



The National Planning Policy Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases the 'tilted balance' is engaged under paragraph 11(d), and the local planning authority as the decision maker must carry out a 'balancing exercise' in which planning permission should only be withheld where the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme. Therefore, national policy considerations should be afforded substantial weight in the planning balance against the conflict with the development plan.

The proposal has been subject to review and consultation. Negotiations have taken place resulting in the plans being improved and amended to address concerns – in particular revising the design, layout and improving landscaping. Any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall, the development would not unduly affect the character and appearance of the wider area, particularly given that it lies within the broad area approved for development under APP/18/00450. It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site.

The proposal has complied with the flooding Sequential and Exception Tests, in that whilst an element of the site is categorised as being within an area of potentially high flood risk, there is no realistic alternative to cater for the development, which in other respects will provide wider sustainability benefits in terms of providing much additional housing, open space and ecological enhancements.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area (SPA) requiring mitigation. The subsequent Appropriate Assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy, Position Statement on Nutrient Neutral Development and the Solent Waders and Brent Goose Strategy Guidance. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur.

To conclude, it is considered that the scheme would contribute to the need to significantly boost the supply of homes within the Borough, on a site which has established residential use, which must be afforded weight in the overall planning balance. In assessing the proposal (including associated evidence) against the adopted development plan, the National Planning Policy Framework and given the need to improve the supply of deliverable housing sites, the scheme is considered to represent sustainable development and is therefore recommended for permission

## **1 Site Description**

- 1.1 The site was an open area of land to the south of Portsdown Hill, which was formerly used for farming and had been previously used for local events, including car boot sales. A small cluster of farm buildings associated with fruit picking formally existed in the southernmost part of the site. The site lies close to the administrative boundary with Portsmouth. The site sits 7.5 km north east from the city centre of Portsmouth, and 2.5 km west from the town centre of Havant. The site is an approximate rectangle

shape covering 22.9 hectares. It comprised several agricultural fields divided by mature tree lines, for which some are covered by Tree Preservation Orders (TPO's). The site previously had one site is accessed via a single bellmouth taken from Havant Road. Opposite the existing site access is a right-turn lane providing access into residential development on Auriol Drive.

- 1.2 The land gently slopes north to south accommodating a 6m change in level, with a steep change in level, of approximately 2.5m, along the northern boundary. The site is located within Flood Zones 1, 2 and 3. Flood zone 3 is in the southern part of the site. A gas pipeline runs through the north-east corner of the site.
- 1.3 Planning permission for major residential development within the site was previously granted in January 2020, under application APP/18/00450 which was considered by Planning Committee on 29th August 2019. The consented scheme, which commenced in November 2020, includes 320 residential dwellings (including a 30% provision of affordable homes), a care home, provision of public open space, a habitat mitigation zone, allotments and associated infrastructure.
- 1.4 The site is bounded to the north by Havant Road (A2030). There is vegetation along some parts of this boundary, screening the road from the site. The application site lies within the residential development approved under application APP/18/00450. As such it only lies directly adjacent to existing building plots undergoing development, and not next to existing residential properties. To the east, the site is bounded by vegetation screening the site from the slip road and A3(M) motorway beyond. The site is bounded to the south by vegetation alongside the adjacent railway line.
- 1.5 The majority of the development in the vicinity consists of suburban housing developed throughout the twentieth century. Many of these houses, such as those on Fortunes Way, are semi-detached two-storey houses. However, the series of houses which overlook the site on Auriol Drive are detached. There are also a number of three-storey apartment blocks in the area to the west of the site, in the Portsmouth City Council administrative area.

## **2 Planning History**

### Applications directly relevant to the current proposals

- 2.1 APP/18/00450- Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings – Permitted January 2020.
- 2.2 Following the approval of the initial full application, six non-material amendment applications were submitted in late 2020. All gained approval in 2021, serving to grant the below amendments:
  - i) APP/20/00510 - Application for non-material change relating to internal changes for the care home comprising the reconfiguration of floor space within the building and external alterations.
  - ii) APP/20/01041 - 17 no. Maidstone house types were replaced by Ellerton house types, and all Kenley house types were replaced by Denford house types
  - iii) APP/20/01101- Amendments to the spacing and parking layout of plots 156-161
  - iv) APP/20/01098 - Finished floor level (FFL) of Plot 1 raised from 8.200 to 8.500 to

- match that of attached neighbouring property, Plot 2
- v) APP/20/01099 Application for non-material change to Planning Permission APP/18/00450 relating to relocation of substation.
  - vi) APP/21/00824 - Two no. sub stations – one adjacent to the allotments and one within the residential area – replaced by a single substation adjacent to the approved care home.
- 2.3 APP/20/00835 - Application for non-material change to Planning Permission APP/18/00450 relating to replacement of Maidstone house types with Elleton house types and Kenley house types with Denford house types., Refused 29/10/2020
- 2.4 APP/20/00972- Erection of temporary sales arena. Permitted 16/3/21.
- 2.5 A number of advertisement applications have also been submitted and approved comprising the following applications: APP/20/00972 and APP/21/00670
- 2.6 APP/11/00226 - Application for Deed of Variation to S106 dated 17.1.2020 relating to Schedule 5, clauses 1.2, 2.2, 2.3, 2.4 and 7.4 relating to Highways Works Agreement- still under consideration.
- 2.7 APP/21/00247 - Application for Deed of Variation to S106 dated 17.1.2020 relating to Schedule 2, clause 1.1 - management company – Approved June 2021
- 2.8 APP/19/00374 - To create a Habitat Mitigation Zone for Brent Geese and Solent Waders (linked to the current planning application APP/18/00450). Withdrawn 28/6/2019
- 2.9 GEN/17/00884 - Development Consultation Forum (DCF) - Residential proposal for 322 new homes (30% affordable housing), care home, allotments, ecological mitigation areas and public open space. The DCF took place on 9/11/2017
- 2.10 GEN/17/01388 - Screening Opinion - Residential proposal for 322 new homes (30% affordable housing), 60 bed care home, allotments, community building, habitat mitigation zone, provision of public open space and associated infrastructure. Environmental Impact Assessment not required, decision issued 04/01/2018

Other applications relating to this site

- 2.11 APP/14/01261 - Change of use from agricultural building to a flexible use (within classes A1, A2, A3, B1, B8, C1 or D2) subject to prior approval covering flooding, highways and transport issues, noise impact and contamination risks on site., Prior Approval approved, 28/01/2015.
- 2.12 APP/12/00285 - Change of use of land to allow car boot sales on 24 days per annum, Withdrawn, 13/08/2012
- 2.13 08/56092/008 - Change of use from Agricultural Building to meat packaging and Farm Shop, Permission, 29/05/2008
- 2.14 06/56092/007 - Renewal of Planning Permission 03/56092/004 to allow for continued use of land as a maize maze, incorporating car parking, temporary structures, portable toilets, ticket and refreshment facilities during the period June-October., Temporary Planning Permission , 27/04/2006
- 2.15 05/56092/006 - Renewal of Planning Permission 03/56092/005 for change of use of

part of the existing building for fresh flower packing for a further 5 years., Temporary Planning Permission,06/02/2006

- 2.16 03/56092/005 - Renewal of temporary permission for change of use of part of the existing building for fresh flower packaging for a further 5 years., Temporary Planning Permission,14/07/2003
- 2.17 03/56092/004 - Change of use of existing agricultural land to a maize, incorporating car parking, timber footbridge with incorporated observation platforms, portable toilets and refreshment facilities during the period from mid July to mid September., Temporary Planning Permission,31/03/2003
- 2.18 00/56092/001 - Change of use of part of existing building for fresh flower packaging, Permission,02/10/2000

### **3 Proposal**

- 3.1 Planning permission for residential development within the site was previously granted in January 2020, following the resolution to grant planning permission in August 2019 by the Planning Committee. The approved scheme, which commenced in November 2020, included 320 residential dwellings (including a 30% provision of affordable homes), a 66 bed care home, provision of public open space, a habitat mitigation zone, allotments and associated infrastructure.
- 3.2 As part of a re-consideration of the scheme by the applicant they have explored areas within the site to make more effective use of the land, within the approved residential development area. Following this the applicant has applied to increase and re-configure areas of the approved development, which are broadly located within the central and eastern areas of the developable area. For the avoidance of doubt this proposal does not change the approved layout adjacent to the existing residential properties in Westways. The changes in this application are as follows:
  - An uplift in the number of dwellings by 34 units within the amended parcels, which gives a total of 147 dwellings against the approved 113 units within this area
  - Given the uplift in overall numbers a further 10 affordable homes are proposed
  - Dwellings will range from 1 to 4 bedrooms in size. Most of the development will consist of 2 storey houses, with some 2.5 storey houses and a number of 3 storey apartment buildings placed strategically within the core of the scheme. Further details of the housing mix are provided below.
- 3.3 The following elements of the extant permission will not be altered under the current scheme, being outside of the red line boundary of this application:
  - Care home - situated within the north-west corner of the application site, served by a car park and softened by landscaping
  - Habitat Mitigation Zone - located to the eastern boundary of the application site, 34,701sqm in size, providing opportunities for migratory geese, surrounded by a circulatory pedestrian loop
  - Nature Park - an area of informal open space providing opportunities for play and informal recreation and areas of attenuation basins
  - Nature Play Park - designed to accord with the FIT Guidance, the play area

integrates a minimum of six pieces of play equipment, providing a full range of play experiences within an area greater than 0.04ha

- Nature Park Attenuation Zone - immediately south of the development, the termination of the SUDS strategy through areas of seasonally wet attenuation basins. In part providing an undisturbed natural habitat for local wildlife with minimal intervention, this area provides mitigation for habitat loss and a wet habitat rich in ecology)
- Nature Park Allotment and Orchard
- Access - The site is served by two vehicular access points, both bellmouth arrangements, onto Havant Road. The accesses will be constructed to HCC adoptable standards
- Pedestrian access – No pedestrian access is proposed to Westways, which is in accordance with the resolution of members at the August 2019 Planning Committee
- Off-site Works -provision of a 3m wide footway/cycleway along the southern side of Havant Road and improvements along the pedestrian route to Bidbury Infant and Junior Schools and around the Rusty Cutter roundabout and are secured through a legal agreement under application APP/18/00450.

