
Site Address:	Land adjacent to 54, Long Copse Lane, Emsworth		
Proposal:	Erection of 9No. dwellings together with associated works (resubmission of APP/21/00683).		
Application No:	APP/21/01376	Expiry Date:	03/03/2022
Applicant:	Horne, Knighton and Barry Families		
Agent:	Mr Barry	Case Officer:	Lesley Wells
	Nova Planning Limited		
Ward:	Emsworth		

Reason for Committee Consideration: Contrary to the provisions of the development plan.

Density: 30 dph

HPS Recommendation: **GRANT PERMISSION**

Executive Summary

The proposal is for the erection of 9No. dwellings together with associated works (resubmission of APP/21/00683).

The site is located south of Long Copse Lane. It lies immediately adjacent to existing development on Long Copse Lane to the west and Redlands Grange (also known as Hampshire Farm) to the south.

In terms of constraints, the site is classified as Land East of 54 Long Copse Lane Site of Interest for Nature Conservation (SINC), with protected trees around the boundaries and a public foul sewer to the west.

In terms of principle of development, the land is outside of the urban area for Emsworth in the adopted Local Plan, but within the settlement boundary for Emsworth, as defined in the Submission Local Plan.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development is contrary to the development plan. However, the National Planning Policy Framework (NPPF) and the Borough's shortage of a five year supply of deliverable land for housing is also a material consideration.

The Council published its latest 'Five Year Housing Land Supply Update in November 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 3.9 year housing land supply, with a 20% buffer.

The NPPF 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demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date.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 site has been assessed against the three overarching objectives for sustainable development in the NPPF; which are economic, social and environmental and it is concluded that overall, these objectives can be met by the development, subject to appropriate conditions and legal agreement requirements.

The layout has been assessed in terms of its impact on residential amenity and on the character and appearance of the area. It is concluded that there would be an acceptable impact on residential amenity and on the surrounding landscape and from public vantage points.

Highway impacts have been considered in detail. It is considered that the site would not adversely impact on highway safety and subject to the works being secured by the associated S106 agreement and condition requirements, the proposal is acceptable. On site car parking conforms to the requirements in Havant's Car Parking SPD.

Flood risk and drainage proposals have been considered and subject to a suitable foul and surface water drainage condition, an appropriate drainage regime can be provided. A condition is recommended to secure this provision.

The proposal would result in the loss of a SINC. To mitigate and compensate for this loss, the proposal is to translocate the SINC, onto a larger area to the east of the site, to be managed by the Council with its ongoing management secured by an upfront financial contribution, via a Section 106 agreement.

Ecological impacts have been subject to detailed consideration and where necessary appropriately mitigated for example in relation to bats and reptiles. Conditions are recommended to secure mitigation.

Impacts on trees and proposed landscaping has been assessed and subject to appropriate conditions an acceptable development can be secured.

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 (AA) under Regulations 63. The screening under Regulations 63(1) (a) found that there was likely to be a significant effect on recreational pressure and water quality on the Chichester and Langstone Harbours Special Protection Area (SPA).

The subsequent AA included a package of measures:

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation in respect of recreational pressure; and

As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation.

The AA concluded that this is sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. This conclusion has been accepted by Natural England.

The applicant has agreed to enter into a legal agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients.

To conclude, it is considered that the scheme would contribute to the objective of significantly boosting the supply of homes within the Borough which must be afforded weight in the overall planning balance. In assessing the proposal (including associated evidence) against the adopted development plan, the Submission Local Plan, the National Planning Policy Framework, and given the need to address the Borough's five year housing land supply and the short term delivery of new homes, the scheme is considered to represent sustainable development and is therefore recommended for permission, notwithstanding that it is contrary to adopted Local Plan policy.

1 Site Description

- 1.1 The site is located south of Long Copse Lane. The land is outside of the urban area for Emsworth in the adopted Local Plan but lies immediately adjacent to existing development on Long Copse Lane to the west and Redlands Grange (also known as Hampshire Farm) to the south. The application site is, however, defined as falling within the settlement boundary for Emsworth, in the Submission Local Plan. The land immediately to the north west known as 'Land North of Long Copse Lane' is identified as an allocation for housing in the Submission Havant Borough Local Plan (Policy H8 in the Submission Local Plan).
- 1.2 The overall application site, which incorporates both the development site and an area for ecological compensation and enhancement to the east, measures approximately 2.2 ha with the development site alone comprising 0.45 ha. The land has previously been used for the keeping of horses. The agricultural classification for the land is Grade 3b. There is a modest change of levels across the site, with the northern boundary to Long Copse Lane set above the southern boundary.
- 1.3 The site is screened by existing mature trees and vegetation, with trees the subject of TPOs within all the boundaries. These mature trees extend southwards along the eastern boundary of the Redlands Grange development and provide a definitive physical feature to delineate the eastern edge of Emsworth settlement in the emerging plan.
- 1.4 Trees and vegetation on the southern boundary filters views of the existing development on the northern edge of Redlands Grange (Lapwing Close). The northern (Long Copse Lane frontage) and western (to 54 Long Copse Lane) site boundaries are defined by existing hedgerow and a number of mature trees. Whilst the tree cover here is less dense, the presence and location of the trees helps filters views of the site from the existing dwelling at No. 54 Long Copse Lane.
- 1.5 In terms of constraints, the site is classified as Land East of 54 Long Copse Lane Site of Interest for Nature Conservation (SINC). This is a local designation based on the site's botanical value as Semi-Improved Grassland. The Ecological Compensation and Enhancement Area (1.75ha) for the development comprises land which forms part of the open space associated with the Redlands Grange development to the south of the site which was provided as an ecological receptor area for that development.
- 1.6 An existing Southern Water Foul Sewer runs north-south, along the western site boundary with an easement of 5m measured from the western boundary. The site drains naturally to the existing ditch network on the southern and eastern boundaries.
- 1.7 The proposal is for 9 dwellings made up of: 2 x 2 bed houses, 3 x 3 bed houses and 3 x 4 bed houses. This replaces a previous application, under reference APP/21/00683 for 8 dwellings. The changes from the previous application are limited to the subdivision of one of the 4 bed detached units to a pair of 2 bed semi detached units,

with two visitor parking spaces added to the rear of Plot 2, to reflect the increase in unit numbers.

2 Planning History

APP/21/00683 - Erection of 8No. dwellings together with associated works.,
Withdrawn 06/12/2021

3 Proposal

3.1 Erection of 9No. dwellings, for 2, 2bed semis, 4, 3bed semis and 3, 4bed detached properties. Garaging and 2 attached car ports and 2 separate car ports. A new access and an internal driveway to service the 9 dwellings, together with car parking and cycle storage.

