels. The daytime noise environment is accepted to be the worst case condition. No significant increase in noise levels has been found since the recent opening of the Hindhead tunnel, and no significant future increase is forecast.
23. PPG24 *Planning and Noise* sets out recommended noise exposure categories (NEC) for new dwellings near existing noise sources. The surveys indicate that most of the site falls within NEC B, where noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. A narrow strip on the western edge of the site is within NEC C, where permission should not normally be granted. This strip increases in width to the south where the bund merges into embankment. The layout is intended to reflect these survey findings, with buildings located only within the area defined as NEC B.
24. The Council accepts that the internal environment of the dwellings can be protected from the impact of noise by conditions requiring façade protection and attenuated mechanical ventilation. That would provide acceptable living conditions within the dwellings. It was confirmed at the inquiry that the Council's objections relate only to external noise levels in gardens and public recreation areas. The surveys show that average noise levels are fairly consistent across the site. Existing gardens lie within NEC B, with a few

towards the north in NEC A. There can be an assumption that noise levels are higher closer to the road but, as I found at the site visit, it was perceptibly quieter near the bund than at the boundary with the gardens of the existing houses. That may be the combined result of the bund's shielding effect and the light westerly wind blowing that day but it was a convincing illustration that, in the prevailing conditions, noise levels in the public open spaces and the gardens of the new development would be likely to be little different to those found acceptable in the existing gardens.

25. There was some disagreement about the exact location of the boundary between the areas considered to be within NEC B and NEC C at the southern end of the site and whether some dwellings and gardens might be too close to, or indeed across, that boundary and so might be over-exposed to noise. Natural variation in the series of noise measurements makes it difficult to pinpoint an exact boundary and, as PPG24 indicates, there is a 'tolerance' of about 3 dB(A) above or below the recommended boundary levels which makes it more difficult to be precise about the impact. There is no sudden change across the boundary. Most of this area is given up to the reptile translocation site and the few dwellings at the southernmost end of the site potentially affected have been designed so as to shield their gardens from traffic noise. I consider that, with appropriate conditions in place to control internal conditions, these houses and gardens would not be over-exposed and that, overall, the design and layout of the development would take sufficient account of the prevailing noise climate.
26. I note that a proposal to develop the southern field was dismissed on appeal in 1992, partly because of the noise impact on external areas. That scheme showed houses with gardens within the exposed NEC C area. To some extent, that decision was superseded by the allocation of the larger site by the LP Inspector in 2004 but, in any event, I have considered this proposal on the basis of the layout and noise surveys now before me. Local objectors also refer to WHO recommendations of lower noise levels. These guideline values are aspirational and would exclude many developable sites. They have not been adopted as national criteria and a review undertaken by DEFRA in 1998 found that '*Exceedances of the WHO guideline values do not necessarily imply significant noise impact and, indeed, it may be that significant impacts do not occur until much higher degrees of noise exposure are reached.*' In the light of that, I consider that the appropriate standards for this site are those set by PPG24. This proposal would generally comply with them.
27. For these reasons I consider that the prevailing noise climate would not have a significant effect on the health and quality of life of the residents of the new development and that the layout would secure a reasonable degree of peaceful enjoyment of their gardens and the public recreational areas. Accordingly I consider that the proposal would provide acceptable living conditions for the future occupiers of the development.

The impact of the development on local infrastructure and whether any harmful impact would be overcome by condition or planning obligation

28. It is agreed that the proposal could have a significant impact on its surroundings and a range of local infrastructure and that various measures would be necessary to mitigate that. Suggested conditions were reviewed at the inquiry, including those relating to the internal noise environment. Other principal concerns include an increased risk of surface water flooding so details

of the design, implementation and management of a sustainable surface water drainage scheme must show how run-off would be restricted to no more than current rates. Foul water flooding is currently a problem in Brooklands Road so the scheme has been designed to connect into a separate system in Scratchface Lane, at a higher level, by a pumping station. Full details of the design and siting of the pumping station would be submitted for approval. The rate of discharge from the pumping station would be restricted to a maximum compatible with the existing sewer to avoid overload. A programme of archaeological investigation before commencement would ensure that significant remains are not lost.

29. A Construction Method Statement should ensure that local residents are not inconvenienced by the construction process. A range of conditions requested by the Highway Authority and the Environment Agency should ensure that the access and estate roads are constructed to the proper standards and that watercourses are protected. Provision of the site for, and the translocation of, on-site reptiles prior to commencement would minimise disruption to protected species. An Ecological Management Plan would ensure that wildlife habitat is conserved and biodiversity potential enhanced. These conditions reflect the advice of specialist consultees. Other conditions relating to more detailed matters were also considered at the inquiry. Subject to adjustments as discussed to ensure compliance with Circular 11/95, to improve clarity and consistency and to reflect the Inspectorate's list of published conditions, I consider that the suggested conditions would be a necessary and reasonable means of overcoming these potential impacts.
30. The appellant's unilateral undertaking is aimed at meeting a range of local policy objectives with the intention of overcoming or substantially mitigating a number of potentially harmful impacts on local infrastructure. The Council submitted evidence to show why these provisions are necessary. Contributions towards transport improvements and a Travel Plan would improve the accessibility of the site and increase the sustainability of the location. For similar reasons the right of way on the site would be made available for public use in perpetuity. A contribution towards improving facilities in the local park would ensure that it could cater for the additional child population. The provision of a performance bond is necessary to ensure that the SUDS is properly constructed. The commitment to providing a proportion of affordable housing would meet national and local policy objectives. The formation and operation of a management company to maintain the non-domestic parts of the site is vital to the success of the development. However, I am not convinced that an obligation to provide the reptile relocation area is necessary since, given that it would be maintained by the management company, its formation is effectively required by suggested condition 50. I give that provision little weight.
31. With that exception, I consider that the provisions of the planning obligation would be necessary to make the development acceptable in planning terms. They would meet the tests of CIL Regulation 122 and the policy objectives of Circular 5/200 and would overcome the impact on local infrastructure that the development would otherwise have in those respects.
32. The acceptability of the scheme in this regard is therefore dependent on the effectiveness of the planning obligation. The appellant submitted the executed undertaking as 4 counterpart obligations, each identical but signed by different

parties. It was explained that it had not been possible to arrange for all the parties to sign a single document. This presents considerable difficulties. The obligation is a public law document which has to be entered on the planning register and the local land charges register and it may be copied to a range of interested parties. It is vital that it is clear on the face of the document that all parties with an interest in the land are joined in. That is not clear from each or any of the otherwise identical counterpart copies. To be effective there must be a single document signed by all the parties.

33. Furthermore, 2 of the properties concerned are subject to mortgages but, while the mortgagees are listed as interested parties and signatories to the deed, they have not signed the document. The appellant argues that this does not matter since he will become successor in title. However it is conceivable that the mortgagees could take possession. They would not then be bound by the undertaking and the provisions of the obligation could not be enforced. I also heard that one of the listed signatories is no longer a party to the undertaking. For these reasons the undertaking is unsatisfactory and, since there are circumstances in which it might become unenforceable, I consider that it would not effectively overcome the harmful impact of the development on those parts of the local infrastructure to which it refers. This is a critical failing.

Other matters

34. Access to the site would be from Brooklands Road, as envisaged in the LP Inspectors report. I recognise that the impact of the development on the local road network is a matter of considerable concern to local residents. However, the highway authority has carried out detailed investigations and concludes that road widths and alignments are adequate and there is sufficient capacity within the local road network to accommodate additional traffic from the development. Similarly, while there would be an increase in traffic using junctions in the wider network, the highway authority considers that there is sufficient capacity to absorb it. A highways objection to the proposal is not therefore justified.
35. Local residents also consider that crime prevention advice is being ignored. The Police recommend limited access into the development so that there would be no alternative escape routes for wrongdoers. This is contrary to urban design advice promoting the permeability of development and would also seriously limit the accessibility of the site. A suggested condition would require measures to reduce the possibility of crime and anti-social behaviour so, taking that into account, on balance I consider the more permeable layout to be acceptable.

Conclusions

36. This urban extension proposal is essentially consistent with the criteria of Core Strategy policy CS16 and national policy objectives intended to promote sustainable housing development. The consequential impact on local infrastructure could be overcome by appropriate conditions and a planning obligation. However, that depends on a binding and enforceable undertaking. The executed document as submitted cannot be relied on to deliver what it promises. For that reason alone I dismiss the appeal.

Colin Ball

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Towler of Counsel	Instructed by Jo Barden-Hernandez, Solicitor to the Council.
He called:	
Graham Wright BSc DipTP MRTPI	Senior Engineer, Highways Development Planning Team, Hampshire County Council.
Reuben Peckham BEng MPhil CEng MIOA	Principal Consultant and Director, 24 Acoustics Ltd.
Alexander Sebbinger MRTPI	Development Control Officer, Havant Borough Council.

FOR THE APPELLANT:

Paul Stinchcombe QC	Instructed by PRO Vision Planning and Design.
He called:	
Edward Clarke BEng(Hons) MIA	Acoustics Consultant and Technical Director, Alan Saunders Associates.
David Wiseman BA(Hons) RTPI	Associate Director, Stuart Michael Associates.
Davog McCloskey BSc(Hons) MIEEM	Director of Ecology, PV Ecology.
Jeremy Muscroft BEng CEng MICE MCIWEM MCIHT	Director, Capita Symonds, Water and Infrastructure Division.
Jeremy Higgins BSc(Hons) DipTP RTPI	Associate Director, PRO Vision Planning and Design.

FOR THE RULE 6 PARTY:

Jim Graham	Chairman, North Hill Bedhampton Residents Association (NorHBRA).
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OTHER INTERESTED PERSONS:

Cllr Jenny Wride	Borough Councillor.
Cllr Liz Fairhurst	Borough Councillor.
Cllr Ann Buckley MCIH	County Councillor.
Kate Turner	Havant and Bedhampton Community First.
Jeffrey Lane Regd. Psychotherapist	Local resident.
David Lee	Local resident.
Elaine Surrey	Local resident.
Pauline McKeever	Local resident.
Shelagh Baker	Local resident.
Paul Bunnage	Local resident.
Kevin Marston	Local resident.
Chris Kinge	Local resident.

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Mr Wright's replacement proof of evidence, to include missing appendices.
- 2 Statement of common ground – Highways.
- 3 Statement of common ground – Noise.
- 4 Copy of Mr Clarke's letter dated 11 January 2011 to PRO Vision.
- 5 Mr Graham's PowerPoint slides.
- 6 Cllr Wride's statement, photographs and plans.
- 7 Cllr Buckley's statement.
- 8 Ms Turner's statement.
- 9 Mr Lane's statement.
- 10 Mr Lee's statement.
- 11 Ms Baker's statement.
- 12 Mr Bunnage's statement and appendix.
- 13 Ecological statement of Nik Knight MA(Cantab) MSB.
- 14 Cllr Smith's statement (read to the inquiry).
- 15 Mr Petrie's statement (read to the inquiry).
- 16 Copy of site layout plan 9982/P 04 B, cross hatched, referred to in suggested condition 23.
- 17 Copy of Register of Title, 34 Brooklands Road.
- 18 Copy of draft contract for sale of affordable housing to a registered affordable housing provider.
- 19 Executed S106 unilateral undertaking in 4 counterpart copies.
- 20 Mr Graham's closing submissions for NorHBRA.
- 21 Mr Towler's closing submissions for the Council.
- 22 Mr Stinchcombe's closing submissions for the appellant.
- 23 Costs application on behalf of the appellant.