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

- The parking throughout the development has been broken up with soft landscaping;
- Additional landscaping has been provided at the entrance to the site to improve the initial vistas when entering the site

#### Nature of housing proposed

3.5 Relative to the previous approval of 320 dwellings, the present application would produce an uplift of 34 dwellings, resulting in 354 dwellings across the wider development site. This comprises 217 dwellings falling outside of the present application boundary and 147 within the current site boundary, relative to the 113 previously dwellings consented within this area. The table below show the proposed housing tenures against the previous approval.

	<b>Approved units under APP/18/00450</b>	<b>Proposed units</b>	<b>Difference (total units)</b>
Affordable units	96	106	10
Private units	224	248	24
	<b>320</b>	<b>354</b>	<b>34</b>

3.6 The table below show the proposed housing mix against the previous approval.

Beds	Approved mix			Proposed mix			Difference
	Private Housing Total	Affordable housing Total	Total	Private Housing Total	Affordable housing Total	Total	
1 bed	0	20	20	0	20	20	0
2 bed	67	36	103	53	46	99	-4
3 bed	127	36	163	164	36	200	37

4 bed	30	4	34	31	4	35	1
	<b>224</b>	<b>96</b>	<b>320</b>	<b>248</b>	<b>106</b>	<b>354</b>	<b>+34</b>

- 3.7 Of the 34 net increase in proposed dwellings, 10 will be affordable homes, a ratio of 29.4%. 3 of the affordable homes will contribute to shared home ownership (30%), whilst 7 will be available for affordable rent (70%).

#### Appearance and Layout

- 3.8 The overall appearance and character will not be significantly impacted from the original proposal, with all of the proposed housetypes being previously approved, with the exception of Kirkdale and Greenwood housetypes, which have been added to this scheme plotted. The same palette of materials is proposed as was originally approved.
- 3.9 The main departure in appearance will be to an area in the easternmost part of the site originally consented with a crescent shape. This will be amended to a more regular shape, consistent with the grain of the rest of the site, which preserves a significant area of open space but enables additional homes to be developed.

#### Landscaping

- 3.10 The landscaping scheme will closely reflect the consented scheme within the re-plan area, with only minor adjustments being needed to the positioning of green infrastructure elements (verges, hedges etc) where they are positioned around houses whose positions have changed. Outside of the re-plan area, much of the consented residential area and the southern open space area will remain as consented (being outside of the redline boundary of this new application). Boundary treatments will be maintained as consented to the site boundary and reflected as closely as possible within the re-plan area for residential property boundaries.

#### Proposed parking and layout

- 3.11 The level of parking will be increased in line with the additional units, to include an uplift in 7 no. visitor parking spaces, to be distributed throughout the site. The number of visitor spaces will total 71 across the site, as required to meet the standard of 0.2 spaces per dwelling. Private parking will be provided in line with required parking standards at 1 space per 1 bed house, 2 spaces per 2 and 3 bed house, and 3 spaces per 4 bed dwelling.
- 3.12 The proposed accesses will remain as permitted, which comprises two access points from Havant Road.
- 3.13 The planning application includes the following documents:

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

Ecological Mitigation and Management Plan  
Wintering Bird Survey Report August 2019  
Report to inform Habitats Regulations Assessment  
Reptile Survey Report  
Bat Activity Survey Report  
Extended Phase 1 Habitat Survey  
Revised Transport Assessment  
Revised Travel Plan  
Sustainability Review Report  
Arboricultural Impact Assessment and Method Statement  
Flood Risk Assessment  
Utility Service Statement  
External Lighting Report  
Landscape Masterplan  
Landscape & Visual Impact Assessment  
Tree Report  
Tree Protection Plan  
Noise Impact Assessment Covering Letter  
Noise Impact Assessment –  
Planning, Design & Access Statement  
Planning Layout (Site Layout)  
Economic Benefits Statement

#### 4 **Policy Considerations**

##### National Planning Policy Framework

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

##### The Development Plan

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

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

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

The following policies are particularly pertinent to the determination of this application:  
CS11 (Protecting and Enhancing the Special Environment and Heritage of

	Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

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

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

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

#### Submission Version Havant Local Plan

DR1 – Delivery of Sustainable Development  
DR2 - Regeneration  
IN1 - Effective Provision of Infrastructure  
IN2 – Improving Transport Infrastructure  
IN3 – Transport and Parking in new development  
IN5 – Future management and management plans  
E1 – High Quality Design  
E2 - Health and wellbeing  
E3 – Landscape and settlement boundaries  
E6 – Best and most versatile agricultural land  
E9 - Provision of public open space in new development  
E12 – Low Carbon Design  
E13 – Historic Environment and heritage assets  
E14 – The Local Ecological Network  
E15 – Protected Species  
E16 – Solent Special Protection Areas  
E17 – Solent wader and Brent Goose feeding and roosting sites  
E18 – Trees, hedgerows and woodland  
E19 – Managing flood risk in new development  
E20 – Drainage infrastructure in new development  
E22 – Amenity and pollution  
H1- High Quality Homes  
H2 – Affordable Housing  
H3 – Housing Density  
H4 – Housing mix  
H5 – Retirement and specialist housing  
H14 – Land at Forty Acres

## Supplementary Planning Documents

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

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

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

### **Arboriculturalist, Havant Borough Council**

No Objection subject to conditions

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

No comments

### **Coastal Engineering**

No Objection subject to conditions

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

For APP/18/00450 there is an existing S106 dated 17 January 2020 and Deeds of Variation in progress reference:

- APP/21/00226 (relating to Schedule 5, clauses 1.2, 2.2, 2.3, 2.4 and 7.4).
- APP/21/00247 - S106 dated 17.1.2020 relating to Schedule 2, clause 1.1 - management company

The changes proposed will result in a further Deed of Variation.

In addition to increased amounts being required in respect of various Head of Terms (due to the increased quantum of development and potential new permission date) there may be other site-specific obligations arising out of statutory consultee responses.

CIL is applicable on the uplift elements of the development

### **Conservation Officer**

No response

### **Countryside Access Team**

No response

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

No objection subject to condition:

I recommend that an archaeological condition is attached to any planning permission which might be issued to secure the archaeological mitigation already agreed and partially implemented so that the archaeological mitigation previously agreed remains secured

### **County Ecologist**

The addition of 34 new units does not materially alter the previously agreed ecological mitigation, compensation and enhancement measures. The increase in units has required matters of nutrient neutrality to be addressed through an amended Habitats Regulations Assessment which concludes that neutrality will be achieved with the

increase.

**Defra**

No response

**Southern Water**

The sewers services at this location are the responsibility of Icosa Water Services Limited. There is an inset agreement/NAV agreement in place between Southern Water and Icosa Water Services Limited for the supply of sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must comply with inset/NAV agreements terms.

**Portsmouth City Council**

No response

**Engineering Services,**

No response

**Environment Agency**

No response

**Environmental Health Manager**

No Objection subject to condition - I have reviewed the documents submitted in support of this application and note that a good number of the technical assessments have been reviewed in connection with prior applications

**Hampshire Constabulary**

For a number of properties rear garden access is via a rear access footpath or from a parking area. Some acquisitive crimes such as burglary and theft are often facilitated by access to the rear of the property. Planning guidance advises that "Planning should promote appropriate security measures" it goes on to say "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the vulnerability of the dwellings to crime I recommend that all rear garden access is in curtilage. If this is not desirable all rear garden access gates should be fitted with a key operated lock that operates from both sides of the gate.

***Officer comment:** All rear gardens will be fully secured and enclosed. Properties which benefit from rear garden access will have a gate fitted with a lock to prevent unauthorised access.*

**Hampshire County Council Education Department, Strategic Planning Unit**

The additional 34 dwellings proposed for this development will generate approximately 10 additional primary age pupils, about one or two per year group. There are sufficient primary places within Havant to accommodate these additional pupils and no contribution for educational facilities will be sought.

Similarly, there are sufficient secondary age places in Havant to accommodate these additional pupils and, again, no contribution for educational facilities will be sought.

**Hampshire Fire and Rescue Service**

Comments relating to Building Control matters

**Hampshire Wildlife Trust**

No response

### **Hampshire Highways**

No objection:

The applicant is proposing to re-plan part of the residential area of the site to facilitate 34 additional new homes. From the revised site layout, it is only the eastern side of the site where the internal road network has been changed. The Highway Authority provide no objections to the revised site layout subject to appropriate amendments approved through the S38. The amendments required are:

Revised drainage strategy will need to be amended in the S104 agreements and evidence submitted along with the revised S38 package if this application is approved

Vehicle tracking will need to be updated within the S38 package

In addition to the above, the bond figure and commuted sums are likely to be affected by the revised layout.

### **Highways England (now known as National Highways)**

No objection

### **Housing Needs Manager, Havant Borough Council**

Housing would support the principle of this replan as it will provide much needed additional affordable housing to meet the significant need of our borough.