3.2 The application is accompanied by a number of supporting documents including the following:

Arboricultural Implications Assessment and Method Statement
Ecological Appraisal
Reptile Survey
Long Copse Management Plan
Drainage Strategy and Flood Risk Statement
Road Safety Audit Report
Transport Statement

3.3 The proposal is a re-submission of an earlier application for 8 dwellings with associated works (i.e. 4 x 3 bed dwellings and 4 x 4 bed dwellings), which was withdrawn following discussions with officers, as the development was not considered to make the most efficient use of the land for housing, as required by Policy CS9 of the HBLPCS and H3 of the Submission Local Plan. The current scheme seeks 9 dwellings on the site, providing a greater mix of houses, having regard to the constraints of the site.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS9	(Housing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS18	(Strategic Site Delivery)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area boundaries & Undeveloped Gaps)

Submission Havant Borough Local Plan

- IN1 (Effective Provision of Infrastructure)
IN3 (Transport & Parking)
E1 (High Quality Design)
E3 (Landscape & Settlement Boundaries)
E12 (Low Carbon Design)
E14 (The Local Ecological Network)
E15 (Protected Species)
E16 (Recreation Impact on the Solent European Sites)
E18 (Trees, hedgerows and woodland)
E22 (Amenity & Pollution)
EX1 (EX1 | Water Quality impact on the Solent European Sites)

Emsworth Neighbourhood Plan

- ENP_M1 (Cycle Storage Provision)
ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)
ENP_D7 (Mitigate Light Pollution)
ENP_L1 (General Housing Policy)
ENP_L2 (Housing Mix)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist - No Objection

The trees form an important boundary feature, and the majority are off site and to be retained. The Tree Protection Plan and Method Statement is comprehensive and I have no objection to the proposal. Providing this method statement is followed there should not be a negative impact on the trees. I would however like to ensure by way of condition that a pre commencement meeting takes place to agree the protective fencing is in place prior to commencement. Details of any services need to be submitted and details of the final no dig surfacing.

Officer comment: *If permission is granted, the above conditions are recommended.*

Building Control

Building Regulation consent will be required for this work

Public sewer runs downside of site Plot 1 . This has been shown on plan but unless surveyed on site exact location cannot be confirmed from SWS plans. Needs to be 3m away or consultation with SWS needed.

Bin locations shown within property boundaries so will need to be moved on days of collection OK

Access to site and plots should comply with Approved Document B5 Fire Authority vehicles no dimensions and unable to scale re turning and road widths.

Officer Comment: *Southern Water have been consulted – see below.*

Community Infrastructure

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

Additionally, pending a response from Natural England on the 'HRA', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

A full S106 agreement may be necessary (which would also cover SRMS and NN) if site specific highway improvements are found to be necessary.

Councillor Julie Thain-Smith

No comment.

Councillor Lulu Bowerman

No comment.

Councillor R Kennett

No comment.

Council's Ecologist

I have provided detailed comments on the previous iteration of this proposal. The amended proposal is for one additional dwelling. The current proposal does not materially change the previous ecological assessment.

The submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020) provide a sound assessment of the current ecological value of the application site and adjacent scrubby grassland site proposed for enhancement. I am content that sufficient ecological assessment has been carried out and that the ecological value of the application site and adjacent mitigation/enhancement area are understood.

As previously discussed, the proposed housing site is classified as Land East of 54 Long Copse Lane Site of Interest for Nature Conservation (SINC) and as such its development would be contrary to Policy CS11 of the Havant Borough Core Strategy March 2011. The submitted Local Plan Policy E14 provides details of how SINC's are expected to be addressed in planning. The expectation is that impacts to SINC's are avoided, but where impacts will occur the benefits of the development must clearly outweigh the impact to biodiversity and the SINC: this is purely a planning matter for Havant Borough Council. The SINC is not currently being managed in a suitable way for promoting its interest features (unimproved neutral grassland) and, without landowner cooperation, there is essentially no mechanism for ensuring that the site can be managed in an appropriate manner. As a result, the botanical interest will continue

to deteriorate: this is a common occurrence on many SINC sites.

The proposal is to translocate areas of unimproved meadow grassland from the application site to the adjacent scrubby grassland site. The receptor site will then be subject to ongoing management to promote its botanical value. I am supportive of the proposed mitigation/compensation/enhancement measures and consider that this is the best option for maintaining SINC-quality grassland in this location. The close proximity of the receptor site is a beneficial factor and there is every reason to suggest that this technique would be successful. As ever, this is wholly dependent on a commitment to long-term care, management and monitoring to ensure success. It is imperative that sufficient funding is secured for that ongoing management and that there is a robust, unambiguous plan for management that includes measures for botanical diversity, reptiles, breeding birds and public recreation.

If you are minded to grant permission, can I suggest that an Ecological Mitigation and Management Plan is secured by condition. This should provide clear details of all translocation, management and monitoring activities necessary to ensure the continuation of SINC-quality grassland and other ecological receptors. This Plan must be fully-detailed and its contents must be agreed by the proposed mitigation area site manager, Havant Borough Council. The translocation, any preparatory work, and all construction-phase mitigation will be carried out by the applicant and all ongoing management of the receptor site will be undertaken by Havant Borough Council: as such, the Plan will include elements related to pre-, during, and post-construction periods. It is for HBC's estate management team to determine if sufficient detail and funding is included to allow for the ongoing management, and then a suitable legal agreement will need to be secured that clarifies all roles and responsibilities. It will be essential to include monitoring and a means of reviewing and measuring success, with actions to be taken should translocation or other management measures prove unsuccessful. In particular, the translocation process is subject to risk from e.g. lack of effective turf-laying, lack of suitable turf care, damage from recreational use, and potential issues may not become apparent for some time after development has concluded. Parts of this Plan will be implemented by contractors potentially unfamiliar with this site and who are not ecological professionals: it is absolutely essential that it is explicit in its management aims, objectives and detailed prescriptions so that all parties are clear on what is required. It will be helpful to differentiate between activities carried out by the developer and those by HBC.

If I may suggest some suitable condition wording:

Prior to the commencement of development activities, a detailed Ecological Mitigation & Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All EMMP measures shall be in accordance with those detailed within the Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020) unless otherwise agreed in writing by the local planning authority. The EMMP shall include (but not necessarily be restricted to): grassland translocation (to include details of preparatory works, translocation methods and timings, aftercare); details of all habitat and species mitigation measures; details of the ongoing management of all compensatory/enhancement habitat; location, type and number of all bat/bird boxes and other ecological enhancements; details of lighting. All ecological compensation/enhancement measures shall be installed/implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function. Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March

2011.

In addition, I would recommend that a Construction Environment Management Plan (CEMP) is secured. This should include full details of all measures to avoid/mitigate construction impacts on the natural environment during construction.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP . Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

I would also recommend the following condition wording to ensure that all ecological mitigation, compensation and enhancement measures related to the proposed development site are secured.

Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020 unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer comment: *if permission is granted the Ecologist's conditions are recommended.*

County Minerals

No comment.

Crime Prevention - Minor Apps

No comment.

Developer Services, Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if

such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

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

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

Officer comment: *if permission is granted a condition in respect of foul and surface water is recommended.*

Engineering/Drainage

No Comment

Forestry Commission

No comment.

Hampshire Highways

The Highway Authority note that this is a variation of planning permission APP/21/00683, with the only change being the provision of 1 additional dwelling. The Highway Authority previously responded with no objection to the previous application subject to conditions. The Highway Authority are satisfied that the additional trips generated from a further dwelling will not have a severe impact on the local highway network.

The applicant should be made aware that they will require Ordinary Watercourse Consent consent to construct the access, and may need to relocate the telegraph pole in order to achieve the required visibility splays, as laid out in response to APP/21/00683 dated 14th September 2021.

The Highway Authority therefore recommended no objection, subject to the applicant

receiving S184 approval to construct the access and the following condition:

Construction Method Statement Required.