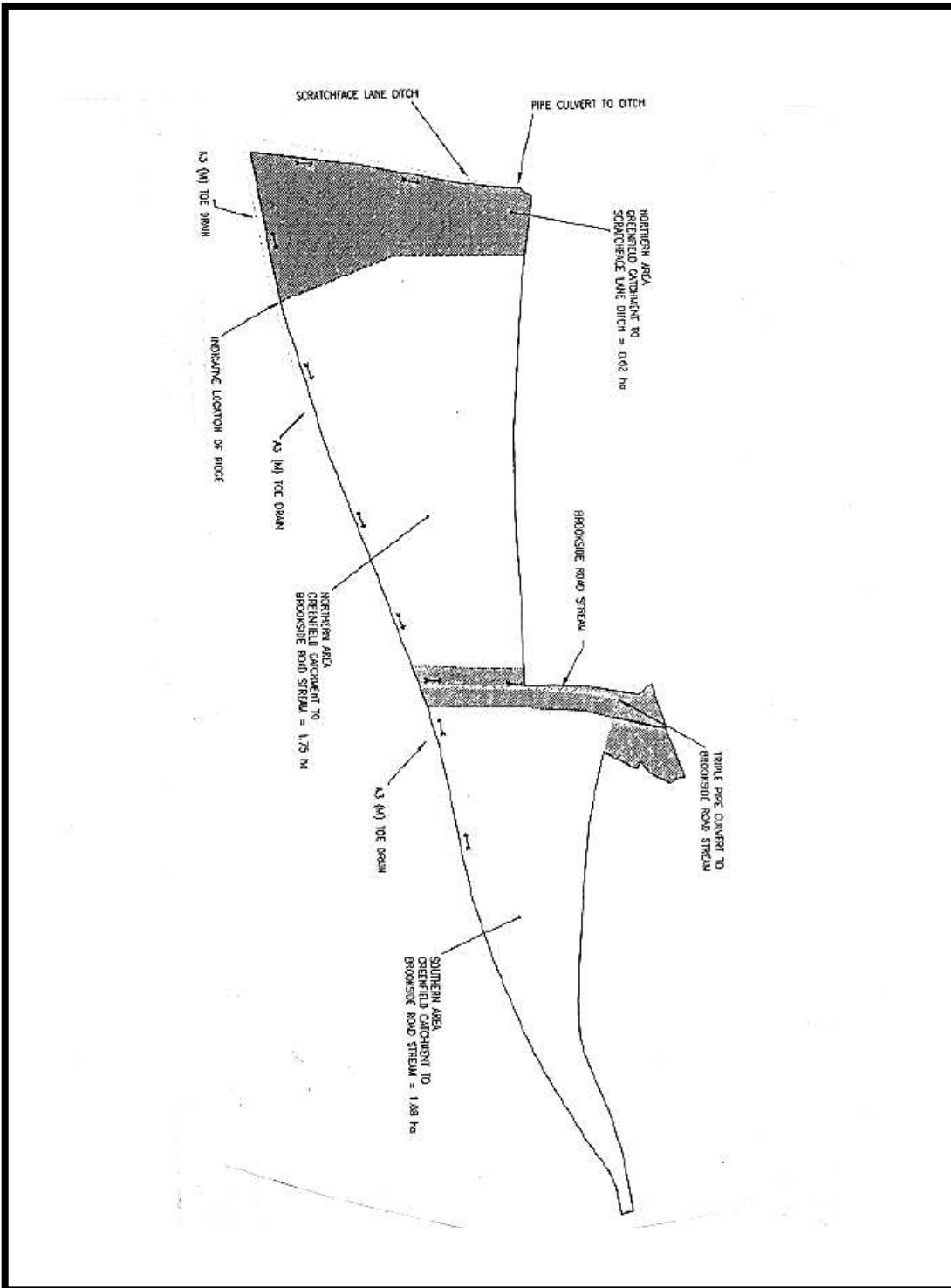


Transport improvements including but not limited to:-

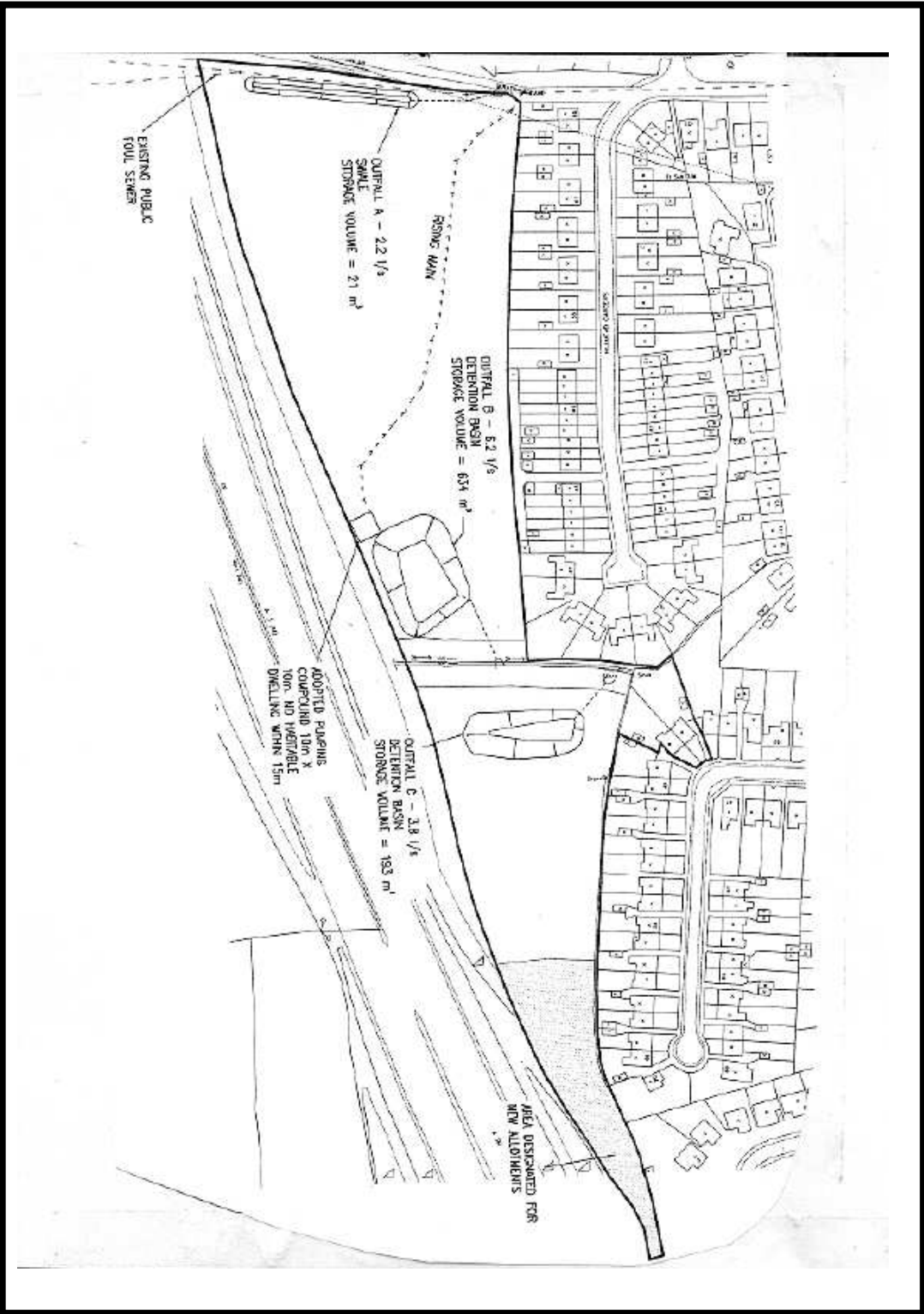
- Shared off road pedestrian/cycle path including on road advisory cycleway – in the vicinity of Hulbert Road/Park Lane.
- Conversion of footpath to shared use on Hulbert Road and provision of on-road cycle route on Newbarn Road
- Off road shared cycleway from A2030 Havant Road and Bidbury Lane,
- Bedhampton to Harts Farm Way via Bidbury Mead upgrade of footpath 30 to shared cycle route
- Hulbert Road/Bedhampton traffic signalled junction – safety improvements to right turning vehicles
- Bus stop/shelter upgrades on routes 21, 23 and 36
- Bedhampton Rail Station footbridge cycle wheel gully
- Staunton Road footbridge cycle wheel gully
- Scratchface Lane to Crookhorn Lane upgrade Bridleway for shared use.

EXISTING DRAINAGE

APPENDIX G



SURFACE WATER & WASTE WATER DRAINAGE PLAN



Recommended Planning Conditions APP/12/00612:

(subject to such changes as the Executive Head of Planning and Built Environment may determine)

1.	<p>The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.</p> <p>Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called "the reserved matters" and "other matters"] have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in full accordance with the approved details.</p> <p>(i) The reserved matters:</p> <p>The appearance of all buildings (including details of the colour and texture of external materials to be used);</p> <p>Reason: In the interests of the amenities of the locality and having due regard to policies CS16 of the Havant Borough Local Plan Core Strategy 2011 and the NPPF.</p> <p>Landscaping including an accurate plan showing the position, type and spread of all existing trees on the residential area and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the trees to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree. A soft landscape scheme for the whole site (Residential and Reptile Relocation Area and Public Open Space), not proposed to be hardsurfaced, including the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and timing provisions for completion of the implementation of all such landscaping works.</p> <p>Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.1, CS11.2, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
4.	<p>No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.</p> <p>With respect to the roads coloured grey on drawing number 9982/P 04 Rev C these shall be constructed to adoptable standards.</p>

	<p>Reason: To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) and the NPPF.</p>
5.	<p>Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological 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 completed and thereafter managed and maintained in accordance with the approved details.</p> <p>The scheme shall also include:</p> <ul style="list-style-type: none"> • Design details of the permeable paving areas, including car parking bays • Design details for infiltration and collection systems • Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; • A timetable for its implementation; and • A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime. <p>Reason: To improve and protect water quality by ensuring that the infiltration of potentially polluting surface water run-off does not enter groundwater. In addition this will prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance with the NPPF and Havant Borough Local Plan (Core Strategy) policies CS11, CS15, DM8 and DM10.</p>
6.	<p>No development shall begin until details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority. Thereafter the bridges shall be constructed as set out in the approved scheme.</p> <p>Any bridges to be built over the Bedhampton Brook shall be of a clear span design, with the following features:</p> <ul style="list-style-type: none"> • Abutments shall be set back from the watercourse on both banks to provide a bank width of a minimum of 2 metres beneath the bridge to provide an unobstructed corridor to allow the movements of otters and other animals. • Bridge soffit levels and flood spans shall be 600mm above the 1 in 100 year flood level to allow floating debris to pass freely through the structure. One metre above maximum known flood level will be required on main rivers if the applicant does not provide hydraulic calculations for the design flood level. <p>Reason: The use of clear-spanning bridges will maintain a continuous river corridor and allow the movement of both the river and associated wildlife in accordance with Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS16 and DM8. It will also ensure that flood flows are conveyed safely on site and that the risk of blockages under the bridge is minimised in accordance with the NPPF.</p>
7.	<p>No development shall begin until a scheme for the provision and management of a minimum of an 8m buffer zone both sides of the Bedhampton Brook is submitted to and agreed in writing by the local planning authority. This zone</p>

	<p>should be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the stream. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:</p> <ul style="list-style-type: none"> • Plans showing the extent and layout of the buffer zone • Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term • Details of any footpaths, fencing, lighting etc. • Details showing how access to the watercourse and grill covering the entrance to the culvert underneath Brooklands Road will be made available throughout the construction phase and after the development is complete. <p>Reason: Development that encroaches on watercourses and wetlands has a potentially severe impact on their ecological value. This is contrary to Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS15 and DM8 in addition to the UK Biodiversity Action Plan. Land alongside watercourses and wetlands is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Through securing access to allow maintenance activities to take place if required will reduce the risk of flooding to the local area in accordance with the NPPF.</p>
8.	<p>No development shall begin until a scheme for the provision and management of at least one compensatory pond habitat has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.</p> <p>Reason: Development that encroaches on ponds and other wetlands has a potentially severe impact on its ecological value. Paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is also supported by policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.</p>
9.	<p>No development hereby permitted shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard against undue damage to existing trees and other vegetation on the site and in the vicinity of the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
10.	<p>No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar</p>

	<p>as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To safeguard against undue damage to existing trees and other vegetation at the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
11.	<p>No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
12.	<p>No development hereby permitted shall commence until a scheme for protecting the proposed dwellings and their gardens from noise from the A3(M) has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.</p> <p>The scheme is required to achieve the following requirements: Maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided: Daytime 35 dB LAeq,16h Night time 30 dB LAeq,8h and should not regularly exceed 45 dB LAm_{ax}, F.</p> <p>Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
13.	<p>No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.</p> <p>Reason: In the interests of the amenities of the locality and having due regard to policies CS11.1, CS15, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
14.	<p>No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.</p> <p>Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
15.	<p>No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent damage to existing trees and hedgerows on the site throughout implementation of the</p>

	<p>same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times during which such implementation is in progress. Any such tree or hedgerow which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than 1.6 metres height when planted.</p> <p>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 NPPF.</p>
16.	<p>A Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing before development commences. This shall, at least, include the following:</p> <ul style="list-style-type: none"> • Construction lorry routes; • Parking and turning provision to be made on site for clearance and construction vehicles; • On site provision for materials compound and other item storage; • Siting of construction facilities; • Measures to prevent mud from being deposited on the highway; • A programme for construction <p>In addition the Construction Management Plan shall detail the following:</p> <ul style="list-style-type: none"> • No bonfires on site during the clearance or construction phases; • The hours of works which shall not exceed those detailed below: <p>Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.</p> <p>The agreed Construction Management Plan shall be fully implemented before the development is commenced and retained during the construction period and the development carried out fully in accordance with the agreed plan unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the NPPF.</p>
17.	<p>No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the commencement of occupation of the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.</p> <p>Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
18.	<p>The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.</p>

	<p>The lighting proposed should be sympathetically designed to accommodate foraging and commuting bats.</p> <p>Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
19.	<p>Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no free-standing walls, fences or other means of enclosure of any kind permitted by Part 2, Class A of the 1995 Order as amended shall be erected within the area since hatched in black on Plan 1 attached to this Decision Notice without the prior written approval of the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
20.	<p>Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/E and F of the 1995 Order, as amended, shall be erected within the cartilage of units 2, 3, 4, 7, 8, 18, 19, 32 of the site without the prior written approval of the Local Planning Authority.</p> <p>Reason: To ensure that trees/hedges to be retained are protected from inappropriate development having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
21.	<p>No dwelling / building hereby permitted shall be constructed anywhere on the site until the road(s) have been laid to at least base course unless otherwise agreed in writing by the Local Planning Authority.</p> <p>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 NPPF.</p>
22.	<p>No dwelling shall be occupied unless and until the vehicular access and space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.</p> <p>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 NPPF.</p>
23.	<p>No development shall take place within the area indicated on the approved plan ref no. 9982/P 04 Rev C until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.</p> <p>Reason: The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.</p> <p>Note for Decision Notice: <i>Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.</i></p>
24.	<p>No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.</p> <p>Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these</p>

	heritage assets is preserved by record for future generations and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.
25.	<p>Following completion of archaeological fieldwork a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.</p> <p>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 and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.</p>
26.	<p>No development shall commence on the site until details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The agreed details shall be fully implemented before the buildings hereby permitted are first occupied.</p> <p>Reason: In the interest of maintaining the amenity value of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
27.	<p>No development including site clearance shall commence on the site until all trees / shrubs and / or other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along a line to be agreed in writing with the Local Planning Authority. Such fencing shall conform to the following specification in accordance with BS5837 2005. Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.</p> <p>Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.</p> <p>Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
28.	<p>The soil levels within the root spread of trees / hedgerows to be retained shall not be raised or lowered without the prior written approval of the Local Planning Authority.</p> <p>Reason: To avoid damage to health of existing trees and hedgerows and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
29.	<p>Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
30.	<p>The development hereby approved shall not commence unless and until full details of measures aimed at reducing the possibility crime and antisocial</p>