### **Landscape Team**

#### Initial comments

- At present the massing of the car parking is contrary to HBC design guides, which state; *'It is important the public realm is enjoyable and attractive. The car and highway should not dominate and create an environment that is harsh and unwelcoming. Large areas of hard surfacing given over to car parking can create a bland, uninteresting and unattractive environment for users and for buildings that address the space. In order to prevent this, the Council expects car parking spaces to be grouped in numbers no greater than five. Larger parking areas are expected to be broken up by at least two metre wide planting beds incorporating low-lying shrubs and trees with a vertical emphasis. Planting should be designed to soften the appearance of parking areas, without preventing reasonable surveillance.'* As such we require soft landscaping to reflect the design guide and break up the car parking.
- The cycle/footway connectivity on the north of the site is unclear in the submitted revision. Previously there was a 3m wide off road shared surface, which has now been removed to accommodate a access road. This is deemed to be a inferior design and we require the layout to include the 3m wide off road shared cycle route as per the previously approved layout.
- Given the amendments to the site layout we require the boundary treatment plans to be updated and resubmitted for comment.

**Officer comment** – *Amended plans have been received to address the points raised by the landscape officer, whilst a response is awaited officers are of the view that the revised plans address the points regarding the breaking up of car parking areas.*

### **Langstone Harbour Board**

The Board's Planning Sub Committee has considered this application and wish to OBJECT to the proposals on the grounds that the Langstone Harbour Management

Plan states that “The open area around the harbour is part of the harbour’s landscape and nature conservation value and should be retained and managed for these purposes in association with the harbour itself”.

**Local Lead Flood Authority**

No objection subject to condition

**Natural England**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. Provided the applicant is fully compliant the mitigation measures set out in the AA, an appropriate planning condition or obligation is attached to any planning permission to secure the contributions towards these mitigation measure, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of recreational disturbance, increase in nitrogen from wastewater discharges and loss of SPA supporting habitat on the integrity of the Habitat site(s).

**Network Rail**

The developer must ensure that their proposal, both during construction and after completion does impact on the railway network

**Norse South East**

No response

**Nutrient Team**

The development site, though utilising the proposed open space mitigates the impact of the uplift in numbers of this development

**Planning Policy**

No Objection:

The principle of the development of this site is supported in policy terms, based on the emerging policy position in the Submission HBLP. The planning permission is also a material consideration. The increase in the site's capacity is also welcomed, particularly in the context of the Council's current housing land supply position. There are various detailed matters e.g., affordable housing, housing mix, open space provision which need to be carefully assessed relative to the approved scheme.

**Portsmouth Water Company**

No Objection to the proposed development as it is located south of Havant and Bedhampton springs; an essential public water supply source. Groundwater flow is likely to be south west and thus away from the spring source, therefore the risk to this source is negligible.

The proposed surface water drainage strategy is SuDs encompassing attenuation basins and ponds prior to final discharge to Langstone Harbour via surface water outfalls and existing watercourses. Portsmouth Water have no concerns on this drainage strategy as the SuDs features and discharges are situated in the south of the site and thus south of the Havant and Bedhampton springs.

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

**Public Health Team, Hampshire County Council**

We welcome the ambition to provide healthy housing to support the growing population of Havant and Hampshire more widely.

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

No response

**South Eastern Hampshire Clinical Commissioning Group,**

No response received

***Officer comment:** Due to the current Covid-19 situation officers have advised the applicant of the NHS financial contribution tariff, which is based on a per dwelling unit basis*

**Southern Electric**

No response

**Southern Gas Network**

No response

**Sport England**

No response

**Traffic Management, East Hampshire District Council**

The Traffic Team have no adverse comment to make.

**Waste Strategy**

No response

**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: 155

Number of site notices: 3.

Statutory advertisement: 16/07/2021

Number of representations received: 17

## **Summary of representations**

### **Principle of development**

- Previously identified together with lands to the south as a gap between Havant/Bedhampton and Portsmouth and not recommended for development. The site was allocated for 320 houses and the developer is now being greedy and adding further units
- It takes out an important part of the Bedhampton / Portsmouth Gap and erodes the historic division between two developed areas resulting in a loss of identities for existing communities
- There is not the infrastructure, existing or planned, to support further residents
- Site could also be of historical and archaeological importance but not known as it's never been surveyed.
- Goes against key guiding principles for green and blue infrastructure, and important goals of connectivity and multi-functionality to create a robust network of green spaces to address identified deficits and need
- Given the early nature of the emerging plan, it ought not to be used for development management decisions ahead of its adoption. The proposal is contrary to current adopted policies at this time. It is also contrary to the Council's stated policy not to allow piecemeal developments or the infilling of a recognisable gap between areas of built form, thus harming the setting of the adjacent AONB which would weaken the stance taken to protect similar Gap land.

### **Highway issues**

- Traffic density on Havant Road is at congestion point during rush hours and increasing, and traffic from side roads has difficulty getting out raising concerns regarding safety
- Surrounding roads are often used as a "rat runs" now with cars driving at speeds in excess of 30 mph and further congestion on the strategic highway network will make this worse.
- Public transport is inadequate. Parking at Havant and Bedhampton railway station is also very limited
- Travel plan unrealistic without a reliable and affordable public transport system you will not encourage people away from their cars
- Lack of car parking in on the site and wider area, parking already limited and road systems around Havant and Bedhampton, the next closest shopping area, are also grid locked for a good proportion of the day
- Traffic will queue back to the A27 teardrop and Rusty Cutter roundabouts causing grid lock
- The site is completely unsustainable and separated from the rest of the Borough
- The volume of cars and commercial vehicles leaving/joining the A27/A259 is already way beyond the amount which was at first visualised.
- The dangerous and very busy Rusty Cutter roundabout manages to cut the site off from the rest of the borough almost and therefore conflicts with the idea of a cohesive area
- Emergency services will struggle to attend many incidents on either road due to the amount of vehicles 'held up' in both directions on Havant Road

### **Drainage and Flooding Issues**

- Havant Borough Council must be certain that the local drainage system will be able to handle the proposed housing on this site.
- Exacerbate existing drainage problems. Site prone to surface water flooding and this is only going to get worse with climate change putting other properties at risk
- Existing foul sewerage system is already at capacity with residents experiencing flooding, and Southern Water have been fined by the regulators for breaches of regulations
- Who is going to compensate households who are flooded again when natural drainage is reduced due to the extra housing proposed.
- Part of site is in flood zone 3, due to tidal flooding and therefore not an appropriate place to put development.
- In recent years frequent flood events, (affecting Westways), have been caused by a combination of surface water flooding
- The revised plan does not provide an environmentally sensitive plan for ground and flood water: the site is made up of clay
- SuDS can lead to poorer water quality downstream (with increased nitrate & 'diffuse pollution' levels through altering the natural hydrological cycle), and this in turn will impact negatively on the water in Chichester/Langstone Harbours

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

- Object to more loss of valuable wildlife habitats and open spaces.
- Adverse impact on the Chichester Harbour Area of Outstanding Natural Beauty and Langstone Harbour, due to removal of the "green corridor" linking north- south
- Development of the site will see the loss of a significant number of established trees and hedgerows which will not be replaced within the new development
- Small area of green is worth saving it helps with the pollution from the bypass
- The green areas are not adequate to mitigate or enhance loss of wildlife habitat
- The green areas are not connected to other development and the proposal fails Havant's rich biodiversity, leaving vulnerable species isolated, and therefore unviable.
- Loss of habitat for the protected birds which are seen on this agricultural site, this will destroy the population of these birds.

### **Residential Amenity**

- Does not secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as set out in the NPPF.
- Further dwellings will create further noise and disturbance on existing well-established properties.

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

- Excessive density out of keeping with neighbouring bungalows.
- The affordable housing units should not be adjacent to existing private residential dwellings in Westways. Concerns that these properties will not be well maintained and should be located at the far east of the site.
- Overdevelopment, out of character and with little public space and poor privacy
- Isolated development which does not integrate with the existing pattern of development
- Design average and unimaginative

### **Other Issues/comments**

- Would make an excellent location for a solar farm to help provide some renewable energy capacity to provide electricity to the hundreds of new houses planned or in progress.
- Services like GP and schools are already overwhelmed. This will be detrimental to the way of life in the area
- Building so close to such an important gas pipeline with all the provisos for care, even if properly adhered to, gives rise to serious concern for the safety of neighbouring properties as well as the disruption of supply if damage is caused.
- The Borough Council have a duty of care for public safety, but have made no reference to the way in which their officers will monitor actions around this Hazard Pipeline.
- Concerned about the significant importation of material to raise the ground level, is this safe and appropriate to be used on this site, we are concerned about contamination

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

- Loss of property value
- Demand a council tax refund for having to have a new development next to existing properties
- Loss of a private view

## **7 Planning Considerations**

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations). The application is accompanied by a suite of ecological reports, which were also considered in detail under the approved application APP/18/00450.
- 7.2 The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation, decrease in water quality and impact on Loss / degradation of supporting habitats that arise as a result of the proposed development. The planning application was then subject to Appropriate Assessment under Regulation 63. This included four avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Council's agreed Position Statement on Nutrient Neutral Development. The third is a package of measures relating to establishing permanent refuges for overwintering birds on this site. The fourth is measures to control the impact on the environment during construction of the development. The mitigation measures proposed in this application consist of utilising the approved package of measures secured under the permitted scheme APP/18/00450.

### **Recreational Pressure**

- 7.3 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due

to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

### **Water Quality**

- 7.4 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. NE have highlighted that there are high levels of nitrogen and phosphorous input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting assessment, which reflects NEs latest advice.
- 7.5 The Position Statement on Nutrient Neutral Development sets out that for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will not emit a nutrient load into any European Sites. The calculations for this development site are found within the completed Appropriate Assessment.
- 7.6 Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures. Appropriate planning and legal measures will be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs on the long term. Natural England have agreed with this assessment.