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Officer Comment: *If permission is granted the above Construction Method Statement condition is recommended. An informative would also be added in respect of the need for the applicant to secure a S184 approval for the access from Highway Authority and that that the telegraph pole may need to be relocated.*

Landscape Team, Havant Borough Council

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

- A pedestrian access point on the east of the site to access Hampshire Farm Meadows (HFM) should be explored to help promote non-vehicular transportation in lining with planning policy DM11 'Securing on-site and/or off-site interventions that promote integrated travel and access by non-motorised modes.'
- We have concerns with the lack of off road footway provision both on site and on Long Copse Lane to provide safe pedestrian access to local amenities. Given the proposed adjacent sites the amount of vehicular traffic along Long Copse Lane is due to increase and at present the lack of provision is deemed to be a H&S concern and contrary to DM11.
- We require details of material specification on the proposed dwellings which, must include manufacturer and colour to ensure that the development complies with planning policy CS16 'Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors'.

We require the following landscape plans to be submitted as part of this application:

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

- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:
 - finished levels
 - hard surfacing material type / product reference and colour
 - laying bond
 - edging or kerb detail / type
 - retaining structures or steps
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.
- Details of the lighting strategy need to be provided given the proximity to a designated SINC.

Officer Comment: *With regard to the to lack of pedestrian route to local amenities, the Highway Authority has raised no objection to the proposal on highway safety grounds.*

As to a pedestrian access to the east from within the site a belt of mature oak trees extends along the eastern boundary, which are the subject of a TPO. An existing ditch lies adjacent to the trees within HBC land. Providing a path here may place additional pressure on the trees and it would require culverting the ditch within a Root Protection Area of protected trees. However, there would be a short route along Long Copse Lane to the east to access Hampshire Farm Meadow.

If permission is granted, landscape and materials conditions are recommended.

Natural England – No Objection

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Water Special Protection Area (SPA) and Ramsar site
- Portsmouth Harbour SPA and Ramsar site
- Chichester and Langstone Harbours SPA and Ramsar site
- Solent and Dorset Coast SPA
- Solent and Isle of Wight Lagoon SAC

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Land at Warblington Farm secured to neutralise the additional nutrient burden arising from the proposed development, including long term management and maintenance to ensure effective mitigation for the lifetime of the development
- The provision of £6,502 in funds in line with the Solent Recreation Mitigation Strategy to ensure that the effects of recreational disturbance upon the Solent SPA's are mitigated for the lifetime of the development.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

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.

Deterioration of the water environment

Provided that your authority, is assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget. We recommend a condition that secures the water use of 110 litres per person per day.

Recreational pressure

This application is within 5.6km of designated sites within the Solent and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP), also known as Bird Aware Solent.

Provided that the applicant is complying with the policy and the Bird Aware Definitive Strategy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and **has no objection** to this aspect of the application.

Please note, your authority's appropriate assessment should reflect the current developer contribution rates, which are updated every April in line with the Retail Price Index.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition Natural England would give the following advice:

Land east of 54 Long Copse Lane Site of Importance to Nature Conservation (SINC)

The proposals are located on the Land east of 54 Long Copse Lane SINC which is identified as supporting unimproved lowland meadow, without mitigation the proposals will lead to permanent loss of this site.

The supporting ecological mitigation plan proposes translocation of the turf from the SINC to the adjacent country park. We recommend these measures are included in a Biodiversity Mitigation and Enhancement Plan (BMEP) which is submitted to and approved by a Hampshire County Council Ecologist. This should also include a management and monitoring plan for the translocation site.

The BMEP should also include measures to benefit wildlife such as planting native trees including fruit trees within gardens, native hedges, new wildlife ponds and the provision and bird (e.g. house martin, swift) and bat boxes of a design that is incorporated into the fabric the new buildings.

Natural England expects any forthcoming application to set out how biodiversity net gain will be achieved, over and above residual losses which should be accounted for and addressed. We recommend the applicants make use of the Defra biodiversity metric, which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Officer Comment: *the submission of a Biodiversity Mitigation and Enhancement Plan is a recommended condition, which will seek to maximise opportunities for bio-diversity net gain through the compensation proposal; and the site is Grade 3b agricultural land, which is not high quality land.*

Norse South East, Operations Director

No comment.

Nutrient Team

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/21/01376.

Planning Policy

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough. The Havant Borough Local Plan (HBLP) was submitted for Examination on the 12th February 2021 and must be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

- CS17 – Concentration and Distribution of Development within the Urban Areas
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
- CS9 – Housing
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 - Car and Cycle Parking in Residential Development

In the submitted Havant Borough Local Plan the following policies are of particular relevance:

- E3 Landscape and settlement boundaries
- IN1 Effective Provision of Infrastructure
- IN3 Transport and Parking in New Development
- H1 High Quality New Homes

- H3 Housing Density
- E1 High Quality Design
- E14 The Local Ecological Network
- E22 Amenity and Pollution

The Emsworth Neighbourhood Plan (ENP) was 'made' by the Borough Council on 22 September 2021 and forms part of the development plan for Havant Borough.

The following policies from the ENP are of relevance:

- D1 – General Design Policy
- D2 – Height, Mass & Materials
- D3 – Layout, Form & Density
- L1 – General Housing Policy
- L2 – Housing Mix

This application follows an earlier planning application APP/21/00683 for 8 dwellings which was withdrawn.

Principle of development

The site in question lies outside the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development outside of urban areas, and AL2 sets out specific exceptional circumstances where development may be acceptable.

In the emerging Local Plan under policy E3 the site would be within the urban area. Therefore, through the emerging Local Plan the principle of development is acceptable, and this must be given weight in the determination of this application.

Five Year Housing Land Supply

The Council's Five Year Housing Land Supply Update (November 2021) indicates the Council has 3.9 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).

Significantly, it does not follow that planning permission should automatically be permitted for development which would boost housing supply. However— permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council adopted a Housing Delivery Action Plan in January 2021 which outlines the Council's response to the lack of a five year housing land supply.

It is noted that the proposed scheme is not in the five year supply in whole or part. As such, there would be a gain of 9 units to address the five year housing supply requirement.

Five year requirement with 20% buffer = 3,626 dwellings / 5 years = 725.2 dwellings a year

9 dwellings / 725.2 dwellings = 0.01 years

In this case, the scheme would contribute up to 0.01 years' supply of housing (rounded). This must be afforded weight in the overall planning balance.

In the absence of a five year housing land supply, there is a heightened need to ensure the maximum housing potential in order to ensure the scheme makes a genuine

contribution to boosting housing supply. In this respect the NPPF is clear it is especially important that planning policies and decisions avoid homes being built at low densities where there is a shortage of land for meeting identified housing needs (paragraph 125).

Housing Density National Policy Context

The July 2021 NPPF includes the insertion of the 'effective use of land in urban areas' into the presumption in favour of sustainable development in plan-making (under paragraph 11).

Paragraph 125 of the NPPF is clear that planning policies and decisions avoid homes being built at low densities and seeks to ensure that developments make optimal use of the potential of each site, especially where there is an existing or anticipated shortage of land for meeting identified housing needs. In such cases, the use of minimum density standards should be considered and as a result are being taken forward through the Havant Borough Local Plan.

In addition, part c) under paragraph 125 indicates that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework.

Local Policy Context

Policy CS9 of the Adopted Local Plan (Core Strategy) states that planning permission will be granted for housing proposals that will: "achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shop and services in addition to respecting the surrounding landscape, character and built form."