	<p>behaviour have been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.</p> <p>Reason: In the interests of reducing the opportunity for crime and antisocial behaviour in the interests of existing and future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
31.	<p>The development hereby permitted shall not commence unless and until details in relation to the provision of restrictions to vehicular access to the Scratchface Lane emergency access/footpath/cycleway have been submitted to and approved in writing by the Local Planning Authority. The approved access restrictions shall thereafter be provided and maintained in accordance with the approved details.</p> <p>Reason: To ensure that the Scratchface Lane access is for emergency vehicle, cycle and pedestrian access only in the interests of amenity and highway safety having due regard to policies CS16 and DM11the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
32.	<p>The footpath/cycle routes to Portsdown Hill Road and Scratchface Lane shall be designed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The details shall include features to improve the safety of the routes including the design and positioning of fencing, lighting, surfacing materials, landscaping and width of routes. The approved scheme shall be provided prior to the occupation of the dwellings hereby approved and thereafter maintained in accordance with the approved details.</p> <p>Reason: To ensure that the development provides good pedestrian and cycle access to encourage sustainable means of transport and having due regard to policies CS16 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
33.	<p>The development hereby permitted shall not commence unless and until a scheme for cycle parking meeting the standards set out in Havant Borough Residential Parking and Cycle Provision has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided in accordance with the approved scheme prior to the occupation of the associated dwelling and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the provision of adequate cycle parking in the interests of promoting sustainable travel options and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
34.	<p>The foul sewer system's pumping station must at no time exceed a pump rating of 4.4 litres per second. In addition no foul sewage shall be discharged from the application site into the Brooklands Road sewerage system.</p> <p>Reason: To ensure suitable foul water drainage for the site and having due regard to policies CS15, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
35.	<p>The development hereby permitted shall not commence until such time as full details of the access arrangements for Brooklands Road as shown 'in principle' on drawing 3356.006 Rev B have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the commencement of development.</p> <p>Reason: In the interests of highway safety and having due regard to policies CS20 and DM11 of the Havant Borough Core Strategy 2011 and the NPPF.</p>

36.	<p>The development hereby permitted shall not commence unless and until a scheme specifying the measures to be undertaken to protect public sewers on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.</p> <p>Reason: To protect drainage infrastructure and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
37.	<p>Prior to commencement of the development hereby permitted, an updated reptile mitigation strategy shall be submitted for written approval to the local planning authority. In addition to those measures regarding trapping, translocation, monitoring and habitat enhancements already provided in the Phase 2 Ecology Report (PV Ecology, July 2012), this shall include (but not necessarily be limited to): setting out of the wildlife corridor; details of the establishment vegetation management and amended planting of the detention basins, receptor site and wildlife corridor; ongoing management of the detention basins, receptor site and wildlife corridor; and details of how these will integrate with public access requirements. Development shall subsequently proceed and be maintained in accordance with any such approved mitigation strategy.</p> <p>Reason: To avoid impacts to reptiles in accordance with CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.</p>
38.	<p>Prior to commencement of the development hereby permitted, plans showing the layout and specification of streetlighting and how impacts from new external lighting will avoid illuminating the identified bat roost and key foraging / commuting routes shall be submitted for written approval to the local planning authority. Development shall subsequently proceed and be maintained in accordance with any such approved details.</p> <p>Reason: To avoid impacts to bats in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.</p>
39.	<p>Bat roosting features shall be provided in the development in accordance with paragraphs 6.4-6.6 of the Phase 2 Ecology Report (PV Ecology, July 2012). Upon completion, a brief report provided by a suitably experienced ecologist confirming the installation of these shall be submitted for written approval to the local planning authority.</p> <p>Reason: To enhance biodiversity in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.</p>
40.	<p>Clearance of any vegetation shall only take place between August and early February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken by a competent ecologist to ensure there are no occupied nests present. If necessary, the supervising ecologist shall maintain a watching brief during the vegetation clearance. Work shall cease in any areas where occupied nests are identified and an exclusion zone of 5 metres maintained around such nests, until such time as those nests become unoccupied of their own accord.</p> <p>Reason: To avoid impacts to nesting birds and having due regard to policies CS11, and CS16 of the Havant Borough (Core Strategy) 2011 and the NPPF.</p>
41.	<p>The buildings hereby permitted shall not occupied until plans and particulars specifying:</p> <ul style="list-style-type: none"> i) the design and appearance of informal open space, ii) its relationship to SUDS,

	<p>iii) the design of any water features to address safety, iv) a timetable for the implementation on site.</p> <p>have been submitted to and approved in writing by the Local Planning Authority. The informal open space shall be provided in accordance with the approved details and timetable.</p> <p>Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, DM1 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
42.	<p>No development including site clearance shall take place until a scheme in relation to the proposed reptile relocation area has been submitted to and approved in writing by the Local Planning Authority. These details shall include a schedule for provision, details of any public access to the land, ecological management and boundary treatment. The approved scheme shall thereafter be provided and maintained in accordance with the approved details.</p> <p>Reason: In the interests of the amenities of the locality and nature conservation and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
43.	<p>Notwithstanding the submitted details the development hereby permitted shall not commence unless and until details of the siting and design of the proposed pumping station have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests amenity and to ensure that the wildlife buffer zone and tree protection can be adequately addressed having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
44.	<p>Units 7 and 19 hereby permitted shall be designed to ensure that windows or other openings above ground floor level in the east facing elevations are designed to prevent an unneighbourly impact on the properties in Brooklands Road.</p> <p>Reason: In the interests of residential amenities and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework together with Planning Policy Statement 1.</p>
45.	<p>Notwithstanding the submitted details nothing in this permission shall approve the siting and garden areas of units 7 and 8 which will be subject to further details to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that suitable amenity space can be provided for unit 7 having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
46.	<p>The development hereby permitted shall not commence unless and until full details of suitable boundary treatment to 32 and 38 Brooklands Road have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure suitable boundary treatment in the interests of residential amenity and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.</p>
47.	List of Plans and Documents

Officers Update - 24th October 2012

Amended plans have been received with a revised key correctly reflecting the mix of housing sites shown on the plans. To reflect this the description of the development should read as follows:

Outline application for the erection of 92 open market and affordable dwellings comprising 4No. 1 bedroom flats; 5No. 2 bedroom flats; 26No. 2 bedroom houses; 44No. 3 bedroom houses; 13No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle access onto Scratchface Lane and Portsdown Hill Road. (Revised Application)

As a result there are changes to the Committee Report to correct this mix in paragraph 3.1, 7.14.

(3.1) Description should read as above

(7.14) List of house types changed which should read:

Houses:

26No. 2 Bed Houses

44No. 3 Bed Houses

13No. 4 Bed Houses

The updated plan also shows the retention of additional boundary trees/vegetation to the east of the reptile area indicated as Groups 10 and 11.

(3.5) Correction – Delete 'B&Q' add 'Homebase'

(6.1) Community Involvement

Information received: The list of representations received should include a petition signed by 67 residents of Penhurst Road. The issues raised are:

Summary:

- Noise/quality of life
- Flooding
- Roads congestion and overflow parking particularly during construction
- Crime
- Character and density out of keeping with surrounding estate

Comment:

These issues are addressed in the Committee Report.

1 further representation has been received from a previous correspondent.

Summary:

- Concern over cycleway to Portsdown Hill Road – gradient does not meet Manual for Streets and Sustrans guidance.
- Concern over safety of cycleway junction with Portsdown Hill Road.

Comment:

The design of the cycleway to Portsdown Hill Road (and any barrier to the southern end) are subject to condition. This will enable the safety issues to be addressed in detail. The nature of the topography will result in the route having a fairly steep gradient, however this is not considered to be unacceptable given the overall benefits outlined in the officers report of improved access to the site.

(6.1) Correction to Highways representations – second bullet point should read:

- Inadequate road infrastructure including Maylands Road, Penhurst Road and the Belmont Roundabout

In relation to the previously listed objections many of the issues raised are addressed in the Officers Report (Part 7 Planning Considerations). Further comments in relation to Human Rights are provided as follows:

Human Rights:

Summary:

Human Rights Act 1988, implements the European Convention on Human Rights. Article 8 provides that everyone has the right to respect for his private and family life, his home and his correspondence. Would argue that any infringement on our present peaceful home and day-to-day life made by this development going ahead would impinge upon our Human Rights.

Comment:

The impact of the application has been carefully considered in relation to the impact on the residential amenities of nearby occupants, for example in relation to overlooking and traffic movements. It is considered that the Human Rights of nearby residents in terms of Article 8 have been appropriately considered.

7 (vii) Noise Issues

In order to aid the understanding of noise issues and in response to concerns raised by third parties the Council's Shared Service Manager (Environmental Health) has provided a Briefing Note on the impact of traffic noise on the development. The Briefing Note is attached.

7 (xiv) Contribution Arrangements/S106

Members are advised that the necessary S106 Agreement has now been completed and successfully addresses the Borough and County Council's requirements. Its form is also considered to overcome the concerns of the Appeal Inspector.

The Recommendation is therefore amended to delete (a) as set out in the officers report and should now read:

RECOMMENDATION:

*That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/12/00612 subject to:*

*(a) Planning conditions as set out in **Appendix I** (subject to such changes as the Executive Head of Planning and Built Environment may determine)*

Appendix I Planning Conditions to follow.

Briefing Note on the impact of traffic noise on the proposed Scratchface Lane residential development site

**Stuart Wedgbury MSc. MCIEH MIOA
Environmental Health Manager
18/10/12**

1. Background

This note has been prepared to assist Members in understanding the issues of traffic noise and how they should influence the planning decision on a proposal to develop land south of Scratchface Lane, Bedhampton for residential purposes. The application before the Planning Authority is understood to be similar in all material respects to a previous application that was refused. This refusal was in part made on noise grounds and was subject to an appeal. The appeal was dismissed. However, the Inspector considered the grounds set out by the Council for refusal in respect of noise and did not support this reason for refusal.

This note seeks to set out the noise issues relevant to the new application. I have in particular been asked to make some comment on:

- The impact of the opening of the Hindhead tunnel on noise levels on the site
- The relevance of levels shown on noise maps published on the DEFRA website

2. Noise and Planning Policy

The National Planning Policy Framework (NPPF) provides some limited guidance on how decisions should be made where noise is a consideration in a development application. This guidance has formally replaced Planning Policy Guidance (PPG24) which now has no formal status.

Two relevant key principles are established for assisting in making planning decisions. The aim of decision makers should be to:

- Avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development
- Mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise from new development, including through the use of conditions.

The reference to 'significant adverse effect' is explored further in the Noise Policy Statement for England (NPS). This is distinguished from criteria intended to set thresholds for the onset of observable effects; the implication being that observable effects may occur at lower levels than those giving rise to a significant adverse impact. Unhelpfully the NPS acknowledges that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. The NPS does not contain any specific criteria.

Prior to the introduction of the NPPF the significance of noise in local planning decisions has been guided by Planning Policy Guidance 24 (PPG24). This guidance was very specific in respect of development proposals for new residential units and essentially sought to categorise land by noise levels and relate this to the suitability for development. The categories are not necessarily directly related to the new concept of

'significant adverse effects'. However, PPG24 can still provide some assistance in assessing noise, but should not now be applied prescriptively.

At the appeal PPG24 was considered relevant.

Under this guidance sites for new residential development are categorised as A, B, C or D, with D having the highest levels of noise. The general advice is that sites categorised within B or C may be acceptable for development with suitable mitigation. It is important to understand however, that whilst decibel boundaries are recommended for these categories, this threshold does not represent a step change in the impact of noise exposure.

The guidance recommends that category C is bounded by daytime thresholds set at 63dBA and 72dBA where traffic noise is the dominant source. Both thresholds were in fact based upon a consideration of the internal noise environment in dwellings; the lower threshold being one of the triggers for offering retrofit insulation schemes to existing properties affected by noise from new roads and the upper threshold being the level above which this insulation package was considered ineffective.

The guidance recognised that local authorities would want to adopt these categories flexibly; recognising that noise is only one factor that should influence planning decisions. Thus for example, the guidance advises that the boundaries may be moved up or down by 3dB from those that are recommended.

The advice given in respect of sites categorised as B was that it may be necessary to impose conditions to provide adequate protection. For sites categorised as C, it advised that permission should not normally be granted but where permission was granted because quieter sites are unavailable, conditions should be imposed to ensure a commensurate level of protection. Category D sites (with daytime noise levels greater than 72dBA) should normally be refused.

In the UK, many Planning Authorities have adopted a flexible approach to PPG24 and in practice sites within category C have historically been developed for residential purposes. Some sites within category D have also been developed in City areas.

3. The evidence

The applicant has provided substantial evidence of the noise conditions prevailing on site. This has included measurements at a number of fixed points that occurred on the following occasions:

- 9/9/02 12:00 to 15:00 survey (using shortened Calculation of Road Traffic Noise method (CRTN))
- 7/10/09 11:30 to 14:00 survey (using shortened CRTN method)
- 15/1/10 12:00 to 12:00 18/1/10 (three day survey)
- 21/10/11 12:15 to 13:30 (spot check)

The applicant's acoustic consultant reports that there is generally good agreement between these various measurements. These measurements are reported to have been tested by spot checks taken by the acoustic consultant appointed by the Planning Authority to defend the previous appeal. The measured data was not contested.

The most substantial survey in 2010 measured levels at the building line of the proposed development closest to the A3(M) and established ground level daytime noise levels ($L_{Aeq,16\text{ hour}}$) of between 63dBA and 65dBA.

Measurements in 2010 were also taken at 4 meters high to correspond with the height of first floor windows. These showed a slightly higher noise level (1dBA to 2dBA) probably due to a marginal reduction in the effectiveness of the noise bund at this height.

The applicant has supplemented these measurements with local noise modelling of the site to predict how noise levels vary spatially across the site.

There can always be a degree of variation between noise measurements taken on a site due to a range of factors. Overall I am satisfied that the impact of noise on the development site has been assessed adequately.

4. National Context

DEFRA commissioned a noise survey based upon measured data at a large number of sites across the UK in 2000-01. This provides some useful context for the noise levels found to be present on this site. The survey measured daytime noise levels ($L_{Aeq,16\text{ hour}}$) at ground level at the facades of residential buildings; I have converted these to free field levels to enable direct comparison with the daytime noise levels found on this development site. The survey found that:

- 7% to 11% of the UK population were exposed to noise levels in excess of 62dBA.
- 10-18% of the UK population were exposed to noise levels between 57dBA and 62dBA

Overall it can be concluded in context, that noise levels found on this site are relatively high. However, a significant number of existing dwellings in the UK are expected to be exposed to similarly high noise levels.