### **Wintering Birds**

- 7.7 The principle of establishing permanent refuges for overwintering birds is a key feature of the most-recent Solent Waders & Brent Goose Strategy (SWBGS). It is accepted that the loss of some sites already used by wintering birds, but which are available on an insecure basis, can be compensated for by the provision of permanent habitat: a single area of permanently-available habitat is judged to be better than several areas that could be unsuitable at any time. The SWBGS is accompanied by guidelines which provide a suggested framework for the level of mitigation required for each category of SWBGS site. For Low Use and Secondary sites as here at Forty Acres the principle of compensated loss is acceptable, which was the conclusion reached under the permitted application APP/18/00450.
- 7.8 The previous application proposed to provide a permanent wintering bird refuge in the east of the site and the general principle of this is acceptable. The primary purpose of

the refuge is to offset the loss of H04B (to housing) and some of H04C (to open spaces/SuDS), and to ensure that the overall network of SWBGS sites is maintained (by securing permanent land at the Forty Acres site) and, where possible, enhanced (by providing improved permanent rather than intermittent habitat). This location of the additional uplift in dwellings on this site is within the approved residential development area. Measures have been used to enhance it and ensure that there is continuity of habitat for wintering birds: this is primarily through fencing (deterring disturbance), habitat improvement (providing optimal habitat in every winter) and ensuring long-term (in perpetuity) management and monitoring.

- 7.9 The establishment of the refuge, which has been overseen by the Council's ecologist consultant, in partnership with Natural England (conversion of arable to permanent grassland) has been carried out by the developer, and has included infrastructure such as fencing, vegetation screening and signage. This has comprised the use of a clover ley grassland mix which is acceptable and should provide suitable foraging habitat for brent geese and certain wader species (academic research shows that such grassland is a preferred habitat). The provision of several shallow scrapes should also add useful habitat for all SPA birds provided they retain water in the correct season (this is why ongoing monitoring and management is essential). Management operations entail twice-annual cuts plus any interventions as necessary to ensure that the refuge is in suitable condition for the overwintering period. Overall, the principle of the proposed refuge was acceptable in the previous application APP/18/00450 and is considered appropriate for the uplift in dwellings sought within this application.

#### **Construction impacts**

- 7.10 There is potential for construction noise and activity to cause disturbance of SPA qualifying bird species present on site, either using existing habitats or those created as mitigation. Control measures have been included within the approved Construction Environment Management Plan (CEMP), under application APP/18/00450, these included controlling matters such as minimising idling by machinery, locating construction compounds in less noise sensitive areas of the site and maintaining machinery to further reduce these noise levels. Subject to the imposition of a condition securing these controls, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains on this issue.

#### **Atmospheric pollution**

- 7.11 An air quality assessment was submitted as part of the application. This demonstrates that there is no increase in the critical load for the Chichester and Langstone Harbours SPA and Ramsar site of above 1%. Natural England's consultation response on this application confirmed that unless an increase of above 1% was to occur, no further assessment was required.

#### **Appropriate Assessment conclusion**

- 7.12 The Appropriate Assessment concluded that the four avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 7.13 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Nature of Development and impact on the character and appearance of the area
- (iii) Impact on heritage asset
- (iv) Residential and Neighbouring Amenity
- (v) Access and Highway Implications
- (vi) Flooding and Drainage
- (vii) The Effect of Development on Ecology
- (viii) Impact on Trees
- (ix) Impact on archaeology
- (x) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

(i) Principle of development

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

The Development Plan

7.15 The Development Plan consists of:

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

Submission Havant Borough Local Plan

7.16 The Submission Havant Borough Local Plan was submitted for examination by the then Secretary of State for Housing Communities and Local Government on 12 February 2021. Through initial questions, the matters and issues and during the Stage 1 Hearings in July 2021, the inspectors sought clarification about whether the Council had done all it could to try and boost supply of housing in the short term, given that it would be unable to demonstrate a five year supply housing on adoption of the Plan. On this basis, officers indicated that the Council would be willing to consider further allocations in addition to those included in the submitted Local Plan to increase its five year supply.

At the time of publication, an Interim Findings Report, following the stage 1 hearings, is yet to be published. This is likely to change prior to the committee date and an Update Report will be provided in this instance.

7.17 The site is identified as a site allocation in the Submission Local Plan under Policy H14 which must be afforded weight in the determination of any subsequent application. Planning permission reference APP/18/00450 is also a material consideration. The site is allocated for about 320 dwellings under Policy H14 in the Submission Local Plan.

The application proposals would increase the site capacity to 354 dwellings (an additional 34 units). In terms of density, this would result in an increase from 41 dwellings per hectare to 46dph. This is considered appropriate having regard to the way in which allocations are set at 'about' meaning site capacities are not deemed to be maximums or minimums. Furthermore, it is considered that the proposed revisions would maximise the use of the site in a sustainable manner.

#### Consistency with the National Planning Policy Framework

- 7.18 The Secretary of State's National Planning Policy Framework (July 2021) is a material consideration which should be placed in the s.38(6) planning balance.
- 7.19 The NPPF's primary objective is to promote sustainable growth and development through a "plan-led" planning system. Paragraph 11 of the NPPF advises that a presumption in favour of sustainable development is seen as the golden thread running through both plan-making and decision making, which means; "approving development proposals that accord with the development plan without delay, and; where the development plan is, absent, silent, or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".
- 7.20 The Council published its latest 'Five Year Housing Land Supply Update in September 2021. This indicates that the Council cannot demonstrate a five-year supply of deliverable sites. The assessment found that the Council could only demonstrate a 4.3 year housing land supply, with a 20% buffer. In addition, the Housing Delivery Test (HDT) for Havant indicates that delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.
- 7.21 In response to the December HDT results, the Council published the Housing Delivery Action Plan in January 2021, which sets out measures the Council is taking to reduce further under-delivery and improve delivery going forward. This document acknowledges that "The small, constrained and heavily urbanised local authority means site availability to meet housing need is extremely limited within Havant Borough." It also highlights that substantively; the lack of five year supply is due to events outside of the Council's control. However, steps have been put in place to help rectify the situation and improve housing delivery.
- 7.22 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases it is considered that the tilted balance applies in favour of housing development and that planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.

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

- 7.23 The Government has an objective of significantly boosting the supply of housing. Under paragraph 74 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. If this is not in place, proposals for development should only be refused if:

- The site is within particular designated areas set out footnote 7 of the NPPF. The application site in question is not within any of these areas.
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.24 As stated above, the Council's Five Year Land Supply Update September 2021 indicates the Council has 4.3 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). However, significantly it does not follow that there is an automatic assumption that planning permission should be granted. There is still a need to carry out a balancing exercise – however, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.

7.25 As has been outlined the principle of residential development for an element of the site has been established through the granting of application APP/18/00450. Furthermore, it is considered that the proposed revisions would maximise the use of the site in a sustainable manner and would not prejudice the environmental benefits that were secured through the previous application. Whilst the uplift in 34 dwellings sought within this application would not address the Council's five year housing supply shortfall, it would provide further much needed residential development. As such this proposal would make a contribution in remedying the Council's housing land supply shortfall and this must be afforded weight in the overall planning balance.

#### Deliverability

7.26 The NPPF, in annex 2, clarifies that:  
 "To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

7.27 The development approved under the previous application is currently under construction, as such there would not appear to be any off-site infrastructure works arising from the development which might delay the implementation of the development. Therefore, there are no evident barriers to the development coming forward within the current 5-year period, which weighs in support of the scheme.

#### Environmental Sustainability

7.28 Introducing further residential development, which is within the approved residential development area would have a limited impact, as any harmful visual impact of the development would be localised within the re-plan areas. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area, which is considered in more detail further in this report. Furthermore, the secured provision in the previous application of the habitat mitigation open space comprising nature park, play areas, allotment and orchard provision is of significant benefit to this application.

7.29 In terms of the location of the site relative to services and facilities the closest such services are offered by Farlington, with the site being situated approximately 1km to the nearest facilities. The site is located within close proximity to a number of bus routes with bus stops on the northern and southern carriageway of Havant Road.

- 7.30 In addition, Bedhampton railway station is 2 km from the site, which offers stopping services towards Brighton to the east and Southampton and Portsmouth to the west. In accessibility terms, the site is in a sustainable location, and has realistic alternatives to the use of the car, which weighs in support of the scheme.

#### Economic Sustainability

- 7.31 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
- 7.32 As with any new housing the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy. In addition, the additional uplift in development on this site would also create or maintain construction jobs, which would contribute towards the local economy. Furthermore, the proposed development would result in financial contributions being secured to offset certain impacts of the development including contributions towards the provision of enhanced community infrastructure.
- 7.33 Provided they are appropriately secured and address any adverse impacts of the scheme, these elements are all considered to be benefits in the planning balance and overall, it is considered that the development would be economically sustainable.

#### Social Sustainability

- 7.34 In accordance with the local plan development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist, but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. The approved application APP/18/00450, secured a number of transport and infrastructure improvements. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community. The applicant has been working with the LPA on a draft S106 and has agreed to the principle of the obligations sought.
- 7.35 The application proposes a range of house types, sizes and tenures would be provided on site, including 29.4% affordable housing (shared ownership and affordable rented) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people". A financial contribution is also required in lieu of the 0.6 dwelling, needed to meet the 30% affordable housing requirement, this contribution is currently being calculated by the Housing Team, and members will be updated in due course on this matter. Overall, the Housing Officer supports this proposal.
- 7.36 The approved development secured significant areas of open space, which has a variety of uses, which could be used by both new and existing local residents and is considered to be a significant benefit in the overall planning balance. In addition, the approved development secured provision of a new pedestrian/cycle access across the Rusty Cutter, which will be of benefit to both new and existing local residents, by enabling safe and sustainable access to facilities in Bedhampton and Havant. Contributions would be secured in this application for additional dwellings through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the adopted SPD on Planning

Obligations.

### Education and Health

7.37 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised that the additional 34 dwellings proposed for this development will generate approximately 10 additional primary age pupils, about one or two per year group. There are sufficient primary places within Havant to accommodate these additional pupils and no contribution for educational facilities will be sought. Similarly there are sufficient secondary age places in Havant to accommodate these additional pupils and, again, no contribution for educational facilities will be sought. The LEA have outlined that a safe walking route to Bidbury Infant and Junior Schools and Warblington Secondary School across the Rusty Cutter roundabout was secured under the previous application APP/18/00450.