Paragraph 6.21 of the supporting text indicates that the density of new housing will depend on its design and appropriateness to its location. A range of minimum density thresholds were developed using the Havant Borough Townscape 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

Policy H3 in the emerging Local Plan indicates that residential development must maximise its contribution to addressing housing need in the context of the finite undeveloped land in the Borough. The policy also requires development resulting in a net gain of 5 or more dwellings will be granted planning permission where development within the defined opportunity areas provides a minimum of 40 dwellings per hectare (dph). Any development providing an artificially lowered density will be refused.

Policy D3 in the emerging Neighbourhood Plan also indicates that development proposals should make the most efficient use of land and be developed at the optimum density. The optimum density should result from a design-led approach to determine the capacity of the site, with particular consideration given to:

- the site context
- its connectivity and accessibility to surrounding areas by walking, cycling and public transport.

It also confirms that residential development that does not demonstrably optimise the density of the site should be refused. This approach has been reinforced recently through an appeal decision (reference APP/X1724/W/20/3252953) at 'Fowley Cottage' in Emsworth.

Analysis of the submitted scheme

For the purposes of Policy H3 (Housing Density) in the emerging Local Plan residential density is taken as dwellings per hectare across the net developable area. Figure 1 of the Residential Density Evidence Paper indicates the development elements should be included for gross and net area calculations. In the case of the latter “any significant buffer areas required for landscape, ecological or infrastructure such as underground pipes” should be excluded. It is considered that retained trees and the necessary buffers and root protection zones would qualify within that definition. In such circumstances, a detailed Design and Access Statement must fully explain the rationale to the proposed approach to the design and layout of the scheme.

The submitted Planning, Design and Access Statement indicates that the site constraints include a foul sewer easement which runs along the western boundary and, perhaps most significantly, root protection areas. Based on a net developable area of 0.30ha (rounded) with 9 dwellings across the site area, this equates to a density of 30 dwellings per hectare.

Whilst this would fall below the minimum threshold of 40 dwellings per hectare set out in Policy H4, the site’s small size means that it would not be possible to provide an alternative layout which both responds to the urban edge location and provides the necessary quantum of development which meets density standards. On this basis, it is concluded that the proposals would accord with the aims and objectives of Policy H3 of the submitted Local Plan and paragraph 125 of the NPPF.

Nature Conservation

The site is a designated SINC. Policies in both the adopted and the emerging plan require development to have regard to sites protected for nature conservation, and to protect, conserve and enhance them. This approach is supported by chapter 15 of the NPPF.

Planning permission should only be permitted on or adjacent to a local nature conservation designation where:

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

The applicant has submitted detailed ecological assessments and advice should be sought from the Council’s Ecologist about the nature conservation value of this site, its SINC status and the impact of the proposal, and the proposed mitigation and compensation package and management plan which is proposed.

Design

More generally, both the adopted and emerging local plan require high quality design in

all development under policies• CS16 High Quality Design (Core Strategy)

- E1 High Quality Design (HBLP)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

Development Requirements

In addition to the above, emerging policies which are of particular relevance to the proposed development are summarised below:

- Low Carbon Design – Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate in accordance with emerging Policy E12.
- EV Charging Infrastructure – Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3.
- Management Plans – A management plan is likely to be required through a legal agreement to establish the whole life management and maintenance of the common parts within the development.

Recommendation

The proposed development would be outside of the urban area as set out in Policies CS17 and AL2 of the Adopted Local Plan. However, it is within the settlement boundary, as set out in Policy E3 of the Havant Borough Local Plan. As such, the principle of development is accepted, particularly where the scheme accords with the emerging requirements set out above.

Following revisions to the scheme to increase the overall density of the site, it is considered that the site's small size means that it would not be possible to provide an alternative layout which both responds to the urban edge location and provides the necessary quantum of development which meets the required density under Policy H3.

Property Services Manager

No comment.

Traffic Management Team

A little error I believe on this application that may need to be rectified. The application says that it is for 9 houses and shows 9 on the plan but on page 12 of the "planning design and access statement it says " The proposal, comprising 5no. three-bedroom units and 3no. four-bedroom units, generates a need for 19no. parking spaces" which equates to 8 properties, obviously this is not correct, as it would appear that there are 6 three bedroom and 3 four-bedroom properties proposed. This would need to generate a minimum amount of parking for 21 vehicles not 19 as stated. The Traffic team would also suggest that due to the location of this proposed development that 1 visitor space is not sufficient.

Officer Comment: *The error in the Design and Access Statement has been addressed and an additional visitor parking space has been provided, which in total amounts to 21 car parking spaces for the development.*

Waste Services Manager

No comment.

6 Community Involvement

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

Number of neighbour notification letters sent: 61

Number of site notices: 1

Statutory advertisement: Yes – Departure from Development Plan

Number of representations received: 26

20 representations of objection

6 representations of support

The following is a precis of the representations received.

Character and appearance of the area

- Overdevelopment of the area
- Orientation & density out of keeping with area street scene
- Adverse cumulative impact of development in the area
- Redlands Lane development less intensively developed
- Garden grabbling is undesirable
- Erode green space/gap between Emsworth & Westbourne
- No benefit to local community – seriously detracts from the peaceful recreational facility that Long Copse Lane provides
- Lack of infrastructure and high density developments in semi-rural area, inappropriate
- Small development more desirable than larger ones – such sites are rare
- Low density well connected to area
- Good design with environmental considerations
- Family houses in short supply – makes good use of the land within Emsworth boundary
- Would increase supply of needed affordable housing
- Would not fundamentally change the area
- Would not put stress on roads or infrastructure
- Need for 4 bed family homes

Overlooking

- Loss of privacy
- Loss of outlook
- Too close to existing housing
- Had to view St. John Baptist Church on earlier development

Ecology

- Loss of SINC
- Translocation of SINC – who responsible to manage and how funded?
- Double counting of compensation area
- Adverse impact on wildlife – site haven for wildlife
- Significant harm to biodiversity
- Bats are present, with reptiles in the site
- Land north of Copse Lane – buffer of 30-40m wide between trees and houses.
- Noise & light will deter wildlife
- Increase nitrate levels - Thornham sewage works working at near capacity – increased capacity should be secured before further development permitted
- Harm to coastal environment – discharge from site not de minimis
- Environment Act requires bio-diversity net gain

Highways & Access

- Site unsustainable in transport terms
- Adverse impact on highway safety and users of the highway
- Added pressure to T junction at Westbourne
- Inadequate visibility splays on access
- Development generates additional traffic – LCL is a rural lane - no capacity
- Insufficient width for two vehicles to pass- more destruction of verges and road
- No pavement on LCL
- Insufficient parking – no parking available on LCL – dangerous if occurred

Trees

- Protection of trees and hedges – how will this be secured?

Policy

- Contrary to National Planning Policy Framework
- Government intention is no more homes on green field sites – directed to brown field sites instead
- Section 40 of the NERC Act 2007 - regard to conserving bio-diversity – particularly relevant to birds – recommend 1 integral Swift brick per dwelling.
- Green field not in adopted Local Plan
- Unsustainable - not close to shops, buses or train service – all journeys would be by car.
- Dwellings not affordable to first time buyers – wrong houses in wrong location
- Application is running parallel with another - essential assessed jointly

Flooding & Drainage

- Site floods every year – increase in impermeable surface will increase this risk
- Site slopes from north to south – houses on Lapwing Close may be impacted by water run off – no proposal to prevent this.
- Removal of vegetation impact on drainage and flooding of site.
- Are the necessary permissions (and capacity) in place for the surface water discharge?
- Thornham sewerage works at capacity- how will additional need be provided?
- Sewerage system and drainage in Hampshire Farm Meadows at capacity.