5. The recent appeal decision

The planning appeal was held in February 2012 and the Inspector weighed evidence presented by the developer's and the Planning Authority's acoustic consultants before concluding that the development would provide acceptable living conditions.

At the Inquiry it was common ground between the developer and the Planning Authority that:

- the daytime noise is more significant than nighttime noise.
- the site is predominantly a category B site (under the now withdrawn PPG24).
- Some areas of the site closest to the A3(M) are within category C
- it is possible to provide a suitable internal acoustic standard in all the properties through design.

During the appeal the possible impact of the opening of the Hindhead tunnel was considered and also reference was made to noise maps produced for DEFRA.

The matter on which there was some disagreement was the precise extent of the area within category C. In brief, the disagreement relates to a 1-2dBA difference between reported monitoring on the site and the output of noise modelling presented by the applicant's acoustic consultant. The Planning Authority contested that the extent of the category C area was larger than the area identified by the applicant.

In addition, the Planning Authority contested that noise within the external amenity areas would be in excess of guidelines recommended by the World Health Organisation to prevent the onset of 'significant community annoyance' and that this was unacceptable.

These issues were considered by the inspector who commented:

There was some disagreement about the precise location of the boundary between the areas considered to be within NEC B and NEC C at the southern end of the site and whether some dwellings and gardens might be too close to or indeed across, that boundary and so might be over-exposed to noise. Natural variation in the series of noise measurements makes it difficult to pinpoint an exact boundary and as PPG24 indicates there is a 'tolerance' of about 3dBA above or below the boundary levels which makes it more difficult to be precise about the impact.' There is no sudden change across the boundary.and the few dwellings at the southernmost end of the site potentially affected have been designed so as to shield their gardens from traffic noise. I consider that, with appropriate conditions in place to control internal conditions, these houses and gardens would not be over-exposed and that overall, the design and layout of the development would take sufficient account of the prevailing noise climate.

6. Internal Amenity

I concur with the expert evidence and the Inspector's view that through proper design of the buildings it is entirely possible to provide adequate internal and external noise levels to protect future residents from the noise present on this site.

7. External Amenity

One of the key considerations is whether the external amenity space is subject to noise such that a significant adverse effect on health and quality of life will be caused.

The World Health Organisation has reviewed evidence on community dissatisfaction with noise and has concluded that:

- Few people are moderately annoyed by external noise below 50dBA
- Few people are seriously annoyed by external noise below 55dBA.

Many gardens on the site may well experience noise levels at or below these thresholds dependant upon the location and the presence of any local acoustic shielding from buildings.

These criteria are however, likely to be exceeded in some private gardens developed on this site. This is not desirable.

However, it is important to understand that these criteria represent thresholds below which observable effects are not realised **not** thresholds above which a significant adverse effect on health and quality of life will necessarily be caused.

It is also helpful to reflect that the Noise Incidence Survey has concluded that the majority of the population living in the UK are exposed to external noise levels at dwellings above these guideline values.

8. Noise mapping

I have been asked to make some comment on the relevance of noise mapping carried out on behalf of DEFRA as an indicator of the significance of noise levels on this site and its relevance to the planning decision.

Noise mapping has been carried out at a number of locations across the UK to comply with the European Noise Directive. This exercise seeks to map noise levels within major transportation corridors and large conurbations (called agglomerations). The purpose of this exercise is to:

- Provide information on noise levels that can be linked to population data to estimate how many people are exposed to certain noise levels.
- To help produce noise action plans to manage noise levels where appropriate.

Noise mapping is relevant for use at a strategic level and is deemed to have acceptable accuracy for that purpose. These maps are not intended to be necessarily representative of noise levels experienced at a local level and DEFRA advises that, *'the results of the noise mapping should not be used alone for any land use planning or location-specific assessments'*.

The reasons for this are clear; mapping is based upon strategic level modelling not site specific modelling supported by actual measurements. DEFRA explain this choice of methodology as follows:

'There are several technical and practical reasons why noise maps are normally produced using computer predictions rather than from actual noise measurements. To produce a map based on measurements would require many measurements to be taken over long periods and this would have been prohibitively expensive.'

DEFRA have identified 'Portsmouth' as an agglomeration and have produced a noise map for this area. However, noise levels on this development site have not been modelled. This is because there are currently no residential premises on the site and therefore it is not necessary to model the site for the purposes of the Directive.

The land adjacent to the development site to the south, shows an area predicted to have very high noise levels (greater than 74dBA). This area has been identified as a 'First Priority Area' for attention in developing action plans to reduce population exposure to transport noise. This is one of three such locations within the Havant Borough Council area.

The existing residential properties to the east of the development site appear to be in the banding, 70-74.9dB at the southern end and 65-69.9dB at the northern end.

In relating these modelling results to the development site some caution is required. Firstly, the Directive requires modelling to be carried out at a 4 meter height. Whilst the developer has presented some information about noise levels at 4 meters high, the data used to categorise the site is obtained at 1.5 metres in accordance with the PPG 24 methodology and therefore is not directly comparable. It is more appropriate to assess the impact of noise at ground level to determine the significance for external amenity areas. The acoustic bund present to the west of the development site and the site topography is likely to result in lower noise levels at ground level than would be present at a height of 4 meters. Finally, the parameters used are not directly comparable. The L_{den} parameter used in noise mapping is a single whole day indicator combining unweighted daytime and weighted evening and nighttime levels. Planning assessments are conventionally based upon daytime and nighttime L_{Aeq} parameters.

Overall the measured data on this site is to be preferred in assessing the significance of traffic noise for planning purposes. DEFRA concede that even in the context of mapping noise exposure, there can be some weaknesses in the mapping methodology. They state on their website that the maps:

'give a very good indication of the places exposed to the highest levels of noise. However, we are aware at some specific locations, the modelling process has caused some anomalies to occur. At this stage, we have not tried to screen out these anomalies. Instead, they will be addressed during the process described in the Noise Action Plans.'

9. Hindhead Tunnel

I have been asked to express a view on whether noise levels may have changed since the Hindhead tunnel was opened and whether this would have a significant impact upon the noise levels present on site.

It is clear from the appeal papers that this was a matter considered by the Inspector.

Works commenced on the tunnel construction in January 2007 and the tunnel opened for traffic in July 2011. It is clear therefore that most of the measurement data presented to support the application relates to the period of construction. The applicant did consider the likely impact of the tunnel opening based upon predicted traffic flow data obtained from the Department of Transport. He concluded that changes of the order of 0.2dB might be expected.

Some shorter measurements have been made by both the applicant and the Planning Authority's acoustic consultants after the tunnel opened and these are reported to be consistent with earlier survey work.

Traffic noise levels are dependant upon a range of factors. However, traffic flow is a key determinant. Significant increases in traffic flow would be required to show a measurable difference in recorded noise levels.

I have collated data from the Highways Agency website to test whether there are grounds for considering that traffic flow may have changed significantly following the completion of the tunnel. A selection of this data covering periods before, during and after the tunnel construction is presented below:

Traffic flows on A3 (M) between Junctions 4 & 5 (adjacent to Scratch face Lane site)

Month & Year	Average Weekday Total 18 hour traffic flow	
	Southbound	Northbound
June 2006	32275	32283
September 2006	31654	31535
June 2010	No data	31446
September 2010	No data	31212
October 2011	No data	32585

Traffic flows on A3 (M) between Junctions 2 & 3

Month & Year	Average Weekday Total 18 hour traffic flow	
	Southbound	Northbound
June 2006	28079	27161
September 2006	27612	26814
June 2010	28473	27561
September 2010	28067	27513
October 2011	29575	29399

Taking the worst case data here, I conclude that all other factors being equal these changes in flow would result in an increase of about 0.3dB in traffic noise levels.

Overall there is no evidence to support the view that changes in average traffic flows on the A3(M) are likely to have significantly increased noise levels on the site.

10. Conclusions

In conclusion the site proposed for residential development is exposed to significant traffic noise. The topography of the site and the presence of a noise bund reduces ground noise levels on the site substantially.

In my opinion the argument about the extent of category C on this site is academic. Whether some dwellings are marginally within the low end of category C or entirely within the high end of category B is not significant to the impact that noise may have on future occupants. Applying the principles of the now withdrawn PPG24, I would not consider the site unsuitable for residential development.

I do not consider that there is evidence that traffic noise will give rise to significant adverse effects on health and quality of life as a result of new development.

I consider that the developer has taken reasonable steps to mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise. In particular, it is noted that the existing bund provides for a substantial reduction in noise levels on site and provides protection of external amenity areas. The site layout provides some additional screening to private amenity areas particularly, at the southern end of the site. A condition proposed by Environmental Health should ensure

that satisfactory internal noise levels are achieved within the dwellings to protect amenity and prevent sleep disturbance.

Photographs Submitted by Councillor Wride

Scratchface 92x Development Site – Adjacent to the A3[M]
Trees, shrubbery in full leaf.



Scratchface 92x Development - A3[M] Adjacent to the west perimeter of site – winter foliage.

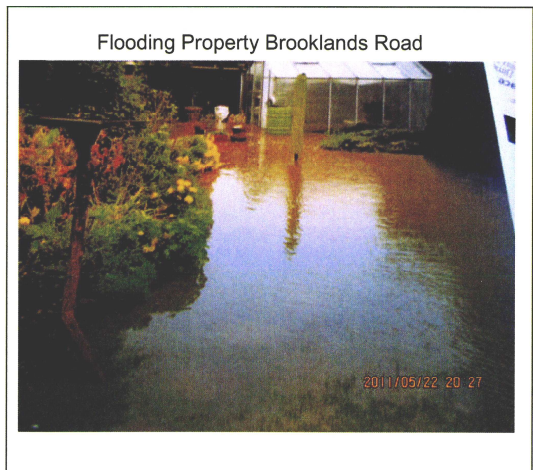
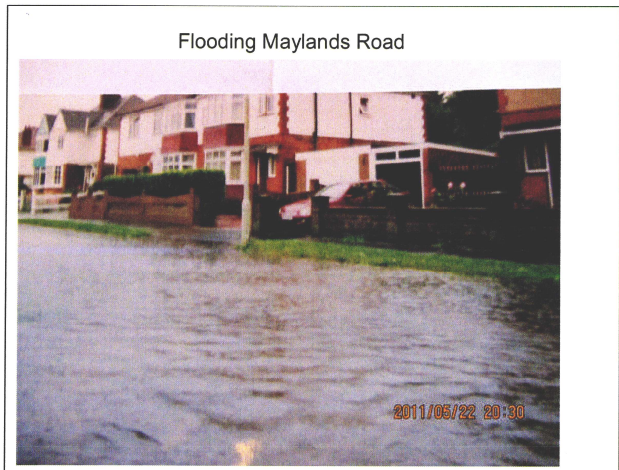
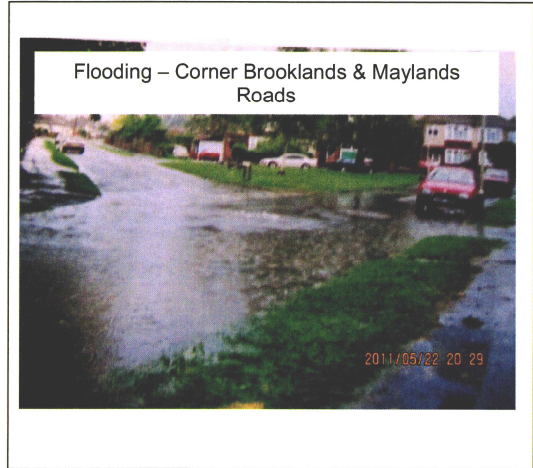


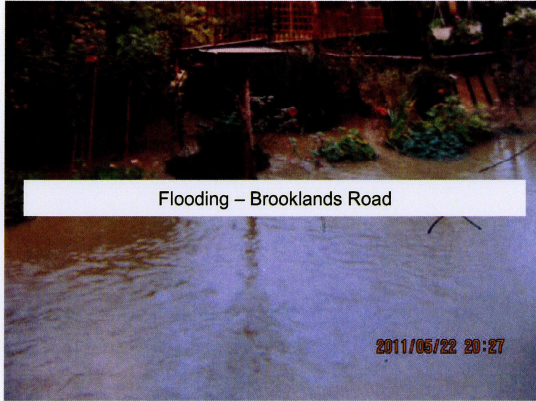
No 2 Brooklands Road – Regular occurrence, raw sewage in garden. No 4 Brooklands Road has a back-flow and cannot use the toilet on these occasions.



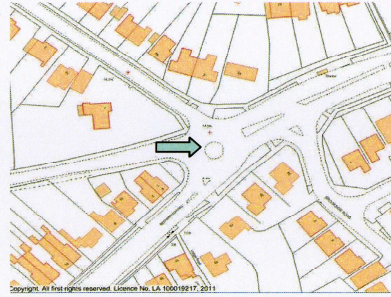
No 2 Brooklands Road – Regular occurrence with raw sewage in garden.







LAND SOUTH OF SCRATCHFACE LANE
APPLICATION APP/11/00497



Maylands Road leading to Brooklands Road



Penhurst Road



Brooklands Road [Hill]



Scratchface Lane



Penhurst Road



Maylands Road leading to Belmont Roundabout





Penhurst Road leading to Brooklands Road



Syncline – a fold in rocks



Scratchface 92x Development –
Bedhampton Brook



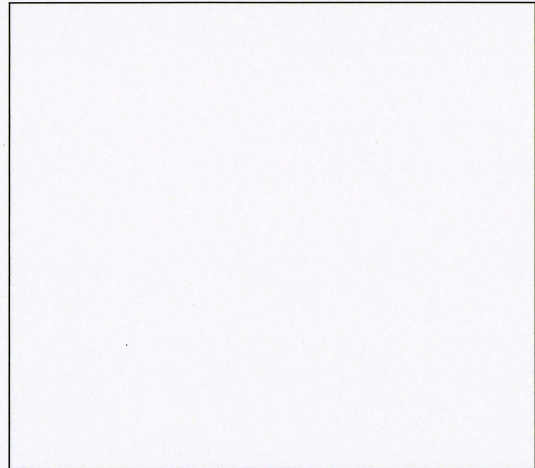
Scratchface 92x Development – Bedhampton Brook Grille. To achieve an 8m buffer zone a number of trees will be affected.