7.38 The resulting additional growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; in primary, community and secondary care settings. The level of additional demand that will be placed on NHS primary care does not warrant the commissioning of an additional GP surgery. However, the increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development, however additional capacity within the premises will be required. As such a financial contribution is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth, this will be secured through a legal agreement.

7.39 In conclusion on this issue,

- (1) The scheme is contrary to the development plan
- (2) National policy is a material consideration
- (3) The presumption in favour of sustainable development is engaged in this case because: (a) the Council cannot demonstrate a 5 year supply of deliverable land for housing and (b) the main important policies for the determination for the application set out in the development plan are out of date in that respect.
- (4) The proposals would constitute sustainable development in policy terms, and would make efficient use of land, having regard to the established principle of residential development on this part of the site.
- (5) It is deliverable now and is required to bolster the 5 year supply.
- (6) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan

(ii) Nature of Development and impact on the character and appearance of the area

7.40 The current application to increase the number of dwellings by 34, in respect of the residential floorspace and proposed density the following factors have been considered;

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

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

7.41 This revised application to provide a total of 354 dwellings equates to approximately 46

dwellings per hectare(dph), compared to the previously permitted 41dph approved under application APP/18/00450. Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

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

The density of new housing will depend on its design and appropriateness to its location. As 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 Medium Density category, compared to the previous approved low density scheme.

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

7.44 The NPPF states that 'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'. This scheme has increased the density of the development, so that it now is within the medium density at 46 dph, this increased density is considered to make an efficient use of land, within the approved residential area. Furthermore, it is considered that this is an appropriate density given the context of the site on the edge of the settlement, taking into account the surrounding area, and site constraints such as the gas main, need for open space, protected trees, proximity to the A3(M), A27 and railway, and with the southern part of the site being in flood zone 3, and associated drainage requirements.

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

7.45 With regard to the type and size of proposed accommodation and its potential to create a mixed and integrated community, regard is to be had to Core Strategy policy CS9 which states that development should 'Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities. Paragraph 6.24 states that a mix of dwelling types is sought from terraces, semi-detached and larger detached houses. This development does provide a mixture of dwelling sizes and tenures, furthermore the affordable units are spread throughout this revised scheme, and the development as a whole, and in terms of building form they are consistent with the development in general, and overall are considered to be acceptably integrated.

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

- 7.46 The scheme has been designed to retain the grid/orthogonal street pattern approved under the previous application, which reflects the surrounding residential areas. It provides a strong frontage onto the A2030 Havant Road. The scheme provides attractive frontages establishing a street pattern to integrate residential properties and public open space. The layout is quite traditional in its form, with the proposed housing being designed to address the road, creating active frontages and a sense of enclosure to the new streets, together with overlooking of the public areas. To a degree the layout has been influenced by its constraints including its proximity to the A3(M), A27, railway line (and associated noise), flood zone 3 at the southern part of the site, the presence of existing vegetation and the gas pipeline in the north-eastern corner of the site.
- 7.47 The proposed dwellings would largely be restricted to two storey/two and a half storey in height, as per the approved scheme, with pitched and hipped roofs in response to dwellings in the vicinity and to limit any visual prominence of the properties from the surrounding area. The articulation to elevations using front projections and front gables provides visual interest to the streetscene.
- 7.48 In terms of aesthetics, the appearance of the buildings would be traditional, and consistent with the approved scheme and the development would relate well to the existing surrounding built environment. All of the buildings feature interesting and high quality designed elevations. A traditional design approach is proposed, using local and established materials. The use of different materials on the facades will help to break up the built form and reduce impact and scale. A variety of materials are employed including red bricks, render, cladding and a small element of flint.
- 7.49 This proposal is accompanied by a detailed landscape proposal, which reflects and complements the approved landscaping scheme for the whole site which provides trees within the public realm, in addition to the retained protected trees, in order to create a high quality landscape design, breaking up areas of car parking and creating a positive and attractive streetscene. Dwellings will be framed by soft landscaping in front garden areas, and between parking area, and includes trees within the streetscene. This approach breaks up the built form and adds to the verdant characteristics of the scheme. Overall, the form of development is considered to have regard to the site's context and will form an appropriate transition from the verdant character of the surrounding area, into this development.

#### Havant Borough Local Plan

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

#### Vision and delivery strategy

- 7.51 Policy DR1 – Delivery of Sustainable development outlines the council's strategy with regards to delivering sustainable development as outlined in the NPPF. This policy outlines the amount of development required, ensuring the delivery of sustainable development, ensuring appropriate co-ordination of development. In addition, the policy focuses on innovation and the acceleration of housing delivery.
- 7.52 Policy DR2 – Regeneration outlines the council's vision for regeneration. This encompasses both a council led programme of regeneration and the effective use of brownfield land. This policy also focuses on boosting local skill levels and community integration. As part of this element the policy outlines that developments of this nature will contribute towards a community officer, to help new residents in the development

integrate into existing communities. The applicant has agreed to make this contribution, for the additional 34 dwellings - a contribution was also secured in the approved application, and as such this application does comply with this emerging policy.

#### Infrastructure Policies

- 7.53 Policy IN2 – Improving Transport Infrastructure requires amongst other strategic transport requirements to facilitate the proposed development within the plan. In this case the application will benefit from proposed off-site transport enhancements to the Rusty Cutter roundabout, to allow a safe crossing point for pedestrians and cyclists, which is secured under the approved application.
- 7.54 Policy IN3 – Transport and Parking in new development broadly follows the requirements of adopted policy CS20 of the Core Strategy. This proposal does fully comply with parking standards for each dwelling, including the required level of visitor parking for the residential element. This policy additionally requires that Electric vehicle charging infrastructure is provided for each residential unit with private off-street parking. Following discussions with the applicant, amended plans have been received, which provides for some of the dwellings to have EV charging points. The applicant has outlined that they are not providing EV charging points to all the dwellings, given the current limited weight of the plan and is not within their business model to do so at this present time.

#### Environment Policies

- 7.55 Policy E9 – provision of public open space in new development seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through requiring the provision of a certain level of public open space. This policy requires that public open space is provided to a standard of 1.5ha per 1,000 population and on greenfield sites, part of this requirement is provided in the form of a community growing space. This policy also seeks to provide that an element of play space is provided, where the overall required open space provision exceeds 0.5ha. Given these thresholds this would generate a need of 1.10ha of open space. The approved application secured extensive areas of open space of at least 9.37 ha (excluding the mitigation zone, which is not publicly accessible), which includes play areas, community garden and allotments. As such the overall development would significantly exceed the requirements in emerging policies.
- 7.56 Policy E12 – Low Carbon design seeks to ensure that new development addresses climate change through low carbon design. In residential schemes, this requires a reduction in CO<sub>2</sub> emissions of at least 19% of the Dwelling Emission Rate (DER) compared to rate required under part L of Building Regulations. In addition, the policy seeks to ensure that the development has demonstrated its long-term sustainability in the form of an assessment under the Home Quality Mark (HQM) One. The applicant has outlined that they will not be providing these enhancements for the residential element, as they have objected to this Local Plan policy, as they do not feel that there is justification for the Local Planning Authority seeking to go beyond Building Regulation requirements, which controls such matters. The proposal does not therefore meet these emerging requirements in this regard.
- 7.57 Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. The permitted application secured an ecology strategy that recognised the key nature conservation features of the site, namely the open space area to the east of the site that is being retained for Brent Geese. The ecology strategy seeks to improve the quality and interconnectedness of this habitat. A key part of the

permitted landscape masterplan is the proposal for a number of attenuation basins and ponds which not only provide valuable habitat in their own right, but increase the value of existing, retained habitats. Additional features have been incorporated such as the creation of species rich wetland areas, wildflower and grasslands, the implementation of these new features, parkland, tree planting, together with the installation of bat and bird boxes and reptile refuges. These features have been designed to complement habitats in the wider area.

#### Housing policies

- 7.58 Policy H1 of the Local Plan 2036 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through, inter alia, appropriate internal space standards for new dwellings.
- 7.59 The Government's policy on the setting of technical standards for new dwellings is set out in the Ministerial Statement of 25th March 2015. This statement should be taken into account in applying the NPPF. New homes need to be high quality, accessible and sustainable. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. Policy H1 is proposed within Draft Local Plan which would secure new housing developments to provide adequate internal and external space to ensure appropriate living environments for future occupiers, in accordance with the Technical Housing Standards. This application proposes that across the overall site (taking into account the approved scheme) that 103 (32%) of the dwellings would comply with the Technical Space Standards. As such this proposal partially complies with the emerging requirements in this policy.
- 7.60 Policy H3 – Housing density now requires that development within the Borough provides minimum housing densities, depending on their location. This is to ensure that development maximises the finite amount of land in a full and sustainable manner. This application site is located within an area that requires that development to achieve a minimum of 40 dwellings per hectare. This revised application achieves a density of 46 dwellings per hectare, making more efficient use of land than the previous application which therefore complies with this policy.
- 7.61 In conclusion on this matter, the Havant Borough Local Plan, is currently at examination with the Planning Inspectorate. As such in accordance with paragraph 48 of the NPPF, and having regard to the level of objection received during the pre-submission consultation, it is considered that only limited weight can be attributed to the policies within it. Notwithstanding, a number of relevant emerging policies have been fully or partially met and this threshold has been weighted into the overall planning balance made on this application.

#### (iii) Impact on heritage asset

- 7.62 Within the wider application site was a flint cottage that was identified as a building of local interest, which was located within the approved open space, and has now been demolished. Whilst it did not benefit from the level of protection that a statutorily listed building would, it was considered to have heritage value. This is covered by local plan policy CS11 - Protecting and Enhancing the Special Environment and Heritage of the Borough. This policy advises that development should protect and where appropriate, enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to consideration areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, building of local historic or architectural interests. In the permitted application the principle of the demolition was accepted as a viable re-use of this building was not

forthcoming. There are no other heritage designations within the application site.