Other Matters

- Precedent - backland development
- Insufficient school places in the area
- Removal of hedgerow, potential for access by criminals

Officer Comment: *most of the above points are covered under Section 7 below. As to precedent each application is considered on its individual merits; the Local Planning Authority has no evidence that there would be insufficient school places available in the locality for this small development; nor that the proposal would lead to an increase in criminal activities.*

As to the Environment Act, the requirement for bio-diversity net gain has not yet come into force.

7 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

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 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. This would be secured via a legal agreement.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology

to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation packages proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) 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.

7.1 In other respects, 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 the development
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity (for existing and future residents)
- (v) Highways and Parking
- (vi) Ecology Impacts
- (vii) Flood Risk/Drainage
- (viii) Impact on Trees
- (ix) Developer Contributions/CIL and S106 requirements
- (x) Overall conclusions and planning balance

(i) Principle of development

7.2 The site in question lies outside the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development outside of urban areas, and Policy AL2 sets out specific exceptional circumstances where development may be acceptable.

7.3 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

7.4 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) and the Emsworth Neighbourhood Plan (2021). These plans continue to form the basis for determining planning applications in the Borough. The application site is located adjacent to, but outside of, the urban area in the adopted Local Plan. 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

- 7.5 Whilst the application site is not within the urban area for Emsworth in the adopted Local Plan, the Submission Havant Borough Local Plan (SHBLP) identifies the site within the settlement boundary for Emsworth. Whilst this can only be afforded limited weight, it does indicate the Council’s direction of travel as to where the principle of development would be considered acceptable. That said, the plot is not an allocated housing site in the SHBLP.
- 7.6 As to the SHBLP, this was submitted for examination by the Secretary of State for Housing Communities and Local Government (now called Department for Levelling Up, Housing and Communities) on 12 February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors’ Interim Findings report were subsequently received in November 2021. The findings recommend a withdrawal of the SHBLP from Examination. Of particular relevance in the determination of this application, the Inspectors’ initial findings highlight concerns in relation to the deliverability of a number of housing sites which means that the Borough’s five year housing land supply has been further decreased. Significantly, additional housing sites beyond those identified in the SHBLP will be required to address the Borough’s five year supply and the short term delivery of new homes. Following this advice, the Council’s Planning Policy Committee is due to consider a paper on 22 February 2022 for a recommendation to Full Council on 16 March 2022 to formally withdraw the SHBLP from examination. Planning Policy Committee will have considered this item prior to the Planning Committee date, though it should be noted that this is not a decision making committee, and a verbal update can be provided at Planning Committee.
- 7.7 Therefore, while the site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Havant Borough Local Plan (Core Strategy), at the time of writing, the application site falls within the settlement boundary as defined by Policy E3 in the SHBLP.

Consistency with the National Planning Policy Framework.

- 7.8 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. The NPPF’s primary objective is to promote sustainable growth and development through a “planned” 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”.

- 7.9 The Council published its latest ‘Five Year Housing Land Supply Update in November

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 3.9 year housing land supply, with a 20% buffer. In addition, the 2021 Housing Delivery Test (HDT) measurement for Havant was published in January 2022 and indicates that delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.

- 7.10 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 which are most important for determining the application are to be considered out of date. In such cases, the tilted balance is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF as a whole.

Five year housing land supply and delivery of housing need

- 7.11 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. (*Officer comment: 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.
- 7.12 As stated above, the Council's Five Year Land Supply Update November 2021 indicates the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such the tilted balance is engaged (para 11d of the NPPF). However, significantly it does not follow that there is an automatic presumption in favour that planning permission should be granted. There is still a need to carry out a balancing exercise – in assessing whether there would be adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme. Nonetheless, if it is considered that this is not the case, then planning permission should be granted.
- 7.13 The proposed scheme is not included in the Council's five- year supply in whole or part. That said, the proposal, if granted, would add 9 units to address the Borough's five-year housing supply and the short term delivery of new homes. This would have the potential to increase the Borough's housing land supply by 0.01 years (rounded). Paragraph 69 of the NPPF recognises that small sites can make an important contribution to meeting the housing requirements for area and are often built out relatively quickly. This must be afforded substantial weight in the overall planning balance, which is set out below. As to the provision of housing on the site, the agent has confirmed this will be provided within 5 years of the grant of the permission.
- 7.14 As such, notwithstanding that the site is located outside of the urban area in the adopted Local Plan and is located in the outside of the urban area, it is within the settlement boundary as defined by the SHBLP. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development and it would also deliver measurable economic and social benefits. The site would make a contribution towards remedying the Council's housing land supply shortfall and short term housing and this must be afforded substantial weight in the overall planning balance.

Deliverability

7.15 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.”

7.16 As to infrastructure there is an existing public sewer within the site to the west, which the foul water would discharge to. A SuDs Drainage system would be provided for the surface water drainage. Access to electricity, gas, water and telecommunication could be supplied to the site from Long Copse Lane, without prohibitive reinforcements to the networks. As such there would not appear to be significant off-site infrastructure works arising from the proposal 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

7.17 Introducing a housing development to an undeveloped field would alter its character but it is concluded that this would have a limited impact, as any harmful visual impact of the development would be localised, aided by the existing mature trees around the site. If permission is granted a landscape condition would be imposed, which should further reduce, and mitigate, the impact of the development on the area. Whilst the development would result in some harm to the existing character of the area, this would be less than substantial harm to the locality. This needs to be weighed against the public benefits, which is considered in more detail further in this report.

7.18 In terms of the location of the site relative to services and facilities there is a Post Office/Convenience store in Southleigh Road (less than 0.6km), and public open space immediately adjacent to the east. As to Westbourne further to the east this includes Westbourne Primary School (0.8km), a Post Office/Convenience store (1.1km), public houses/restaurant (1.1km), a nursery (1.3km) and Wren (business) Centre (1.1km).

7.19 In addition, Emsworth railway station is 2.3 km from the site, which offers stopping services towards Brighton to the east and Havant to the west. There are bus stops on Southleigh Road/Westbourne Road connecting Havant to Emsworth and Havant, Emsworth and Southbourne.

Economic Sustainability

7.20 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.

7.21 The application would result in benefits from construction employment and operations and Local Authority benefits. As with any new housing the proposed development would bring expenditure from future occupiers which would be an economic benefit that would support growth in the local economy. In addition, the development would also create construction jobs, which would contribute towards the local economy.

7.22 The above elements are considered to be benefits in the planning balance and overall it is considered that the development would be economically sustainable.

Social Sustainability

- 7.23 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. Adequate facilities are considered to exist to meet the needs of the development.
- 7.24 Within this 9 plot development, the application proposes a range of house types: 2 x 2 bed semis; 4 x 3 bed semis; and 3 x 4 bed detached.
- 7.25 Contributions would be secured through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the adopted SPD on Planning Obligations.