Scratchface 92x Development – Bedhampton Brook Grille



Scratchface 92x Development – Bedhampton Brook in full flood.



Revised Submission by Councillor Wride

SCRATCHFACE LANE – APPLICATION APP/12/00612
DMC 25th October 2012

Members,

It is important to remind ourselves that when all local authorities in the County of Hampshire agreed the housing figures of 80,000 for the period 2006 – 2026, there was a caveat that the appropriate infrastructure should be in place first.

S106 developer contributions obtained tend to focus on highway matters, ignoring other deficiencies to the detriment of local residents.

It is patently obvious that because of government financial constraints and the downturn in the economy adequate infrastructure has not been provided. Are we going to ignore that commitment that was given to our communities?

The Scratchface Lane site is not suitable for residential development, for the following sound reasons, as well as the lack of supporting infrastructure –

- * Noise Pollution from the A3 [M] – Levels reaching 75+dB(A).
Noise Mapping Data from the Defra [attached].
- * Unsolved drainage problems in both Brooklands Rd & Scratchface Lane.
- * Traffic – access through narrow, already congested roads leading to the Belmont Roundabout, which is at optimum capacity now.
- * Distance from schools, medical facilities, shops and public transport.
- * Lack of youth facilities

I intend to reiterate all the sound reasons why this planning application should be refused.

This is an isolated location; schools, nearest shops, public transport, medical and dental facilities, and so on are all 1 – 1.5 km away.

The antiquated drainage system, acknowledged as being hydraulically inadequate by both Southern Water and OFWAT in this area, struggles to cope with existing needs, and neither the Brooklands Road, nor the Scratchface Lane option now part of this application, will be able to cope with the foul water and sewage from such a large 92x dwelling development.

As Southern Water will confirm there are existing problems on the Scratchface Lane drainage system where residents in Gwatkin Close and Newbarn Road have been flooded, indeed there are properties Nos. 10 to 18 Newbarn Road that have been provided with 'flood boards'. Also properties in Matthews Close, that back on to the vulnerable properties in Newbarn Road, advise that when it rains their back gardens are flooded too.

[See the Ordnance Survey Digital Data, mapping Area of Surface Water Flooding and Area of Foul Water Flooding in Bedhampton]

In addition to the amount of foul water and sewage generated, the amount of surface water that will be displaced by building on this site that is often water-logged, will exacerbate the run-offs now being experienced, which adds to the pressure on the existing inadequate drainage systems.

I have to ask are we to follow on in the same blind manner simply to meet housing targets, not taking in account the immediate impact on the neighbourhood and more importantly making short-term decisions that will have such a devastating impact on residents in the future.

For example not even being able to take out insurance cover because their homes are in flood risk areas?

However, we are here once again to consider this 92x dwelling application in front of us, which I will address dealing with planning considerations.

Development Plan Policy

HBC as a planning authority agreed to deliver 6300 dwellings over a twenty year period from 2006 -2026, as part of the South East Plan.

The Coalition Government decreed that local authorities could decide their housing requirements and HBC has decided to retain the original figure.

This puts HBC in a difficult position, in terms of delivering agreed housing numbers, where through lack of both hard and soft infrastructure in some instances, we will not always meet the 'Sustainable Communities' criteria.

I quote "Sustainable communities are those whose citizens are proud of the place where they live and work and have a shared sense of identity, taking active responsibility for their environment. They are communities with flourishing economies, an attractive environment, good transport connections, low rates of crime and anti-social behaviour and few inequalities."

- Over development, results in over-crowding and leads to unsustainable communities.
- The concern of local communities to developments, lacking in adequate infrastructure and facilities, is fully justified.

Government Guidance

This implicitly encourages support of planning applications, and has also provided a further incentive through the New Homes Bonus for each new dwelling. Residents are left feeling that any consultation is sheer tokenism. In a democracy this is not a healthy situation to be in.

Highway safety and traffic

This application is designed so that all motor vehicular traffic will leave the site at a junction linking with Brooklands and Maylands Road going towards the Belmont Roundabout, all of these roads are just 5.5 metres wide.

As with most roads in the Borough off-road parking is insufficient, resulting in on-road parking that makes negotiating through roads with cars parked on both sides very difficult and unsafe. [Photographs of parking in the area attached]

The planning obligation payment of a £341,974.00 contributing to “transport improvements including pedestrian and cycle routes, junction alterations and bus stop upgrades” will not mitigate the significant disadvantages that will impact negatively on local residents in the development area.

The very small Belmont Roundabout has Bedhampton Hill Road, Portsdown Hill Road, Bedhampton, Brookside and Maylands Roads all feeding into it and does not have the capacity to cope with the additional traffic that would be generated – particularly at peak times with children being driven to school.

Brooklands, Maylands and Penhurst Roads at present all have a great deal of on-street parking and residents and visitors to the area can vouch for the fact that these roads are difficult to traverse and one has to zigzag through. This is not uncommon as across the Borough long stay on-street parking has become the accepted norm.

Furthermore, because of the delay that drivers from Maylands Road suffer now when trying to cross the Belmont Roundabout, with an increase in vehicles from the development one can accurately predict that drivers will rat-run up Penhurst and Maylands Road north into Scratchface Lane, an equally narrow road that is invariably parked up right down the road towards Hulbert Road. This would disadvantage the residents in these areas too.

The nearest bus stop in Bedhampton Road is 0.6 km away from the development site. Building in this area is not in line with policy DM11 [Planning for More Sustainable Travel].

This proposed 92x dwelling development would be squeezed into an area that does not have the soft or hard infrastructure to support it. **This proposal is contrary to the Council’s approved Green Transport Policy PPG13 as the location of this development would continue to place unfettered reliance upon the use of the private motor vehicle.**

This site through which the Brookside Stream runs, whose watercourse has its source in the syncline valley to the northeast of Portsdown Hill in an area of Upper Chalk deposits. The open downland falls steeply to the east crossing under the A3 [M] and on to Brooklands Road where it enters the public sewer which outfalls in Brookside Road. The original stream no longer exists between Brooklands Road and Brookside Road it having been enlarged and piped to deal with the increased flows generated by the

urbanisation of the area. However, this natural phenomenon is why this site will constantly have water flowing through it.

Policy CS15 Flood and Coastal Erosion Risk – states “All developments will be required to ensure that there is no net increase in surface water run off”. It also states – “Where Sustainable Urban Drainage Systems [SUDS] are provided arrangements must be put in place for their whole life, management and maintenance”. **What is the life span of SUDS? Who will take responsibility and pay for maintenance and replacement in the future?**

This proposed very large development will exacerbate the existing problem in Brooklands Road even if the foul water and sewage is pumped into the Scratchface Lane drainage system.

I am sure officers are aware that PPS25 states developments “must not make the existing situation worse”. One has to ask why they are recommending approval of this application.

Noise, smell and fumes

As you may be aware the A3 [M] & A27 junction is on the Highways Authority list of the top 20 noisiest junctions in the country.

Given this fact why are we relying on a 2010 noise data? Why has an up-to-date noise assessment post the opening of the Hindhead Tunnel not been undertaken, and spread over a 24 hour/7 day period to establish more precisely the noise levels, and indeed air pollution measures?

I have been on the Defra website and append the up-to-date noise readings, which are above acceptable levels.

The committee will have been provided with data from an Acoustic Consultant providing reading taken on 23rd October 2012, which records unacceptably high levels.

In conclusion –

I believe HBC’s aim should be delivering the housing numbers required, on sites such as the West of Waterlooville Major Development Area, which will provide all the infrastructure needs of the community. That is, schools, medical and dental facilities, a community centre, play areas, public transport and so on. The ZIP bus corridor is already in place to serve this area.

Indeed, I would like to suggest that a development delivering 1000 homes in on the land south of Bartons Road and north of the A27 [Emsworth Gap] should be given consideration. The scale of such a development would deliver sufficient funding to build a road and pedestrian bridge over the railway line that would link with the trunk roads to both the east and the west.

It would reduce the congestion in Havant town centre and provide opportunities to recreate the market town it was, very like Emsworth which has a vibrant centre, and more importantly would also enable business traffic to by-pass the town centre. It would also relieve the current traffic back-up when the railway barriers are down.

If HBC is to lean towards permitting housing applications, at the very least they must consider the impact on residents living in the adjacent areas. Residents cannot and must not be treated lightly.

Infrastructure improvements needed should not focus simply on transport and highway improvements but should address all areas, to ensure we deliver the sustainable communities we are committed to do.

I submit that I and my fellow councillors were elected to represent our residents, **not** to preside over a reduction in their quality of life.

I therefore recommend refusal of this application.

Cllr Jenny Wride

25th October 2012

INDEPENDENT NOISE ASSESSMENT TAKEN ON 23RD OCTOBER 2012

From:

Sent: 23 October 2012 19:06

To: Jenny Wride

Subject: Site adjacent A3 [M] - Scratchface Lane

Dear Jenny

Further to our discussions I have taken a short period environmental sound reading at a position in Scratchface Lane about 30 metres from its junction with the A3 [M]. The position and height above ground would be fairly representative of the impact on bedroom windows of the proposed dwellings.

The readings for comparison with the Defra data are as follows:

Short 3 hour L10 as corrected for period and facade reflection was found to be 72dB to 73dB

Short period LAeq as corrected for period and facade reflection was found to be 69dB to 70dB

Please be aware the readings were taken simply to provide some information to support your case at the Thursday meeting and should not be viewed as official figures. They should be used for information and guidance only. The readings were taken using a Type 1 calibrated Sound Level Meter.

I trust this information has been helpful. I will be making no charge for this information, but would be happy to undertake the full survey as previously discussed. .

Regards

Brian Parker

ENL Acoustic Consultants Ltd

DEFRA NOISE MAP OF APPLICATION SITE

Defra, Noise Mapping England

http://services.defra.gov.uk/wps/portal/noise/!ut/p/c5/hYINDotwGESp9A20iixrSagKtrQgod...

Noise Mapping England

Defra Home Contact Us

Home About Maps and Charts FAQs Useful Information Help

Maps and Charts

Map: PO9 3NX, Portsmouth

Overview & Instructions
Current Map
Exposure Charts
Other Maps

Select Noise Source [help >](#)

Select noise source:
Road

Select time period:
Lden

Enter a postcode:
PO9 3NX
e.g. E16 1AB, M14

Legend:

Road, Lden

Noise Bands

75+ dB(A)
70.0-74.9 dB(A)
65.0-69.9 dB(A)
60.0-64.9 dB(A)
55.0-59.9 dB(A)
00.0-54.9 dB(A)

Features

Inland water
Building
Road
Unmapped

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DEVELOPMENT MANAGEMENT COMMITTEE - DATE 25th October 2012

Item 8 (7)

Site Address: Land South of Scratchface Lane, adjacent to A3M and West of Brooklands Road and Hillmead Gardens, Havant

2. Noise and Planning Policy

The National Planning Policy Framework (NPPF) - This guidance has formally replaced Planning Policy Guidance (PPG24) which now has no formal status.

Two relevant key principles are established for assisting in making planning decisions. The aim of decision makers should be to:

- Avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development
- Mitigate and reduce to a minimum other adverse effects on health and quality of life arising from noise from new development, including through the use of conditions.

The reference to 'significant adverse effect' is explored further in the Noise Policy Statement for England (NPS). This is distinguished from criteria intended to set thresholds for the onset of observable effects; **the implication being that observable effects may occur at lower levels than those giving rise to a significant adverse impact.** The NPS acknowledges that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. The NPS does not contain any specific criteria.

Under PPG24 guidance sites for new residential development are categorised as A,B,C or D with D having the highest level of noise. The general advice is that sites categorised within B or C **may be acceptable for development with suitable mitigation.**

The guidance recommends that category C is bounded by daytime thresholds set at 63dBA and 72dBA where traffic noise is the dominant source. The lower threshold being one of the triggers for offering retrofit insulation schemes to existing properties affected by noise from new roads and **the upper threshold being the level above which this insulation package was considered ineffective.**

The advice given in respect of sites categorised as B was that it may be necessary to impose conditions to provide adequate protection. **For sites categorised as C, it advised that permission should not normally be granted. Category D sites (with daytime noise levels greater than 72dBA) should normally be refused.**

3. The evidence **[NB: Note surveys done are out of date]**

The applicant has provided substantial evidence of the noise conditions prevailing on site. This has included measurements at a number of fixed points that occurred on the following occasions:

- **9/9/02** 12:00 to 15:00 survey (using shortened Calculation of Road Traffic Noise method (CRTN))
- **7/10/09** 11:30 to 14:00 survey (using shortened CRTN method)
- **15/1/10** 12:00 to 12:00 **18/1/10** (three day survey)
- **21/10/11** 12:15 to 13:30 (spot check)

4. National Context

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DEFRA commissioned a noise survey based upon measured data at a large number of sites across the UK in 2000-01. This provides some useful context for the noise levels found to be present on this site. The survey measured daytime noise levels ($L_{Aeq,16\text{ hour}}$) at ground level at the facades of residential buildings; I have converted these to free field levels to enable direct comparison with the daytime noise levels found on this development site. The survey found that:

- 7% to 11% of the UK population were exposed to noise levels in excess of 62dBA.
- 10-18% of the UK population were exposed to noise levels between 57dBA and 62dBA

Overall it can be concluded in context, that noise levels found on this site are relatively high.

5. The recent appeal decision

During the appeal the possible impact of the opening of the Hindhead tunnel was considered and also reference was made to noise maps produced for DEFRA.

The matter on which there was some disagreement was the precise extent of the area within category C. The Planning Authority contested that the extent of the category C area was larger than the area identified by the applicant.

In addition, the Planning Authority contested that noise within the external amenity areas would be in excess of guidelines recommended by the World Health Organisation to prevent the onset of 'significant community annoyance' and that this was unacceptable.

7. External Amenity

One of the key considerations is whether the external amenity space is subject to noise such that a significant adverse effect on health and quality of life will be caused.