(iv) Impact upon residential amenity

- 7.63 As outlined in paragraph 3.2, this development does not propose to amend the approved layout adjacent to the properties in Westways, which was an element of the application that was debated in detail at the Planning Committee for the permitted application APP/18/00450. The application proposes to amend elements within the central and eastern parts of the scheme, which are contained within the approved layout. As such given the degree of separation of these elements to the existing residential properties of Westways and Auriol Drive, which is to the north of Havant Road, the proposed development is not considered to have a significant adverse impact on the amenities of these neighbouring properties with regard to loss of sunlight/daylight, overlooking or overbearing impact.
- 7.64 It is acknowledged that the increase in dwellings will increase activity across the site, however an additional 34 residential dwellings is not considered to result in a significant adverse impact on the amenities of the immediate and surrounding neighbouring properties.

Impact on future residents

- 7.65 Policy CS16 states that proposals for noise-sensitive development, including residential uses, which would result in the occupiers of such development being exposed to unacceptably high levels of noise will not be permitted. This policy is consistent with that of Paragraphs 170 and 180 of the NPPF, which respectively require that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings, and that the planning system should prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, amongst other things, unacceptable levels of noise pollution.
- 7.66 The permitted application considered the impact of the development on future occupiers from noise generated from traffic on the A3(M), A27, Havant Road and railway line. The noise assessment proposed that a number of properties on the northern and southern edge of the development will have to have a higher glazing specification, whilst most will have to be provided with alternative ventilation as an alternative to opening windows. The report concluded that development can be delivered without causing significant harm to the amenity of future residents. The detailed layout and elevations propose an almost continuous built form which will also reduce noise levels to external private amenity areas, and the rest of the development. Overall, the Environmental Health officers are satisfied that subject to conditions a satisfactory environment for future residents can be achieved.

(v) Access and Highway Implications

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

conflicts between traffic and cyclists or pedestrians.

- 7.68 In the permitted application, APP/18/00450, extensive representations were received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal, which have been raised in this further application. In particular concerns are raised that the existing highway network in the vicinity of the site is heavily used, congested and restricted, particularly regarding congestion, delays and safety on Havant Road and the Rusty Cutter roundabout. The consequences of this are that the development would result in harm by adding traffic to this existing situation. In addition, concerns are raised as to accessibility and movement by alternative means of transport including cycling, walking and public transport to facilities and the identified catchment schools for this site, which have been identified as Bidbury and Warblington.
- 7.69 The applicant has submitted an updated Transport Assessment to take into account the additional 34 dwellings. The TA undertook junction capacity modelling at the following junctions:
- Rusty Cutter roundabout
  - A27 Teardrop junction
  - Havant Road/Auriol Drive
  - Havant Road/Bedhampton Hill
  - Bedhampton Hill/Portsdown Hill Road/Bedhampton Road
  - Havant Road/Farlington Road
  - Havant Road/Eastern Road

Additionally, the TA modelled a number of scenarios for the period up to 2028 including with development and mitigation scenarios, in order to determine the impact on the surrounding highway network.

- 7.70 The trip rate assessment indicates that the proposed development would generate approximately 17 additional trips in both the AM peak (0800-0900hrs), and PM Peak (1700-1800hrs), and approximately 168 additional trips across the day. For the purposes of comparison, the permitted development was forecast to create approximately 1588 trips across the day.
- 7.71 Utilising the vehicle distributions outlined in the Transport Assessment it is possible to assign the additional vehicle trips through the two site accesses and onto the local road network. In order to understand the operation of the site accesses with the additional unit numbers the results of the junction capacity assessment completed as part of the TA have been reviewed. The results of the modelling for both accesses demonstrated the junction would perform within capacity in all scenarios with the highest RFC value of 0.26 on the site access arm of the eastern access in the 2028 future year which resulted in a maximum queue of 0.4 or delay of 19.99 seconds. This therefore demonstrates that the accesses have sufficient capacity to accommodate the increase of 34 dwellings. Having regard to paragraph 109 of the NPPF, which refers to the cumulative impacts of development, it is not considered that the development would result in 'severe impacts' to the local and strategic transport network.

Access and off-site highway works

- 7.72 The site will be served by two vehicular access points, which were permitted in the previous scheme, both accesses would be of bellmouth arrangements 7m wide supported by 15m radii. The access roads would reduce in width to 5.5m approximately 20m into the site. These dimensions would allow two vehicles to pass when concurrently turning in and out of the access and would allow large vehicles to

enter and exit the site safely without utilising the other side of the road. These site accesses are considered appropriate to accommodate the additional 34 dwellings.

- 7.73 As outlined in paragraph 3.3, this application does not impact on the approved Off-site Works (provision of a 3m wide footway/cycleway along the southern side of Havant Road and improvements along the pedestrian route to Bidbury Infant and Junior Schools and around the Rusty Cutter roundabout. The Highway Authority do not consider that any further additional works are required, above and beyond what has been secured under the approved application APP/18/00450.

#### Internal layout and parking

- 7.74 The development is designed to replicate the approved layout, with slight changes to the road layout, as part of this application. The internal roads are designed to adoptable standards, with Hampshire County Council to adopt the roads, which would accommodate the occasional Heavy Goods Vehicle (HGV's), such as refuse vehicles, emergency services and food home deliveries. In addition, the internal roads will be able to cater for occasional on street visitor parking. As the internal road moves out towards the periphery of the site into quieter cul-de-sacs, there will be shared-surface carriageways adopting 'home zone' principles. The internal site design would achieve the required inter-visibility for vehicles travelling up to 15/20mph within the site, supported by planting maintained to a suitable height to ensure visibility is maintained at all times.

- 7.75 The permitted application proposed a segregated pedestrian route through the centre of the site to the open space located in the southern part of the site. This element of the development remains part of this application, and will be secured in conjunction with the development approved under application APP/18/00450.

#### Parking

- 7.76 The Council's adopted car parking standards SPD sets out minimum vehicular parking requirements. Based on the accommodation schedule for the replanned 147 dwellings, a provision of 313 allocated car parking spaces would be provided. In addition, and in accordance with HBC's standards a further 43 spaces are provided as formal visitor spaces within the red line of this application, totalling 68 visitor spaces across the site as a whole. As such for this element of the proposal it is in accordance with the SPD requirements.

#### Cycle parking

- 7.77 Based on the accommodation schedule for the replanned 147 dwellings, the site would need to provide a total of 294 long stay cycle spaces which would be provided in rear garden sheds or garages. As per the previous application, short stay parking is provided within individual plots' rear gardens.

#### Travel plan

- 7.78 The approved application had secured a travel plan detailing how more sustainable modes of travel would be encouraged. The Travel Plan now meets the standards set out in HCC's 'A guide to development related travel plans', and it is considered acceptable for the purposes of the additional dwellings proposed in this application.
- 7.79 Taking all these highway factors together it is considered that the additional dwellings on this site would be sustainable in transport terms, with the mitigation measures proposed in the S106 Agreement in the permitted application APP/18/00450 and

further conditional requirements in this application. Overall, the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused. It is clear in paragraph 109 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and therefore a reason for refusal on this basis could not be justified.

(vi) Flooding and Drainage

- 7.80 Currently, most of the site lies in Flood Zone 1, with the southern part of the site affected by Flood Zones 2 and 3, from potential tidal flooding. The NPPF Technical Guidance (Table 2) designates buildings used for residential as “more vulnerable” to flood risk. The proposals must therefore satisfy both the Sequential and Exception tests, as set out in the NPPF, in order for development to be permitted. These matters were considered in detail in the permitted scheme, APP/18/00450, and were considered to pass these tests and the principle of building on this element of the site was established, however given that additional dwellings are proposed, consideration must be given to these matters again. These tests are considered in detail below:
- 7.81 The Sequential Test aims to direct development towards areas of lowest flood risk. This applies to all development proposals in Flood Zones 2 and 3 (as stated above, the southern part of the site is within Flood Zone 2 and 3, which largely comprises the proposed open space and elements of residential development). The NPPF states that "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding".
- 7.82 In this case, the requirements of the Sequential Test should be considered alongside the wider available and suitable land for residential development within the borough, through providing further residential units, within the approved residential layout. In the context of a shortfall of land, there are not sufficient "reasonably available" alternative sites. Therefore, the proposal is compliant with the Sequential Test.
- 7.83 Moreover, as part of the site is within Flood Zone 3, the proposals must also demonstrate compliance with the "Exception Test". The NPPF states that for the Exception Test to be passed:
- "it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
  - a site-specific flood risk assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."
- Both elements of the test must be passed for development to be permitted.
- 7.84 In respect of the first requirement, to demonstrate "wider sustainability benefits", this proposal would provide much needed additional housing, in an approved residential layout within the borough, together with the benefits provided by the permitted scheme, which included open space and ecological enhancements in accordance with sustainable development principles. In addition, as part of the evidence base for the emerging local plan a Strategic Flood Risk Assessment has taken place, which considers the site and the measures that have been proposed in this planning application, which are considered below.

7.85 The second requirement to demonstrate that the development will be safe was the subject of discussions between the applicant, Environment Agency (EA) and the Local Lead Flood Authority (LLFA) in the permitted application and resulted in a Flood Risk Assessment being submitted. The EA have assumed that the application site will flood during a 1 in 100 year event, allowing for the effects of climate change. As such the Flood Risk Assessment outlines that the greatest risk of flooding to the development has been identified from tidal flooding for the southern part of the site.