Undeveloped Gaps between Settlements

- 7.26 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2, in the Submission Local Plan this is no longer considered possible. The NPPF, in paragraph 11, is clear that Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless there are strong reasons for restricting development. Those reasons are defined in footnote 7 of the NPPF, and do not include gaps between settlements as a particular consideration. The Council's Housing Constraints and Supply Analysis mapped constraints to development and found that it was not possible to meet housing need on land unconstrained by nationally recognised constraints, while also protecting gaps between settlements.
- 7.27 In conclusion on this issue:
- (1) The scheme is contrary to the development plan.
 - (2) National policy is a material consideration.
 - (3) Housing supply at 3.9 years is below the five year supply threshold.
 - (4) The presumption in favour of sustainable development applies.
 - (5) The proposals would constitute sustainable development in policy terms.
 - (6) It is deliverable now.
 - (7) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

(ii) Nature of Development

- 7.28 The current application is for full planning permission for 9 dwellings, comprising of 3No. detached 4 bed properties, 4No. 3 bed semis and 2No. 2 bed semis. Two of the 4 bed properties would have an attached garage each, with 2 car ports provided for the third 4 bed property. Each property would have their own outside cycle storage building, with an area for bin storage, with gardens to the front and rear. A new access off Long Copse Lane is proposed, with a driveway and spurs to service the development. Parking of an appropriate standard is also provided. The proposal is for under 10 units, therefore there is no policy requirement for affordable housing.
- 7.29 Whilst it is noted that the street scene character is predominantly large, detached dwellings along Long Copse Lane to the west, there is a higher density housing development to the south of the site on Lapwing Close. The previous application for the site for 8 dwellings was withdrawn, as this was considered not to be an efficient

use of the land, as required by national and local policy. Following discussions and a review of the constraints on the site, the current application is for 9 dwellings. The housing mix of the development has also changed from 4No. 3bed and 4No. 4bed to 2No. 2 bed, 4No. 3bed and 3No. 4 bed. Due to the character and appearance of the area and other constraints within the site and the safeguarding of existing residential amenity, discussed further in this report, there is considered to be justification to deviate from the density standard of 40 dph under emerging Policy H3 (ie 30dph as proposed in this application).

(iii) Impact upon the character and appearance of the area

- 7.30 The site is currently located outside but adjacent to the defined urban boundary of Emsworth in the adopted Local Plan. However, the Submission Local Plan has included the site in the settlement boundary. In seeking to extend the settlement boundary to incorporate the field to the east (the current development site) in the Submission Local Plan, it is considered that there was an acceptance that development of this land would alter its character and appearance in the context of the surrounding area.
- 7.31 Along the eastern and southern boundaries, the site would be screened by existing, in the main, protected trees and shrubbery. As to the western boundary, the tree cover is sparser, coupled with hedging and 1m wooden post and barbed wire fence. There are trees and hedging along the northern boundary, part of which would be removed to provide the new access, sight lines and road within the development.
- 7.32 The land drops to the rear, which is approximately 3.5m lower to the south than to the north.
- 7.33 Existing residential development to the west of Long Copse Lane is linear, with detached dwellings in large plots. To the south is the Redlands Grange estate, which is of a higher density of development to that existing in Long Copse Lane. The application site backs onto part of this estate. A new access and driveway would be provided from Long Copse Lane, which would open up part of the site to the north.
- 7.34 The design of the 9 dwellings is traditional in nature, having regard to the form and pattern of neighbouring development. The use of hipped roofs and bays creates variation and helps to break up roofscape, to off-set the linear nature of the layout. The materials would include brick, render and tile hanging to create visual interest throughout the scheme. The heights of the dwellings fronting Long Copse Lane, would be slightly lower than 54 Long Copse Lane, which is approximately 8.6m high, with Plot 1 being 8.5m in height.
- 7.35 Two detached dwellings and a pair of semi-detached dwellings are proposed on the northern section of the site, fronting onto Long Copse Lane and connected via private drives linking to the central access and turning heads. The buildings are set back from the highway to retain the loose building line to the west. All four plots are orientated north-south with principal aspects in these directions. The orientation results in traditional side-to-side relationships within the site and with No. 54 Long Copse Lane and avoids the need for side windows to habitable rooms. All 4 properties have front and private rear gardens, with their depth varying between 14m and 16m, exceeding the guidance set out in Havant's Design Guide SPD.
- 7.36 The single detached and two pairs of semi-detached dwellings to the rear are similarly laid out in a linear pattern, with private drives connecting to the central access and turning heads. These properties would also have front and rear gardens, with the latter

being 12m in depth. The depth of all the gardens exceeds the 10m minimum requirement in Havant's Design Guide SPD.

- 7.37 The proposal has been designed to provide a good level of amenity by maintaining a reasonable degree of separation between the new dwellings and the surrounding properties, in accordance with Policy H1 of the Submission Local Plan and Havant's Design Guide SPD. To retain existing trees, the development is set off the boundaries, thereby ensuring the retention of the trees and the screening it would provide for the development.
- 7.38 The site is designated as Land East of 54 Long Copse Lane Site of Interest for Nature Conservation (SINC). Mitigation and compensation for the loss of the SINC on land immediately to the east is covered below under the heading 'Ecology Impacts'.
- 7.39 The development of the site has to be balanced against the efficient use of the land for housing within the Borough as required by adopted and emerging policy and the NPPF (for which there is a recognised housing need) and the context of this treed site, which in the Submission Local Plan is on the edge of the urban area, abutting the countryside to the east. The scheme has been designed to be an efficient use of land, whilst having regard to the constraints on the site and the sensitivity of the surrounding area. It is considered that the development as designed whilst changing the site's character and appearance, would not adversely impact on the visual amenities of the area such as to warrant a refusal of planning permission. The development would accord with Policies CS9 and CS16 of the HBLPCS and Policies E1 and H3 of the Submission HBLP.

(iv) Impact upon residential amenity (for existing and future residents)

Amenity of Existing Occupiers.

- 7.40 The householders most likely to be affected by the development are 54 Long Copse Lane to the west and properties in Lapwing Close to the south. Due to the separation distance with Long Copse Lane in between, the properties to the north would not be materially impacted by the development.
- 7.41 The Plots most likely to impact on the amenity of occupiers of 54 Long Copse Lane are Plots 1 and 5 on the western boundary.
- 7.42 As to 54 Long Copse Lane, which is a two storey dwelling, there are no windows in the side elevation of this property overlooking the development site: only a roof light. There are garages/car port to the front of the property along its eastern boundary. This property has a large garden to the rear, which finishes in line with the southern boundary of the application site.
- 7.43 As to Plot 1, this would be located opposite, albeit not in line with 54 Long Copse Lane to the west. There would be one window at first floor to serve a stair well. If permission was granted it is recommended that this window is obscurely glazed. There would be a separation distance of 10m between 54 Long Copse Lane and the main dwelling on Plot 1, reduced down to approximately 7m from the garage to the side. Along the western boundary is hedgerow, trees and a 1 m wood post & barbed wire fence.
- 7.44 As to Plot 5, this would be located to the rear of the site, to the east of the rear garden of number 54 Long Copse Lane. To the eastern boundary of 54 Long Copse Lane, there would be a minimum separation distance of 8m. As above, the boundary at this point is made up of hedging, trees and a 1m wooden post and barbed wire fence. The

front of Plot 5 would be approximately 26m from the rear of 54 Long Copse Lane, with 2 car ports to the front of this, with a height of 4.5m. Views onto 54 Long Copse Lane from Plot 5 would be limited by the drop in levels and obscured by the car ports, the protected trees, hedging and the separation distance of approximately 26m. As to the side elevation of Plot 5 facing the boundary with 54 Long Copse Lane, three windows and a door are proposed at ground floor with a bathroom window at first floor. Any potential overlooking from the ground floor fenestration of 54's rear garden would be screened by the hedgerow along the western boundary. If permission is granted a condition is recommended that the bathroom window at first floor is obscurely glazed.