Many gardens on the site may well experience noise levels at or below these thresholds dependant upon the location and the presence of any local acoustic shielding from buildings.

These criteria are however, likely to be exceeded in some private gardens developed on this site. This is not desirable.

8. Noise mapping

Letter from the Highways Agency to David Willetts MP dated 28 November 2011 –

NOISE LEVELS A3/A3[M] "We are currently in the process of producing reports of ongoing investigations as part of DEFRA's 'first round' noise action planning process. I can confirm that the A3[M] in the vicinity of Bedhampton, together with locations near Horndean and just south of Cowplain, have been identified as First Priority Locations.[]

The second round of noise mapping and action planning will be undertaken by DEFRA during 2012 and 2013 respectively.

The application site is adjacent to a First Priority Location

DEFRA have identified 'Portsmouth' as an agglomeration and have produced a noise map for this area. Noise levels on this development site have not been modelled. This is because there are currently no residential premises on the site and therefore it is not necessary to model the site for the purposes of the Directive. Surely because it is being considered for residential use it should take priority to provide accurate noise levels.

The land adjacent to the development site to the south, shows an area predicted to have very high noise levels (greater than 74dBA). This area has been identified as a 'First Priority Area' for attention in developing action plans to reduce population exposure to transport noise. This is one of three such locations within the Havant Borough Council area.

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The existing residential properties to the east of the development site appear to be in the banding, 70-74.9dB at the southern end and 65-69.9dB at the northern end.

In relating these modelling results to the development site some caution is required. Firstly, the Directive requires modelling to be carried out at a 4 meter height. Whilst the developer has presented some information about noise levels at 4 meters high, the data used to categorise the site is obtained at 1.5 metres and therefore is not directly comparable.

9. Hindhead Tunnel

Noise levels have changed since the Hindhead tunnel was opened and this has had a significant negative impact upon the higher noise levels on the households in Brooklands Road and Hillmead Gardens present on site, and indeed further afield.

Traffic flows on A3 (M) between Junctions 4 & 5 (adjacent to Scratch face Lane site)

Month & Year	Average Weekday Total 18 hour traffic flow	
	Southbound	Northbound
June 2006	32275	32283
September 2006	31654	31535
June 2010	No data	31446
September 2010	No data	31212
October 2011	No data	32585

Overall there is no evidence to support the view that changes in average traffic flows on the A3(M) are likely to have significantly increased noise levels on the site.

The above statement indicates an abject lack of concern for existing residents who live adjacent to the A3 [M] in the PO9 3 areas.

10. Conclusions

In conclusion the site proposed for residential development is exposed to significant traffic noise. The topography of the site and the presence of a noise bund does not reduce ground noise levels on the site substantially as the bund has worn away as it was created over 30 years ago and has had not restorative attention over that period.

There is evidence that traffic noise will give rise to significant adverse effects on health and quality of as there a numbers of people who contacted David Willetts MP over many years about the unacceptable high levels of noise, in some cases causing health problems.

It is noted that the existing bund provides for a substantial reduction in noise levels on site and provides protection of external amenity areas. Not true eroded away some time ago

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THE BOROUGH COUNCIL OF HAVANT

At a meeting of the Development Management Committee held on 25 October 2012.

Present:

Councillor P Buckley (in the Chair)

Councillors: R Brown, Mrs E Shimbart, L Turner and M Wilson

Councillor Hilton as standing deputy for Councillor Gibb-Gray.

Councillor Heard as standing deputy for Councillor Smith

Prior to the meeting of this Committee, the Chairman explained that during consideration of application APP/12/00612 (Minute) the meeting would adjourn for deputations/representations. Following these deputations/representations, the Committee would formally reconvene to debate and determine the application.

116 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gibb-Gray and Smith.

117 MINUTES

Revised minutes of the meeting of the Development Management Committee held on 4 October 2012 were circulated prior to the meeting

It was RESOLVED that:

- (a) the minutes of the meetings of the Development Management Committee held on 18 September 2012 and 4 October 2012 (as revised) be approved and signed by the Chairman; and
- (b) the minutes of the Site Viewing Working Party held on 18 October 2012 be received.

118 MATTERS ARISING

There were no matters arising.

119 DECLARATIONS OF INTERESTS

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

120 CHAIRMAN'S REPORT

The Chairman had nothing to report.

121 MATTERS TO BE CONSIDERED FOR SITE VIEWING OR DEFERMENT

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

Concern was expressed that supplementary papers in respect of Application APP/12/00612 (Minute 124) had been circulated in a piecemeal fashion and late, which made it difficult for members of the Committee to study and appreciate the issues contain in this additional information prior to the meeting. The Committee was advised that although it was the intention and the wish of officers to ensure that supporting papers were circulated to members of the committee in good time, in cases such as this application this was not always possible.

In response to a request that supplementary planning information be sent more frequently by post to members, the Chairman advised that he would discuss this matter with the Democratic Services Team.

122 DEPUTATIONS/REPRESENTATIONS

The Committee received the following deputations/representations:

- | | |
|--|--|
| (1) Mr Yates (objector) | Applications APP/12/00760 and APP/12/00761 – St Michaels Convent, 354 London Road, Waterlooville (Minute 123) |
| (2) Mr Holloway (objector) | Applications APP/12/00760 and APP/12/00761 – St Michaels Convent, 354 London Road, Waterlooville (Minute 123) |
| (3) Mr O'Donovan (applicant's agent) | Applications APP/12/00760 and APP/12/00761 – St Michaels Convent, 354 London Road, Waterlooville (Minute 123) |
| (4) Mr Graham (objector) | Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant (Minute 124) |
| (5) County Councillor Fairhurst (objector) | Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant (Minute 124) |
| (6) County Councillor Mrs Buckley (objector) | Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant (Minute 124) |
| (7) Mr Higgins (applicant's agent) | Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead Gardens, Havant (Minute 124) |
| (8) Councillor Wride (ward councillor) | Application APP/12/00612 – Land South of Scratchface Lane, adjacent to A3(M) and West of Brooklands Road and Hillmead |

- Gardens, Havant (Minute 124)
- (9) Councillor Smith (ward councillor) Application APP/12/00935 – 178a West Street, Havant (Minute 125)
- (10) Mr Germain (objector) Applications APP/11/01254 and APP/11/01257 – 2 Emsworth Road, Havant (Minute 126)
- (11) Mr Lamont (objector) Applications APP/11/01254 and APP/11/01257 – 2 Emsworth Road, Havant (Minute 126)
- (12) Mr and Mrs Pitt (objectors) Applications APP/11/01254 and APP/11/01257 – 2 Emsworth Road, Havant (Minute 126)
- (13) Mr Critchley (applicant's agent) Applications APP/11/01254 and APP/11/01257 – 2 Emsworth Road, Havant (Minute 126)
- (14) Mr West (in support of the recommendation set out in the report) Reference 10/00225/CMP – The Kench, Ferry Road, Hayling Island (Minute 127)
- (15) Mr Ward (in support of the recommendation set out in the report) Reference 10/00225/CMP – The Kench, Ferry Road, Hayling Island (Minute 127)
- (16) Mrs Organ (owner's agent) Reference 10/00225/CMP – The Kench, Ferry Road, Hayling Island (Minute 127)
- (17) Ms Jacs (in opposition to the recommendation set out in the report) Reference 10/00225/CMP – The Kench, Ferry Road, Hayling Island (Minute 127)

In view of the public interest expressed in the applications involving deputations it was:

RESOLVED that items with deputations be taken immediately after items 1 to 7 of the Agenda.

123 PLANNING APPLICATIONS: APP/12/00760 AND APP/12/00761 – ST MICHAELS CONVENT, 354 LONDON ROAD, WATERLOOVILLE

(The Site was viewed by the Site Viewing Working Party)

Planning Application APP/12/00760

Proposal: Demolition of later additions to side and rear elevations of Listed Convent, complete removal of already partially demolished link between Church and Convent, conversion and refurbishment of former Convent building to 17No.

apartments, erection of 65No. dwellings, fencing and landscaping, public open spaces and alterations to existing accesses to London Road and Hulbert Road.

Application APP/12/00761

Listed Building Application for demolition of later additions to side and rear elevations of Listed Convent, complete removal of already partially demolished link between Church and Convent, conversion and refurbishment of former Convent building to 17No. apartments.

The Committee considered the written reports and recommendations of the Executive Head of Planning and Built Environment. Details of an amended landscape plan received was reported at the meeting and the Committee was advised that the landscape officer had raised no objections to this plan.

The Committee was addressed by:

- (1) Mr Yates, who acknowledged that the site was suitable for residential development but raised the following objections:
 - (a) the proposal represented an overdevelopment of the site, which had not been justified;
 - (b) the development of the area of land adjoining the hermitage stream would lead to a loss of valuable green space;
 - (c) the noise and light from traffic travelling to and from the properties to be constructed in the eastern area would be intrusive to existing residents who adjoin this area;
 - (d) the development of the site would exacerbate the existing problem of surface water drainage running off the site onto adjoining land: there was no evidence to show that this problem had been properly investigated;
 - (e) the current tree screen was mainly composed of deciduous trees so there was no screen during the winter months;

Mr Yates requested that if the Committee was minded to grant permission, a condition be imposed requiring the planting scheme to be implemented prior to the building phase.

- (2) Mr Holloway, who objected to the proposal for the following reasons:
 - (a) the increase in the number of dwellings from 53 to 87 would lead to the loss of the existing orchard;
 - (b) the development would exacerbate the existing traffic problems associated with the access routes. The number of vehicles likely to be generated by this development had been underestimated and the increase in traffic likely to be generated could lead to a road fatality;

- (c) the road should be adopted as highway maintainable at the public expense: it was unreasonable to expect the private owners to bear the costs, including social housing;
- (d) the proposal would result in the loss of valuable green space to the detriment of the amenities of the area
- (e) the proposal would result in the loss of natural habitats enjoyed by many animals, including deer;
- (f) the proposal would result in overlooking to the detriment of the amenities of occupiers of adjoining properties;
- (g) the applicants had not addressed the question of security of the existing dwellings should this proposal be granted permission;
- (h) the contributions to be received following the completion of a Section 106 Agreement did not overcome the concerns raised by local residents; and
- (i) even though permission had not yet been granted the caretaker had been advised that he was no longer required.

Mr Holloway urged the Committee to take into account the objections raised by local residents when making its decision

- (3) Mr O'Donovan, the applicant's agent supported the application on the following grounds:
 - (a) the proposal would retain and enhance the former Sacred Heart Church and St Michaels Convent: both listed buildings;
 - (b) the proposal incorporated a number of open spaces and high quality landscaping to reduce the impact of the proposal on the amenities of the area and adjoining properties;
 - (c) the proposed design and layout of the proposal ensured that there was an appropriate relationship with existing properties: the distance between the proposed and existing dwellings ensured that there would be no loss of privacy or overlooking;
 - (d) the proposal would provide high quality landscaping and homes, including affordable housing;
 - (e) the application site was a sustainable location land where the indicative number of units identified in the local plan could be exceeded. There was a gradation of densities across the site to reduce the impact of the proposal on existing residential properties;
 - (f) the car parking provision complied with the adopted standards;

- (g) the access to the site was privately owned so could not be adopted as highway maintainable at the public expense: the access would be constructed to an adoptable standard;
- (h) the caretaker has been retained;
- (i) landscaping would be given a high priority. The applicant would accept a condition requiring the tree screen to include evergreen trees;
- (j) the problems of surface water drainage had been investigated and the proposed strategy to deal with the issue would improve the current situation; and
- (k) Linden Homes would discuss the landscaping and fencing along the boundaries of Hermitage Stream.

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

- (1) the gross density of the scheme was 29 dwellings per hectare with a net density of 40 dwellings per hectare;
- (2) the surface water drainage system was designed to divert surface water into the Hermitage Stream: the Environment Agency had raised no objections to the proposal; and
- (3) the maintenance of the stream and boundaries would be shared by the adjoining land owners and the Environment Agency.

The Committee discussed this application in detail, including the matters raised by the deputees. With regard to application APP/12/00760, the Committee considered that condition 10 should be amended to include a requirement that the tree screen include evergreen trees so as to protect the amenities of neighbouring properties. It was

RESOLVED that:

(A) Application APP/12/00760 be granted permission subject to

- (1) The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and other relevant legislation, incorporating the following terms (subject to such changes as the Executive Head of Planning and Built Environment and the Solicitor to the Council may determine):
 - (a) **Transport**
 - (i) Securing of public rights of way to pass and re-pass over the private circulation areas which will include the cycle way through the site.
 - (ii) A Residential Travel Plan.

- (iii) Provision of a pedestrian/cycle route from London Road to Hulbert Road and vice versa.
- (iv) A construction management plan is required which will include hours of working, wheel washing, removal of mud on the highway, construction route, storage of material on site, parking for operatives and a contact number of a site operative who can be contacted by the public to sort out problems.
- (v) The construction of the highway should be in carried out to the LPA's standard.
- (vi) A maintenance agreement to include the design maintenance and charges for street lighting.
- (vii) Transport Contribution of £161,944.
- (viii) A sum of up to £6,000 for lines, signs and any Traffic Regulation Order that are required by the Highway Authority during the construction or within one year of the date of the completion of the last unit.
- (ix) Section 278 Agreement with Hampshire County Council to deliver the improvements to the Hulbert Road access point prior to the occupation of any unit within the site.