7.86 The FRA assessed the extent of the area at risk over the lifetime of the development and identifies that about one third of the northern part of the site is unaffected by the extent of the 2115 tidal flood zone, which takes climate change into consideration. Access to the site is to the north and is not at risk of flooding. The potential tidal flood levels over the development lifetime (100 years for residential development) are estimated at 4.4m Above Ordnance Datum (AOD). A topographic survey has shown existing ground levels to be below 4.4m AOD. Given this situation the primary mitigation to reduce the risk of flooding from all sources has been proposed in the form of elevating levels to a minimum of 4.4m AOD and will set finished floor levels at 4.7m AOD. This development will be located within the approved residential layout, and as such would be located on this raised ground, with finished floor levels being in accordance with the approved levels. This will therefore make the development safe from tidal flooding.

#### Surface Water Management

7.87 The permitted drainage strategy for surface water management considered key elements of the constraints and opportunities in the development of the surface water drainage strategy were as follows:

- Consideration of infiltration drainage, if feasible;
- Using green corridors where possible to take exceedance flows;
- Surface level Sustainable urban Drainage Systems (SuDS) features such as a wet pond would be considered highly beneficial;
- Attenuation basins to be located outside of the flood zones and consideration to the effect of tide lock should be undertaken to assess impact to onsite attenuation.

7.88 The permitted drainage strategy outlined that use of infiltration was not been deemed suitable based on the intrusive investigations carried out onsite, which indicate a highly silty Clay geology over a weathered chalk stratum. The use of both attenuation basins and ponds are proposed within the surface water drainage scheme and whilst part of the basins are located within Flood Zone 3 (tidal flood zone), the levels of the basin have been raised and the impact of tide lock considered as part of the attenuation scheme. This mitigating the potential impact of placing the basins within the designated flood zone. The principles of placing the attenuation basin and features within Flood Zone 3 and mitigating this through raising the levels above the tidal peak flood level have been agreed by the EA.

7.89 The surface water drainage strategy design has been devised and hydraulically modelled to demonstrate that the scheme can be suitably implemented without increasing the level of flood risk when the surface water drainage system experiences a 1:100 year rainfall event (including additional 40% allowance to take into account climate change).

7.90 The surface water drainage scheme has been designed to ensure:

- A reduction in the pre-development site discharge for peak storm events.
- SuDS systems are wholly incorporated within the scheme.

- Consideration is given for the improvement of water quality within the design.
- The designed drainage scheme can satisfactorily retain a critical 1 in 100 Year storm event with additional 40% allowance for climate change.

- 7.91 The agreed drainage strategy replicates as closely as possible the natural drainage from the site before development and improve water quality. The proposed run-off from the access roads, drives and parking bays will be conveyed to the new below ground surface water network via trapped gullies. The rainfall run-off from the roofs of the new properties will discharge directly into the below ground surface water network. The surface water network will convey the flows, under gravity, southwards towards the new attenuation basins and SuDS ponds. This will provide attenuation of the restricted flow prior to discharging to a series of ponds and scrape creation areas/ bio retention areas, which will provide multiple levels of SuDS treatment to the surface water flows prior to final discharge to the Langstone Harbour via the surface water outfall and existing watercourses. The discharge into the existing watercourse will be at a controlled rate, with the SuDS features improving the water quality, equivalent to the Greenfield runoff rate for the pre-developed site. The LLFA have confirmed that this system can accommodate the additional dwellings proposed in this application.
- 7.92 A management company will be given ownership of all SUDS structures on this site. The Section 106 Agreement in the permitted scheme has approved full details of how the SUD's are managed and maintained to ensure the optimum operation of the system.

#### Foul sewerage

- 7.93 The approved foul sewerage arrangements drains to an adoptable foul water pumping station situated adjacent to the proposed allotments, near the western boundary of the site, in close proximity to Westways. The pumping station will connect into the existing foul drainage network in Havant Road via a rising main. The proposed additional foul sewerage from the additional dwellings can be accommodated within the approved foul sewerage arrangements.
- 7.94 In conclusion on this matter, whilst an element of the site is categorised as being within an area of potentially high flood risk, it can be concluded that this proposal meets the requirements of the necessary Sequential and Exception tests through the provision of much needed additional housing within the borough. In addition, it is considered that the measures in place to ensure that the development is free from the risk of flooding and is sustainably drained. Furthermore, the proposal would mitigate against flooding and improve drainage in the wider area, through provision of additional flood storage capacity, which is above and beyond the requirements outlined and required from the statutory consultees.

#### (vii) The Effect of Development on Ecology

- 7.95 The site overall before the approved development commenced was not considered to be of particularly high ecological value. The vegetation communities are generally species-poor and comprise improved grassland, cereals and boundary hedgerows, scrub and planted trees. The site had long been cultivated as arable, with areas of permanent pasture. Small waterbodies were present at the southern boundary and within the small collection of farm buildings in the centre of the site.
- 7.96 Given that the site is not of particular value to bats the impacts are not considered to be significant, provided that mitigation measures are incorporated. This includes the retention of boundary tree lines, the provision of wetland and terrestrial habitats within the 'nature area' immediately south of the housing, and a sensitive lighting strategy.

(viii) Impact on Trees

7.97 The Council's Arboriculturalist has advised that the supporting arboricultural evidence provided by the applicant is comprehensive. The application proposes to largely keep the trees subject to a Tree Preservation Orders (TPO's), as per the approved application, which did result in the internal roads punctuating through to provide the internal access arrangements. As such tree removal is required to facilitate development, including those not subject to TPO. These trees are all of low BS: 5837 (2012) grading, and as such should not be considered a constraint to development.

(ix) Impact on archaeology

7.98 Forty Acre Farm has been considered for its below ground archaeological potential as part of an Archaeological Desk Based Assessment which has been submitted as part of this planning application. In terms of relevant nationally significant designated heritage assets, no World Heritage sites, Scheduled Monuments, Historic Battlefield or Historic Wreck sites are identified within the study site or its immediate vicinity. In terms of relevant local designations, the site contains no designated or undesignated heritage assets currently recorded.

7.99 The present application impacts the same area as the previous application but provides for a greater number of dwellings. The present application impacts the same area as the previous application but provides for a greater number of dwellings. The archaeological implications for the scheme. Preliminary archaeological survey took place and a number of archaeological sites were identified that merited further mitigation. A written scheme of investigation for this follow up mitigation was prepared, however has not yet been discharged as the final stages of analysis and publication are awaited, which can take while after completion of field work, a relevant condition is proposed to secure this.

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

7.100 The impacts of the proposed development on key infrastructure have been assessed, with regard to the additional requirements for the uplift in residential units which would be the subject of a legal agreement as set out below.

The CIL liability for this site currently stands at £2,275,029.32 - this is net of Mandatory Social Housing Relief. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect of the following matters, this includes a number of obligations secured in the completed legal agreement for the permitted development, which need to be secured in this application:-

1. Affordable Housing on site provision and in addition a financial contribution (to the value of 0.6 of a dwelling) to be confirmed for off-site provision.
2. S106 monitoring fee
3. Open Space, on site play, habitat mitigation zone, allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner
5. Solent Recreation Mitigation Strategy contribution currently £26,605.85
6. A contribution towards Health of £5,440

7. Wintering Bird Mitigation Area maintenance and management
8. Permissive paths
9. A contribution towards a Community worker of £8,500
10. Schedule Management company and management plan

## **8 Conclusion – overall planning balance**

- 8.1 In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal have to be weighed. The development lies outside of the built up area and is not provided for in current adopted Local Plan policy - as a result the proposal is contrary to development plan policy. Although weight must be attached to this start point for considering the proposal, it is tempered by the findings that a number of material considerations also weigh in favour of recommending permission.
- 8.2 Notwithstanding that the site is located outside of the urban area in the development plan it is in the countryside, the site benefits from an existing permission, and this development would make efficient use of land. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development. It would also deliver economic and social benefits. The additional units proposed would make a further much needed contribution to the Borough's five year housing land supply. On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development, and this is a compelling material consideration, which indicates that that a decision could be taken that departs from the development plan.
- 8.3 Any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site.
- 8.4 With regard to highway factors it is considered that the additional dwellings on this site would be sustainable in transport terms, with the mitigation measures proposed and secured through the S106 in the permitted application APP/18/00450 and further conditional requirements in this application. Overall, the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused.
- 8.5 The Appropriate Assessment concluded that the four avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 8.6 It is considered that the proposal has complied with the flooding Sequential and Exception Tests, in that whilst an element of the site is categorised as being within an area of potentially high flood risk, there is no realistic alternative to cater for the development, which in other respects will provide wider sustainability benefits in terms

of providing much needed additional housing, open space and ecological enhancements. In addition, there are acceptable measure in place to ensure that the development is free from the risk of flooding and the site would be sustainably drained.