- 7.45 Having regard to these considerations, the proposed relationship between the dwellings on Plots 1 and 5 and 54 Long Copse Lane is not considered to be overbearing, nor to give rise to a level of overlooking or loss of privacy such as to warrant a refusal of planning permission.
- 7.46 As to the south, the proposed dwellings to the rear would be higher than the existing two storey residential development in Lapwing Close. As to the three dwellings in Lapwing Close that back onto the development site, two have gable ends facing north. There would be a minimum separation distance of 20m between the development and properties in Lapwing Close, with mature trees and vegetation along the boundary. Due to the separation distances, which accords with Havant's Design Guide SPD and the existing screening along the southern boundary, the development should not adversely impact, or dominate the residential amenity of the occupiers of the households in Lapwing Close.

Amenity of Further Occupiers

- 7.47 All the proposed dwellings would exceed the Government's nationally described space standards, with front and rear gardens, with the latter in excess of 10m. Parking provision would either be within the curtilages of the plots, or in close proximity, with plots 1 and 2 having their own garages. Brick and fence panel walls of 2m would be provided to the rear gardens of Plots 1 and 2, where they front onto the proposed driveway. The separation distances between the plots is reasonably spacious as with the boundaries, to avoid conflict with existing protected trees. Each plot would have its own cycle storage, bin area and EV point. The agent has agreed that the dwellings would be energy efficient, which would cover: minimum 19% reduction on CO2 emissions compared to Part L of Building Regulations; Maximum Water Use of 110 litres per person per day; and Electric Vehicle Charging Points for all dwellings. Conditions to this effect are recommended if permission is granted.
- 7.48 Overall it is considered that the proposal is an appropriate layout, which would not adversely affect the amenities of adjoining occupiers and would provide an attractive living environment for future occupiers of the development in accordance with Policy CS16 of the HBLPCS and Policy E1 of the Submission HBLP.

(v) Highways and Parking

- 7.49 A number of objections have been raised to the proposal on highways grounds from third parties.
- 7.50 In that regard it is noted that Long Copse Lane does not have any pedestrian footways in the vicinity of the site, but does benefit from street lighting. Long Copse Lane varies in road width along its length, generally wide enough for 2 vehicles to pass. This road is subject to a 30 mph speed limit.

Access

- 7.51 A new access in the form of a vehicular crossover is proposed for the development, off centre to the west. This access would provide visibility splays of 2.4m x 47m to the west and 2.4m x 49m to the east. This would necessitate the removal of some existing hedgerow and planting to be trimmed or replaced behind the visibility splays. This may also necessitate the relocation of the telegraph pole at the front of the site in order to achieve the required visibility splays. A driveway would feed off the access into the development, with a width of approximately 4.8 m to enable two cars to pass one another, with private spurs serving the individual dwellings.
- 7.52 The largest vehicle that is anticipated to service the site is a refuse vehicle. The road layout has been designed to accommodate the swept path turning requirements of an 11.2m long refuse vehicle.
- 7.53 The Highway Authority (HA) has been consulted over the application and has raised no objection on the grounds that the level of development proposed (i.e. 9 dwellings) would "...not have a severe impact on the local highway network." However, the HA has recommended a Construction Management Plan condition, to ensure the development proceeds satisfactorily. If permission is granted, such a condition is recommended.

Parking

- 7.54 As to car parking 21 spaces are proposed, which would include 2 visitor spaces. Cycle storage would also be provided for each property. This level of provision complies with the Havant Car Parking SPD, Policy DM13 of the HBLPCS and Policy IN3 of the SHBLP.

(vi) Ecology Impacts

- 7.55 All development within the Borough is expected to protect, conserve and enhance the Borough's Local Ecological Network. As set out in Policy E14 of the Submission Local Plan development should result in biodiversity net gain and avoid the fragmentation of the Local Ecological Network. The site is designated as a Site of Interest for Nature Conservation. This is a local designation based on the site's botanical value as Semi-Improved Grassland. All protected trees are focused on the site's perimeter.

Site of Interest of Nature Conservation (SINC)

- 7.56 The site is classified as Land East of 54 Long Copse Lane, which supports semi-improved grassland with elements of unimproved grassland and as such its development would be contrary to Policy CS11 of the HBLPCS and Policy E14 of the Submission Local Plan, unless mitigated through compensation measures. A SINC is a non-statutory local nature conservation designation, that does not benefit from legal protection.
- 7.57 The proposal would result in the loss of locally valuable grassland habitat. However, it is proposed that a larger area immediately to the east of the site totalling approximately 1.78 ha, would be used to compensate and mitigate against the loss of the grassland SINC on the application site. The intention is that this management would be paid for by an upfront financial contribution secured by a Section 106 agreement.

7.58 As set out in the submitted Long Copse Lane Management Plan (LCLMP), the management proposals aim to:

- improve management of the existing unimproved neutral grassland, which will benefit the corky-fruited water dropwort;
- increase the grassland area by transplanting turfs from the adjacent SINC designated for its grassland onto areas with tall ruderal vegetation;
- prevent further encroachment of scrub from the hedges around the meadow edge; and
- manage the existing scrub within the site for birds.

7.59 The meadow currently has public access with informal well used footpaths for dog walking, exercise and enjoyment of the outdoor; this access ability would be maintained. With appropriate management, as set out in the LCLMP, the grassland is likely to improve in botanical diversity terms.

7.60 This land was adopted by Havant Borough Council in 2017 as public open space as part of the Redlands Grange housing development scheme and to provide a reptile refuge. The meadow currently has no management plan in place which has become rank and invaded by scrub. The intention of the LCLMP is to enhance and manage the site to provide a larger, more sustainable area of habitat. The proposed compensation strategy would achieve additional ecological outcomes on the land which would not constitute double counting (i.e. they go beyond the normal management procedures for the meadow).

7.61 As to the use of the land to the east to compensate for the loss of the SINC on the site, this has been agreed with Havant Borough Council as landowner outside of the planning process. However, to ensure that the translocation of the SINC goes forward, this would be need to be a requirement of the Section 106 agreement for the site.

Other Ecology Matters

7.62 The application is accompanied by an Ecological Appraisal (EA) and a Management Plan for Long Copse Lane. The Council's Ecologist has been consulted who advised:

"The submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020) provide a sound assessment of the current ecological value of the application site and adjacent scrubby grassland site proposed for enhancement. I am content that sufficient ecological assessment has been carried out and that the ecological value of the application site and adjacent mitigation/enhancement area are understood."

The ecological assessment for the site have highlighted consideration of the following species in particular:

Great Crested Newts

7.63 No ponds were identified within 500m of the site and as such the Ecological Appraisal (EA) concluded great crested newts were absent from the site.

Reptiles

7.64 The semi-improved grassland on the site is suitable for foraging reptiles as there are

open areas for basking and denser areas suitable for refuge. Therefore, the site is considered to be highly suitable for reptiles.

Bats

- 7.65 The EA accompanying the application found that the site had low suitability for foraging and commuting bats.

Badgers

- 7.66 The EA found that the site is considered to have moderate suitability for badgers.