(b) **Open space**

- | | | |
|-------------------------|--------------|---------|
| (i) Equipped Play Space | Total | costs; |
| £20,767.50 | | |
| (ii) Pitches and Courts | Total costs; | £51,901 |

(c) **Affordable housing**

This will include:

- (i) Agreement to the provision of 30% affordable housing
- (ii) The mechanism for securing an equitable split between socially rented housing and shared ownership housing
- (iii) Phasing and how the units will be dispersed throughout the development to avoid concentrations of a single tenure.
Nomination arrangements
- (iv) Long term management arrangements
- (v) Design standards

(d) **Phasing of the development**

This part of the agreement will set out:-

- (i) The triggers for the provision of the infrastructure
 - (ii) When the affordable housing will be provided in each phase of the development
 - (iii) How a mix of dwelling sizes will be achieved in each phase of the development
- (e) **Management of the site and facilities**
- (i) The management of the open spaces, including areas for ecology.
 - (ii) Management of surface water drainage system (SUDS)
- (f) **Employment and Skills Plan**
- (i) Agreement to submit an Employment and Skills Plan prior to commencement of development on site.
- (2) The following Planning conditions, subject to condition 10 being amended to require the planting of some evergreen trees in the tree screen and such changes and additions as the Executive Head of Planning and Built Environment may determine:
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004
 - 2 Notwithstanding the details set out within the “Schedule of Materials’, the dwellings hereby permitted shall not commence until details (with samples where requested) of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: In the interests of visual amenity and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
 - 3 No development hereby permitted shall commence until a specification of the materials to be used for the surfacing of all open parts of that phase proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Each development phase hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of visual amenity and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy

Framework, March 2012.

- 4 The development hereby permitted shall not be occupied until the details set out within the Landscape Maintenance Plan, Landscape Strategy Plan and the Hermitage Stream Landscape Plan, submitted to the Council on 16/08/12, have been fully adhered to at all times. Any tree or shrub planted as part of such approved landscaping scheme which dies or is otherwise removed shall be replaced with another of the same species and size during the first available planting season.
Reason: In the interests of visual amenity and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 5 The proposed works must be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy, received by the Planning Authority on 16/08/12 and the Tree Protection Plans (Drawing Nos. 4140/001, 11373-BT4b, and 11373-BT4c).
Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 6 No development hereby permitted shall commence until the following documents have been fully adhered to:

Method Statement to accompany Natural England EPS licence application in respect of bats – Document 1 (Background and Supporting Information) dated July 2012.
Method Statement to accompany Natural England EPS licence application in respect of bats – Document 2 (Delivery Information) dated July 2012.
Ecological Assessment Report – April 2012
Reptile Survey & Mitigation Strategy Report – August 2012

Reason: To ensure effects of the development upon biodiversity and the natural environment are adequately mitigated and having due regard to policies DM8 and CS11 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 7 No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard against undue damage to existing trees and/or other vegetation at the site and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy)

which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 8 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 30% critical storm will not exceed the runoff from the undeveloped site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall only be implemented and shall be managed and maintained in accordance with the details thus approved unless the Local Planning Authority gives prior written approval for any variation
Reason: To prevent the increased risk of flooding, both on and off site and having due regard to policy DM9 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 9 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
Reason: In the interests of visual amenity and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 10 No development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the dwellings hereby permitted shall not be occupied prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 11 No development (nor any related site clearance) hereby permitted shall commence until a Method of Construction Statement has been submitted for that phase, and approved by the Local Planning

Authority, to include details of:

- i. construction traffic routes in the local area;
- ii. parking for vehicles of site personnel, operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. piling techniques;
- v. storage of plant and materials;
- vi. programme of works (including measures for traffic management and operating hours)
- vii. provision of boundary hoarding and lighting has been submitted to and approved in writing by the Local Planning Authority;
- viii. protection of important trees, hedgerows and other natural features;
- ix. measures to reduce mud and spoil on the highway;
- x. details of proposed means of dust suppression and noise mitigation
- xi. details, location and provision of a Site and Sales Office.

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features and having due regard to policies DM8, DM10, and CS20 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 12 Details of cycle parking must be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first dwelling being occupied on-site. The approved cycle parking shall be retained thereafter for their intended purpose.

Reason: To encourage sustainable travel and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 13 Any single garage/car port shall measure a minimum of 6m by 3m and be constructed as such and made available for the parking of motor vehicles at all times.

Reason: To ensure compatible use of the garage with the interests of local amenity. To ensure adequate on-site car parking provision for the approved dwellings and to discourage parking on the adjoining highway in the interests of local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 14 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and

DM10 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 15 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 16 The development shall not be occupied until space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 17 The development hereby permitted shall not be commenced until an Interim Certificate of Compliance with the Code for Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 18 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order, no extension, building or structure permitted by Part 1, Classes A, B, C, D and E of Schedule 2 of the 1995 Order (as amended), shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of residential and visual amenity and to prevent overdevelopment of the site and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 19 The windows shown to be obscurely glazed on Drawing No.PP1144/127-00 P2 for Plots 32 – 39 shall remain obscurely glazed at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of residential amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core

Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 20 The dwellings hereby permitted shall not be occupied until the works to the north east elevation of the Church of the Sacred Heart have been carried out in accordance with details shown on Drawing No.PP114/195-05 P1.

Reason: In the interests of residential amenity and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 21 The development hereby permitted shall be carried out in accordance with the approved plans:

[numbers to be added]

Reason: To ensure provision of a satisfactory development.

- (B) Application APP/12/0761 be granted permission subject to such changes and/or additions as the Executive Head of Planning and Built Environment may determine

- 1 The works to which this Listed Building Consent relate must be begun within a period of 3 years beginning with the date on which this consent is granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Notwithstanding the details submitting, no work shall commence on St Michaels Convent and Sacred Heart Church until specification of the types and colours of all external roofing and external facing materials, including the provision of sample panels of the external facing materials and colour of mortar to be used for the construction of the same, has been submitted to and approved in writing by the Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure that the materials to be used are appropriate in order to maintain the architectural interest of the buildings and having regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 3 Notwithstanding the submitted details, no work shall commence on St Michaels Convent and Sacred Heart Church until samples and details to a scale of not less than 1:20 elevations and 1:5 sections of all new windows, rooflights, glazed screens, doors and existing staircases and their decorative finishes, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: In order to safeguard the special architectural and historic interests of the building and having regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 4 All new rainwater gutters and down-pipes shall be of cast aluminium or other approved metal and have a painted or powder coated finish, the colour details of which are to be submitted to and approved in writing by the Planning Authority.
Reason: To safeguard the architectural and historic character of the Listed Building and having regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 5 No work shall commence on St Michaels Convent and Sacred Heart Church until details of the all meter boxes, new vents, flues, air bricks, ventilation extract, plumbing or pipes, other than the rainwater downpipes, have been submitted to and agreed in writing by the Local Planning Authority. The approved details must be implemented and adhered to at all times.
Reason: To safeguard the architectural or historic character of the Listed Building and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 6 All new and existing windows must be single glazed unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the architectural or historic character of the Listed Building and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 7 The following features in St Michaels Convent shall be retained unless otherwise agreed in writing by the Local Planning Authority:
 Internal fireplaces, doors, windows, bells and glazed screens.
Reason: To safeguard the architectural or historic character of the Listed Building and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and national Policy Framework March 2012.
- 8 No work shall commence on St Michaels Convent until the ceiling and floor acoustic/compartment (sound proofing) details have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented prior to occupant of the residential flats and adhered to at all times.
Reason: To safeguard the architectural or historic character of the Listed Building and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.
- 9 The dwellings hereby permitted shall not be occupied until the works to the north east elevation of the Church of the Sacred Heart have been carried out in accordance with details shown on Drawing No.PP114/195-05 P1.
Reason: In the interests of residential amenity and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

- 10 No work shall commence on St Michaels Convent until such steps are taken and such works carried out as shall secure the safety and stability of the remainder of the building for the period of execution of the permitted works.

Reason: In the interests of residential amenity and having due regard to policies DM8, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) which forms part of the Development Plan and National Planning Policy Framework, March 2012.

124 PLANNING APPLICATION: APP/12/00612 – LAND SOUTH OF SCRATCHFACE LANE, ADJACENT TO A3(M) AND WEST OF BROOKLANDS ROAD AND HILLMEAD GARDENS, HAVANT

Proposal: Outline application for the erection of 92 open market and affordable dwellings comprising 4No. 1 bedroom flats; 5No. 2 bedroom flats; 26No. 2 bedroom houses; 44No. 3 bedroom houses; 13No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle access onto Scratchface Lane and Portsdown Hill Road. (Revised Application)

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment to grant permission.

The following supplementary planning information was circulated prior the meeting:

- (a) corrections and amendments to the report;
- (b) details of additional representations received since the agenda was published;
- (c) an update on the completion of the Section 106 Agreement;
- (d) an amendment to the recommendation set out in the report;
- (e) Appendices C, H and I;
- (f) a briefing note on the impact of traffic noise on the proposed Scratchface Lane residential site;
- (g) photographs submitted by Councillor Wride;
- (h) a revised submission by Councillor Wride;
- (i) an independent noise assessment taken on 23 October 2012 undertaken by ENL Acoustic Consultants Ltd; and
- (j) a DEFRA noise map of the application site

(The meeting adjourned at 6.10 pm to hear deputations)

The Committee was addressed by the following deputees:

- (a) Mr J Graham objected to the application on the following grounds:

- (1) the Inspector's comments relating to noise relied upon PPG24, which had been revoked: the Council should now take into account the National Policy Framework, and the Council's policies, CS16 and DM10;
 - (2) the application site was not a sustainable location. The Sustainability Appraisal 2008 described the site as fairly isolated to non car users. The application did not therefore comply with Core Strategy Policy CS16;
 - (3) the noise experienced by existing residents was unacceptable. The noise levels for the occupiers of the proposed dwellings would be higher as they would be closer to the source of the noise: It would wrong to expect residents of the proposed scheme to endure higher levels of noise than those experienced by existing residents;
 - (4) air quality concerns including smuts on local residents' homes from A3(M);
 - (5) the design of the development did not comply with policy CS14;
 - (6) the number of representations received including a petition illustrated the level of opposition to this development;
 - (7) the development of the site would provide inadequate living conditions for the residents of the new development;
 - (8) development of this site was unpopular: the results of the informal consultation on the draft allocation plans for Havant and Bedhampton revealed that that this site one of the least favourite sites for development and that the development of other sites were preferred;
- (b) County Councillor Fairhurst objected to the proposal for the following reasons:
- (1) the noise likely to be experienced by the residents of the development would not encourage the residents to go outside and build a community and could impact on human health;
 - (2) the Council should have regard to the views of the local residents and not be dictated to by a Planning Inspector;
 - (3) the development would not provide adequate living conditions for the residents of the proposed development;
- (c) County Councillor Buckley objected to the proposal for the following reasons:
- (1) the level of noise generated by traffic using the A3(M) had increased since the opening of the Hindhead Tunnel;

- (2) the proximity of the dwellings to the A3(M) would give rise to an unacceptable noise climate for future occupiers including the occupiers of affordable housing who would have little option to move away;
- (3) the Committee made the correct decision when it considered application APP/10/00497 and should also refuse this application;

County Councillor Mrs Buckley requested that if the Committee was minded to grant permission, it should impose a condition prohibiting the burning of construction materials on the application site.

- (d) Mr Higgins, the applicant's agent, supported the application on the following grounds:
 - (1) the concerns expressed in the representations and by the deputees had been raised before and examined by a planning inspector at a public inquiry who determined that these concerns were not sufficient to warrant refusal: no new material considerations had been raised since the inquiry;
 - (2) the difficulties with the Section 106 which led to the dismissal of the appeal had been overcome and the agreement had been completed;
 - (3) the Cabinet had agreed to include the application site in the draft Local Plan Allocations;
 - (4) the proposal would supply much needed housing, including affordable housing units;
 - (5) the applicant had agreed to encourage the construction company to employ local residents; and
 - (6) the Committee should support the wider residents of the Borough, who are in need of housing.
- (e) Councillor Wride, with reference to her written submission circulated prior to the meeting and her written response to the supplementary planning information submitted by the Environmental Health Manager, objected to the proposal for the following reasons:
 - (1) the Council agreed to provide 6300 dwellings within the Borough provided that there was an adequate infrastructure in place first. The infrastructure was not in place to support this development so it should not proceed;
 - (2) the application site was unsuitable for housing development because:
 - (i) of the unacceptable noise climate;
 - (ii) the development would exacerbate the existing drainage problems in local area;

- (iii) the development would aggravate the existing traffic problems in the local road network;
 - (iv) the site was too far from schools, medical facilities, shops and public transport; and
 - (v) there was a lack of youth facilities
- (3) the contribution towards transport improvements would not mitigate the negative impact this development would create on the local area;
- (4) the A3M & A27 junction is on the Highway's Authority list of the top 20 noisiest junctions in the country. The noise data submitted with the application was out of date. An up to date noise assessment spread over a longer period should have been made to establish the impact of the Hindhead Tunnel. The Defra noise map and data supplied by her Acoustic consultant circulated as supplementary planning information illustrated the high noise levels experienced on the application site;
- (5) With regard to the briefing note on the impact of noise submitted by the Environmental Health Manager she drew attention to the following issues:
- (i) the implication of moving away from criteria setting thresholds for the onset of observable effects towards a "significant adverse effect" was that observable effects might occur at lower levels than those giving rise to a significant adverse impact;
 - (ii) the general advice was that sites categorised within categories B or C might be acceptable for development with suitable mitigation;
 - (iii) For sites categorised as C, it was advised that permission should not normally be granted. Category D sites (with daytime noise levels greater than 72 dBA) should normally be refused;
 - (iv) the surveys referred to in the evidence were out of date;
 - (v) the evidence showed that noise levels found on the site were relatively high;
 - (vi) the Planning Authority contested that the extent of the category C area was larger than the area identified by the applicant;
 - (vii) the noise level criteria was likely to be exceeded in some private gardens developed on the application site, which was not desirable;
 - (viii) the application site was adjacent to a First Priority Location;
 - (ix) in areas being considered for residential use, it should be a priority to provide accurate noise levels for the site;
 - (x) the Directive required modelling to be carried out at a 4 metre height. Whilst the developer had presented some information about

noise levels at 4 metres high, the data used to categorise the site was obtained at 1.5 metres;

- (xi) the statement relating to the Hindhead Tunnel indicated an abject lack of concern for existing residents who lived adjacent to the A3(M) in the P09 3 areas;
 - (xii) the topography of the site did not reduce ground noise levels on the site substantially as the bund had worn away as it was created over 30 years ago and not had been restored;
 - (xiii) there was evidence that traffic noise gave rise to significant adverse effects on health and quality of life as there were numbers of people who contacted David Willets MP over many years about the unacceptable high levels of noise, in some cases causing health problems
- (6) There were more suitable sites for development such as the site to the south of Bartons Road.