- 8.7 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are public benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging balance of sustainable development principles, and notwithstanding the development plan position in relation to the site, the application is recommended for permission.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/00605

**(A) a Section 106 Agreement as set out in paragraph 7.100 above; and**

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

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

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

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

Planning

Application Form

CIL Assumption of Liability Form

CIL Additional Information Form

Planning Design & Access Statement

Affordable Housing Statement

Statement of Community Involvement

Design and access statement

Planning statement

Heritage statement

Air quality Assessment – October 2018

ARCHAEOLOGICAL Written Scheme of Investigation LP3190L-WSI-v1.3

ARCHAEOLOGICAL Desk Based assessment April 2018

Bat report April 2018

Biodiversity Action Plan

CONTAMINATED LAND REVIEW J16120/db/c08

EARTHWORKS STRATEGY AND MATERIALS MANAGEMENT -J16120

October 2019  
GROUND INVESTIGATION REPORT J16120/db/c03  
Mitigation Area Creation, Management and Monitoring Strategy A108712  
Extended Phase 1 Habitat Survey – April 2018  
Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2 – May 2021  
Winter Bird Mitigation Strategy April 2018  
Noise constraints plan R8192-3 Rev 0  
Noise assessment – August 2019  
Transport note – Uplift technical note  
Revised Transport Assessment – June 2019  
Travel plan June 2019  
Landscape Maintenance and Management Plan Revision 03 25 April 2018  
Flood risk assessment – May 2021 TRS/BSO/E4409/17864  
Utilities Statement May 2021 AC/BSO/E4519/17867

#### Architect's Plans

Proposed site layout 201  
Proposed site layout coloured 202  
Proposed residential site layout plan 203 Rev B  
Boundary Treatment Plan 204  
Affordable layout plan 205  
Affordable Cell plan 206  
SHARED DRIVEWAYS PLAN 207  
Storey height plan 208  
Bin and cycle storage plan 209  
Chimney location plan 210  
Electric vehicle charge plan 211  
Materials plan 212  
Proposed street scenes 213 Rev:P1  
Elevations of dwellings contained within Housetype Booklet – July 2021

#### Landscape and trees

Landscape proposal sheet 1 of 9 Rev: Q  
Landscape proposal sheet 2 of 9 Rev: Q  
Landscape proposal sheet 3 of 9 Rev: Q  
Landscape proposal sheet 4 of 9 Rev: Q  
Landscape proposal sheet 5 of 9 Rev: Q  
Landscape proposal sheet 6 of 9 Rev: Q  
Landscape proposal sheet 7 of 9 Rev: Q  
Landscape proposal sheet 8 of 9 Rev: Q  
Landscape proposal sheet 9 of 9 Rev: Q  
ARBORICULTURAL ASSESSMENT AND METHOD STATEMENT - 16270-AA4-CA  
MANUAL FOR MANAGING TREES - V2.1  
Tree protection plan 16270-6

#### Highways, drainage and levels

REPLAN REFUSE VEHICLE SWEEP PATH ANALYSIS BSO-E4519-053 B  
REPLAN FIRE TENDER SWEEP PATH ANALYSIS BSO-E4519-054 B  
REPLAN HIGHWAY LAYOUT REVIEW BSO-E4519-055 B  
REPLAN PEDESTRIAN VISIBILITY SPREAD ANALYSIS BSO-E4519-056 B  
REPLAN LEVELS STRATEGY BSO-E4519-057 B  
REPLAN DRAINAGE STRATEGY BSO-E4519-058 A  
REPLAN SURFACE WATER CATCHMENT AREAS BSO-E4519-059 A

REPLAN EXCEEDANCE FLOW LAYOUT BSO-E4519-060 A  
REPLAN INDICATIVE STREET LIGHTING LAYOUT BSO-E4519-061 A  
EXTERNAL LEVELS LAYOUT BSO-E4519-504 Q

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

Landscaping

- 3 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved landscaping plans:

Landscape proposal sheet 1 of 9 Rev: Q  
Landscape proposal sheet 2 of 9 Rev: Q  
Landscape proposal sheet 3 of 9 Rev: Q  
Landscape proposal sheet 4 of 9 Rev: Q  
Landscape proposal sheet 5 of 9 Rev: Q  
Landscape proposal sheet 6 of 9 Rev: Q  
Landscape proposal sheet 7 of 9 Rev: Q  
Landscape proposal sheet 8 of 9 Rev: Q  
Landscape proposal sheet 9 of 9 Rev: Q

In addition, the implementation of all hardsurfacing shall be in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 06 November 2020 in respect of Condition 3 of Planning Permission APP/18/00450; viz:

Forty Acres Play Area Revision A - received 6/11/20

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

Materials

- 4 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the Materials plan 212 and the particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 05 March 2020 in respect of Condition 4 of Planning Permission APP/18/00450; viz:

Physical samples of bricks, as follows:

Sunset Red Multi stock brick (Wienerberger)  
Pembridge Red Multi stock brick (Wienerberger)  
Nevada Buff feature brick (Wienerberger)  
Staffordshire blue feature brick (Wienerberger)

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

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 15 October 2020 in respect of Condition 5 of Planning Permission APP/18/00450; viz:

Landscape and Ecological Management Plan, March 2020  
Mitigation Area Creation, Management and Monitoring Strategy and a  
Landscape and Ecological  
Management Plan (WYG, June 2020)

All mitigation and enhancement features shall be permanently retained and maintained. The development shall be carried in accordance with the approved details

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 Unless otherwise agreed in writing by the Local Planning Authority, the approved tree protective measures, including fencing and ground protection, as shown on Barrell Arboricultural assessment and method statement particulars ARBORICULTURAL ASSESSMENT AND METHOD STATEMENT - 16270-AA4-CA, MANUAL FOR MANAGING TREES - V2.1, Tree protection plan 16270-6 shall be installed.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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

- 7 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 15 October 2020 in respect of Condition 7 of Planning Permission APP/18/00450; viz:

Updated Mitigation Area Creation, Management and Monitoring Strategy and a Landscape and Ecological Management Plan (WYG, June 2020).

All mitigation and enhancement features shall be permanently retained and maintained. The development shall be carried in accordance with the approved details

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 15 October 2020 in respect of Condition 8 of Planning Permission APP/18/00450; viz:

Construction Traffic & Construction Environmental Management Plan, March 2020

Landscape and Ecological Management Plan, March 2020  
Mitigation Area Creation, Management and Monitoring Strategy and a  
Landscape and Ecological  
Management Plan (WYG, June 2020).

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 11 August 2020 in respect of Condition 10 of Planning Permission APP/18/00450; viz:  
Earthworks Strategy and Materials Management Plan, Ref J16120 Issue No 4  
**Reason:** Having due regard to policies DM10 of the of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) [2014], to ensure that deposited soils are suitable for their intended use and that no unacceptable exposures to contaminants may occur.
- 10 Prior to the occupation of any relevant part of the permitted development, a report shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the works outlined within the Wilson Bailey 'Contaminated Land Review and Discussion' report Ref J16120/bd/c08 (17/01/2020) & Wilson Bailey Earthworks Strategy Design Statement & MMP Support Document Ref: J16120 (March 2020) have been satisfactorily completed. The report shall include results of sampling and monitoring carried out in accordance with the above-referenced documents, and must demonstrate that site acceptance criteria have been met.  
**Reason:** Having due regard to policies DM10 of the of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework; to ensure that deposited soils are suitable for their intended use and that no unacceptable exposures to contaminants may occur.
- 11 No individual dwelling as being subject to high levels of noise, as indicated on plan SK05 of WYG Noise Assessment dated August 2019, shall be occupied unless and until mitigation has been installed and demonstrated through post validation testing to determine compliance with the noise impact assessment as provided by WYG in the Noise Assessment : August 2019). Such testing can be achieved using sample dwellings, as per the measurement positions. This shall be submitted to and agreed in writing by the Local Planning Authority. This report is to confirm the expected noise levels within the proposed dwellings have been achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. the glazing and ventilation strategy mitigation measures outlined in the WYG Noise Assessment dated August 2019, shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the

Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 24 July 2020 in respect of Condition 15 of Planning Permission APP/18/00450; viz:  
Construction Traffic & Construction Environmental Management Plan, February 2020  
Plan no. BSO/E4519/475 – Existing Sewer Location and Interaction  
Plan no. BSO/E4519/477 – Existing Sewer Longsection  
Plans received 26.6.20  
BSO/E4519/475 Existing sewer location and interaction - April 2019  
BSO/E4519/477 Section through existing sewer - March 2020)
- Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 13 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 06 April 2020 in respect of Condition 16 of Planning Permission APP/18/00450; viz:  
Micro Drainage Calculations  
16 x plans  
Plan no. BSO/E4519/017 Rev G – Exceedance Flow Layout  
Drainage General Arrangement plans Sheets 1-14 of 14  
Plan no. BSO/E4519/465 – Drainage General Arrangement Sheet 15 of 15  
Owners Manual Relating to Surface Water Drainage Maintenance, BSO/E4519 RCP Flood Risk Assessment, April 2018 (approved by permission APP/18/00450; unaltered)  
RCP - INFORMATION\_TO\_ADDRESS\_LLFA\_COMMENTS-1378723.pdf (11/03/2020).  
**Reason:** Without the provision of an appropriate surface water connection point the development cannot be appropriated mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 20th April 2018) as secured under condition 17 of permission APP/18/04450 and as updated by the Flood Risk assessment (dated May 2021) TRS/BSO/E4409/17864 and the following mitigation measures detailed within the FRA:  
1. Existing ground levels are to be raised to a minimum of 4.4m above Ordnance Datum (AOD) for the extent indicated on drawing number BSO/E4519/029 B (Appendix G of the FRA).  
2. Finished floor levels are set no lower than 4.7m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the Flood Risk Assessment (FRA) (dated 20th April 2018) and dated May 2021, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- 15 No development shall be carried out within 3m of the high pressure gas pipeline and no piling or boreholes within 15m without the prior written consent of the Local Planning Authority in consultation with Southern Gas Networks.  
**Reason:** To safeguard the amenities of the locality and or occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 06 April 2020 in respect of Condition 21 of Planning Permission APP/18/00450; viz:  
Construction Traffic & Construction Environmental Management Plan, Construction Method Statement - Harbour Place Rev 5'. Received 27/3/20  
**Reason:** To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 17 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first brought into use and shall be retained thereafter for their intended purpose.  
**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 18 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the plans and particulars approved in the Local Planning Authority's Discharge of Condition Notice dated 06 April 2020 in respect of Condition 23 of Planning Permission APP/18/00450; viz:  
Written scheme of investigation, REf.LP3190L-WSI-v1.3, September 2019

**Reason:** To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

- 20 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

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

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty

as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 22 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, as shown on plan Electric vehicle charge plan 211 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval.  
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 23 No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.  
**Reason:** To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 24 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in full accordance with the drainage system in accordance with the Flood Risk Assessment ref: TRS/BSO/E4409/17864. Any revised details submitted must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.  
**Reason:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

**Appendices:**

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