(The meeting resumed at 6.56pm)

In response to questions raised by Councillors, the officers advised that:

- (A) the bund was outside the application site and was under the control of the Highways Agency;
- (B) the Committee was required to consider all material considerations including the Planning Inspector's decision and any significant changes since this decision was issued. It was inappropriate, at this stage, to raise new issues, which should have been raised when the Council previously considered this development. The role of the officers was to advise Members: such advice being based upon professional judgement;
- (C) The Planning Inspector had considered the Council's reason for refusal on the grounds of an unacceptable noise climate for future occupiers together with concerns raised by residents and found that the development was acceptable and that conditions and a planning obligation could overcome the impact on the local infrastructure. The appeal was dismissed because the Inspector was not satisfied that all the relevant parties had signed the Section 106 Agreement and that it not been submitted in an appropriate form. The Agreement had now been completed to the satisfaction of the Solicitor to the Council. Unless there were any significant material changes since the Inspector's decision which warranted refusal the Committee was recommended to grant permission;
- (D) The noise exposure categories set out in the now withdrawn PPG24 were as follows;
 - A The noise level generated by traffic between 7am and 11 pm was below 55dBA. Noise need not be considered as a determining factor in granting planning permission. It should be considered desirable to

achieve the noise levels in external amenity space below the 55dBA guideline.

- B** The noise level generated by traffic between 7am and 11 pm was between 55 to 63 dBA. Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
 - C** The noise level generated by traffic between 7am and 11 pm was between 63 to 72 dBA Planning permission should not normally be granted. Where it was considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
 - D** The noise level generated by traffic between 7am and 11 pm was above 72 dBA Planning permission should normally be refused.
- (E) when measuring traffic noise for the purposes of characterising the site, the noise levels ($L_{Aeq,16\text{ hour}}$) should be taken at ground floor level. It was best to consider the site as being on the boundary of Category B and C (i.e. low end C to high end B);
 - (F) PPG24 had been withdrawn. More general advice on noise was now contained in the National Planning Policy Framework;
 - (G) the Belmont Junction had been included in the traffic surveys: the estimated increase in traffic to be generated by this development at this junction was not considered to be significant;
 - (H) the noise contours map displayed in the presentation was produced at the Public Inquiry. The map was artificial in that there was “no step change” in the significance of noise between the top end of category B and the bottom end of category C. A majority of the dwellings would be built within category B areas;
 - (I) the sound levels provided by the independent consultant (as set out in Councillor Wride’s submission), when adjusted to make the readings comparable with the noise level readings provided by the applicant, were not significantly different;
 - (m) houses could be designed to minimise the noise impact from traffic flows; ventilation to the houses could be provided other than by opening windows. It was conventional to see these types of designs on similarly noisy sites;
 - (n) the noise readings taken on the site demonstrated that the bund was effective in reducing the noise impact; raising the height of the bund was unlikely to significantly reduce the noise levels on the site;
 - (o) the noise generated by fast vehicles would vary according to the road surface. The noise generated by fast vehicles was dominated by higher frequency noise: this meant that the bund would be very effective in reducing noise levels;

- (p) there were other developments in close proximity to the A3(M) in the Borough e.g. to the north of Tempest Avenue, which were built in the 1980s;
- (r) 39% of the dwellings would be available as affordable house; 10 of the dwellings would be rented;
- (q) there had been no significant change in the road network since the Committee accepted that there were no highway grounds for refusing the proposal;

The Committee discussed this application and the matters raised by the deputees in detail including a motion to refuse the application. The main concern raised during the debate was that the noise likely to be generated by traffic on the A3(M) would create unacceptable living conditions for future occupiers of the development.

The Committee was advised that if the Council refused this application and the applicant made a successful appeal, the Council could incur substantial costs if it were demonstrated that there had been no significant material changes since the Planning Inspector considered this development. In view of these financial implications the Committee was advised to consider referring this matter to Full Council. In view of this advice the proposer and seconder of the motion to refuse the application amended their motion accordingly.

RESOLVED That application APP/12/00612 be referred to Full Council for determination

125 PLANNING APPLICATION: APP/12/00935 – 178A WEST STREET, HAVANT

(This site was viewed by the Site Viewing Working Party)

Proposal: Retrospective application for the change of use to allow hand car wash business, including use of jet wash facility. (Revised application).

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment.

The Committee was addressed by Councillor K Smith who advised that he had investigated this proposal after being approached by the owner of the neighbouring property and could not find any reasons to oppose this application.

RESOLVED That application APP/12/00935 be granted permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with 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:

Statement of proposed use received 11 September 2012
OS Site Location Plan Serial No. 001033758 received 10 September 2012
OS Block Plan Serial No.001033730 received 10 September 2012
Photograph A of parking and washing area received 10 September 2012
Photograph B of machinery pipes exiting the building received 10 September 2012
Photograph C of splash screen received 10 September 2012

Reason: - To ensure provision of a satisfactory development.

- 3 The premises hereby permitted shall not open to the public before 09:00 hours or remain so open after 17:00 hours.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 4 All electrical equipment used in connection with the development, (i.e. Vacuum Cleaner and Jet Washer) shall be enclosed in the site building at all times when in operation. No other noise making equipment shall be used unless it has been agreed and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to protect the amenities of occupiers of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 5 All doors and windows shall be kept shut when the hereby permitted electrical equipment is in use. The main door shall only be opened, for the shortest possible time, to directly switch the equipment on and off.

Reason: To ensure a satisfactory form of development and to protect the amenities of occupiers of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 6 The existing splash screen erected to the eastern boundary of the site, or a replacement screen of consistent appearance, shall be maintained in good condition and be retained at all times whilst the use of the site as a car wash is in operation.

Reason: To ensure a satisfactory form of development and to protect the amenities of occupiers of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

126 PLANNING APPLICATIONS: APP/11/01254 AND APP/11/01257 – 2
EMSWORTH ROAD, HAVANT

(The site was viewed by the Site Viewing Working Party)

Application APP/11/01254

Proposal: Erection of a new 1.75m high boundary railings.

Application APP/11/01257

Proposal: Listed building consent for the erection of a new 1.75m high boundary railings and repairs to the listed wall.

The Committee considered the written reports and recommendations of the Executive Head of Planning and Built Environment to grant permission for both applications.

The Committee was addressed by the following deputees:

- (a) Mr Lamont objected to the applications on the following grounds:
 - (1) the wall was more important than the tree, which could be replaced;
 - (2) the wall was a defining characteristic of the road and it was important to restore it back to its original condition;
 - (3) the proposal was contrary to PPG5 and to Policy CS11
- (b) Mr Germain on behalf of the Lymbourn Road Residents' Association, objected to the applications on the following grounds:
 - (1) a majority of the residents of the road in a Survey undertaken in 2011 wished the wall to be repaired;
 - (2) not one resident supported the railings and wished the wall to be restored;
 - (3) there was concern that the railings would lead to a request to provide an access to the garden: the owner had indicated she wished to park in her rear garden;
 - (4) the previous arboriculturalist report indicated that it would be 40 years before the tree would affect the structure of the wall; and
 - (5) the residents would like the wall to be repaired as soon as possible;
- (c) Mr Pitt objected to the application for the following reasons:
 - (1) the Planning Inspector in 2005 dismissed an appeal on the grounds that the wall would be disrupted;
 - (2) the wall made an important contribution to the conservation area and the street scene and should be restored;
 - (3) the introduction of the railings in the wall would be out of keeping with the character of the road and could lead to pressure for an entrance onto Lymbourn Road to the detriment of users of this road;
- (d) Mrs Pitt objected to the application for the following reasons;

- (1) the inclusion of railings and railway sleepers in the wall would create a gap which was out of character with the street scene and the conservation area and was not supported by the residents of Lymbourn Road;
- (e) Mr Critchley, the applicant's agent, supported the application on the following grounds;
- (1) the wall had been rebuilt in the 1970s leaving only 11 metres of the original flint wall;
 - (2) the lime tree was only half way through its expected life cycle and would at some point come into contact with the wall;
 - (3) the Lime tree was a landmark tree and similar to the Oak Tree at 22 Oakmont Drive, which was considered at the last meeting of the Development Management Committee, should be retained due to its contribution to the amenities of the area;
 - (4) the structure of the wall was weakened before 2006 by heave caused by the removal of another Lime tree in the rear garden and a delivery van cracked one the piers;
 - (5) the proposal was a pragmatic solution to the problem: retaining the tree and restoring the wall;
 - (6) the proposal would not conflict with the Georgian house or the Conservation Area or the street scene; and
 - (7) the railway sleepers were necessary for the construction of the railings.

In response to questions raised by Members of the Committee, the officers and Chairman advised that:

- (A) a vehicular access onto Lymbourn Road would require the approval of the Council; the Council could impose an additional condition removing permitted development rights for a vehicular access to ensure that an access was not created without the Council's prior approval;
- (B) the location of the railings would enable the tree to grow without affecting the structure of the wall;
- (C) to replace the tree to enable the wall to be restored would be contrary to this Committee's previous decision (Minute 19/5/2011); and
- (D) it was not possible to rebuild the wall in the same position without affecting the tree.

The Committee discussed these applications and the issues raised by the deputies in detail. Although there was a motion to permit these applications, a majority of the Committee considered that the design and materials to be used

would have a detrimental impact on the appearance of the Conservation Area and the integrity of the Listed Building. It was therefore,

RESOLVED That

- (A) Application APP/11/01254 be refused because the design and materials to be used would have a detrimental impact on Lymbourn Conservation Area and the integrity of the Listed Building, 2 Emsworth Road: the exact wording of the reason for refusal to be determined by the Executive Head of Planning and Built Environment.
- (B) Application APP/11/01257 be refused because the design and materials to be used would have a detrimental impact on Lymbourn Conservation Area and the integrity of the Listed Building, 2 Emsworth Road: the exact wording of the reason for refusal to be determined by the Executive Head of Planning and Built Environment.

127 REFERENCE NUMBER: 10/00225/CMP – LAND EAST OF 13 THE KENCH, FERRY ROAD, HAYLING ISLAND

Subject: Alleged unauthorised use of a houseboat mooring for the siting of a barge and its conversion to a houseboat.

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment.

The Committee was addressed by the following deputees:

- (a) Mr West supported the recommendation set out in the report for the following reason:
 - (1) the Committee had already considered this matter and agreed to take enforcement action against the mooring of this ammunition barge;

Mr West advised that there would be no objection to a suitable houseboat of the right dimensions being moored on this site;

- (b) Mr Ward supported the recommendation set out in the report for the following reason:
 - (1) the barge was significantly larger and represented a change of use of the land and had a visual impact on the character and amenity of the area

Mr Ward advised that he had no objection to the replacement of the barge of a houseboat with suitable dimensions.

- (C) Mrs Organ, the owner's agent, objected to the recommendation set out in the report. Mrs Organ expressed surprise that the Council had accepted the lawfulness of a larger mooring area but had still insisted that the houseboat had to be the same dimensions as the houseboat previously moored on the site. She contended that the houseboat was a chattel and not a building. Therefore, provided the houseboat fitted within the mooring limits accepted

by the Council, it did not require planning permission. She further advised that her client had been advised by a Barrister, who had successfully led an appeal against a similar situation, that a houseboat which fitted within the moorings represented a lawful use of the land. Mrs Organ gave notice that if the Council, served an enforcement notice, the owner would appeal and instruct her barrister to apply for costs against this Council. She requested the Committee to defer taking enforcement action in this case.

- (D) Mrs Jacs, the Vice Chair of the Residential Boat Owners' Association, considered that there was lack of clarification on this issue and objected to the recommendation set out in the report for the following reason:
- (1) the houseboat fitted within the moorings accepted by the Council. Therefore, it would be unjust for the Council to require the removal of the barge.

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

- (1) an environmental impact study would have been required if the owner had submitted a planning application for the change of use of the land. In this case the owner had applied for a certificate of lawfulness, which did not require an Environmental Impact Assessment; and
- (2) the Council had:
 - (i) refused one application for a certificate of lawfulness on the grounds that the replacement vessel was significantly larger than the lawful use of the site and therefore constituted a change of use and that due to its size, extent and impact the proposed work to convert the vessel into a houseboat was considered to constitute a building and required planning permission; and
 - (ii) granted a certificate of lawfulness for a larger mooring area on the site. However, based on the legal advice received, this certificate of lawfulness reiterated the dimensions of the houseboat that could be moored on the site: the current barge exceeded these dimensions.

The Committee considered that the barge adversely impacted upon the area and it was therefore expedient to pursue enforcement action. It was therefore:

RESOLVED That in view of it appearing that development has taken place without the benefit of Planning Permission, the Executive Head of Planning and Built Environment in conjunction with the Solicitor to the Council be authorised to issue an Enforcement Notice under sections 172 and 173 of the Town and Country Planning Act 1990 (as amended) relating to Land east of 13 The Kench, Ferry Road, Hayling Island, such as to require within a compliance period of 7 months that:

- i the use of the mooring for the siting and modification and conversion of the barge cease and
- ii the barge be removed from the site,

it being expedient to do so having regard to the provisions of the development plan and reasons set out in the submitted in the report which may be summarised as follows:

- 1 The siting of the barge and associated modification and conversion works, by reason of their size, scale and visual prominence would appear harmful to the surrounding area and distinctive coastal landscape, and would be detrimental to visual amenity and harmful to the character of the area. This would be contrary to Policies CS16 and DM9 of the Havant Borough Core Strategy.
- 2 From the information available the Local Planning Authority considers that there is a risk of harm to nature conservation interests of international and national statutorily designated sites, including those under Directives 92/43/EEC and 79/409/EEC. In the absence of any further information upon the extent and degree of impacts and any opportunities for mitigation the development is contrary to Policies CS11, CS 16 and DM9 of the Havant Borough Core Strategy.

(The meeting commenced at 5.00 pm and concluded at 9.30 pm)
(The meeting adjourned at 8.04 pm and 8.20 pm)