Hazel Dormice

- 7.67 The EA found that due to the limited connectivity and defunct hedgerow network south of Long Copse Lane, the site is considered to have low suitability for hazel dormice.
- 7.68 As to reptile mitigation, suitable habitat would be retained in the hedgerow boundaries, which would be fenced off from the development. The proposed development area would be cleared, with any reptiles found moved to the retained and protected areas.
- 7.69 The proposal would also ensure enhancement and management of the adjacent meadow to compensate for the loss of SINC habitat; the retention and protection of species rich hedgerows with semi improved grassland buffer; the infill of field gates with native woody species to compensate for loss of species poor hedgerow; and lighting design to avoid illumination of retained habitat buffers
- 7.70 The Council's Ecologist has commented on the ecology documents provided and has raised no objection but recommends that the ecological mitigation and management plan is secured by condition, coupled with a construction environmental management plan, the latter of which should include full details of all measures to avoid/mitigate construction impacts on the natural environment during construction. If permission is granted the two conditions suggested by the Council's Ecologist are recommended.

(vii) Flooding/Drainage

Flooding

- 7.71 The applicant has provided a Drainage Strategy and Flood Risk Assessment. The site falls wholly within Flood Zone 1. Overall, the development is considered to be a low flood risk. (<0.1% AEP), and so is suitable for the residential development proposed.

Foul Water Drainage

- 7.72 A 150mm public foul water sewer is located along the western and part of the northern boundary of the site. The proposed development would discharge to the public sewer within the site.

Surface Water Drainage

- 7.73 The site falls from north to south by approximately 3.5m. There is a surface water ditch along the southern boundary falling to the east which turns to the south adjacent the southeast corner of the site and then runs south along the eastern boundary of the Skylark Avenue estate, then to the pond north of Westbourne Road and to the river Ems just east of the pond. (Any discharge consent required from third parties would be

a private matter.) Attenuation tank storage would be located under the lower end of the site road, with a 21/sec outfall to the ditch in the southeast corner. The benefit of the storage on site (to account for a 1 in 100 year flood event and Climate Change) is that in a severe event the site can store run off and discharge slowly and the proposed system should intercept surface water run-off before it reaches the southern boundary and the properties on Lapwing Close, diverting it east and south at the same discharge rate.

- 7.74 The SuDs surface water drainage system would be designed to accommodate a 1 in 100 year + 40% climate change and 10% urban creep rainfall event. Provision of water butts are recommended to be installed to intercept roof water run-off, which should help to reduce the annual volume of surface water discharge.
- 7.75 The maintenance of the SuDs infrastructure would be undertaken by individual plot owners up to the point on any shared drainage assets. Beyond this the surface water infrastructure will be maintained by the estate management company, which would be secured, if permission is granted, via a Section 106 agreement.
- 7.76 The existing flood flow path is north to south across the site. The proposal would maintain this and with attenuation measures there should be no adverse impact on flood flow rates outside the site.
- 7.77 Southern Water has been consulted over the proposal and recommends that details as to foul sewerage and surface water disposal to be approved by the Local Planning Authority in consultation with Southern Water. If permission is granted a pre-commencement condition as to foul and surface water drainage is recommended.

(viii) Impact on Trees

- 7.78 The trees form an important boundary feature with the majority off site and to be retained. The southern boundary forms part of a Group TPO, with individual TPO trees along the eastern, southern and western boundaries. The site layout has responded to these constraints by siting the proposed dwellings at some distance from the site boundaries, in order to respect appropriate root protection areas for the trees in question. 'Low invasive' construction methods are proposed for areas of driveway which sit within those root protection areas.
- 7.79 The Council's Arboriculturalist has been consulted over the proposal and raises no objection, subject to the submitted Method Statement being adhered to; that a pre commencement meeting takes place to agree the protective fencing is in place prior to commencement; details of any services; and details of the final no dig surfacing. If permission is granted, these conditions are recommended.

(ix) Developer Contributions/CIL and S106 requirements

- 7.80 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable, and the appropriate forms have been submitted. The gross increase in new internal floor space for the dwelling has been calculated by the agent as 281.30 sqm, which would generate a CIL liability of £41,692.68.
- 7.81 Consultations have been carried out in relation to infrastructure requirements and these have been addressed in relation to the following areas, which would be the subject of a 106 agreement:

1. Management and maintenance plan for the lifetime of the development for all

- unadopted/communal areas including roads and SUDs and SUDs bond.
- 2. Mitigation packages for the Solent Recreation Mitigation Strategy and for nutrients.
- 3. Off-site compensation and translocation of a SINC on Council land and fees for its management and maintenance
- 4. Permissive Paths and Roads
- 5. HBC Monitoring fee

(x) Overall Conclusions and Planning Balance

- 7.82 The proposal conflicts with the most relevant policies within the development plan, namely HBLPCS Policies CS11, CS16 and CS17 and Policies AL2 and DM20 in the Allocations Plan in that the site is not allocated for residential development. However, due to the lack of a 5 year housing land supply, the policies which are most important for determining the application are out-of-date. This triggers the 'tilted balance' which means it is necessary to determine whether the proposal would cause significant and demonstrable harm, which outweighs the benefits.
- 7.83 The proposal would be on a greenfield site outside the urban area boundary for Emsworth and, in this respect, delivery of homes on the site would not accord with the spatial strategy within the development plan. However, very limited weight is afforded to the conflict with both HBLPCS policy CS17 and ALP Policy AL2, and the NPPF. This is due to their reliance on these urban area boundaries predicated on out-dated levels of housing need.
- 7.84 The site is not allocated for housing in the Submission Local Plan, albeit it is located within the settlement boundary for Emsworth. Due to the status of the Submission Local Plan, only limited weight can be given to the policies in this plan, albeit these policies do indicate the Council's direction of travel. Nonetheless, refusal of the application of the grounds of prematurity in terms of the local plan examination would not be legitimate in light of the provisions of paragraph 49 of the NPPF.
- 7.85 The landscape is of local value and there would be some harm arising both to existing landscape character and to visual amenity arising from the urbanisation of the site. However, the landscape character and visual impact of the proposal would be visually contained and localised, due to existing trees along the boundaries; whilst the development of the site would provide additional landscape planting as a condition. As such limited weight is given to this harm and the conflict with HBLPCS Policy CS16 which requires development to demonstrate that it integrates with existing local landscape features.
- 7.86 The proposal would result in the loss of a SINC on the site. However, this would be compensated for and mitigated by the enhancement and management of the adjacent meadow to the east. Due to the compensation and mitigation package that the development would secure, moderate weight is given to the loss of the SINC on the site.
- 7.87 Enhancements are proposed to biodiversity on the site which include the retention and protection of species-rich hedgerows with semi-improved grassland buffer; infill of field gate with native woody species to compensate for loss of species poor hedgerow; lighting designed to reduce the impacts on bats; and bat and swift boxes. The provision of these net bio-diversity gains is given moderate weight in accordance with HBLPCS Policy CS 16 criterion (1b).
- 7.88 The proposal would not offend other development plan policies, including relating to designated European Habitats, accessibility and highway safety.

- 7.89 Overall, the resulting policy conflicts are such that the proposal cannot be regarded as to accord with the principle of the development plan.
- 7.90 It is therefore necessary to consider whether there are material considerations that would determine the proposal otherwise in accordance with the development plan.

Public Benefits

- 7.91 The Planning Practice Guidance advises that, 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework.
- 7.92 Amongst the benefits of the proposal would be the provision of homes in a Borough which does not currently have a 5 year supply of deliverable housing sites.
- 7.93 It is clear that the Council will not be able to significantly boost its supply of homes and meet its housing needs without the development of currently unallocated greenfield sites beyond existing development boundaries. The Housing Delivery Test results for 2021 mean that housing delivery in Havant Borough is substantially below the expectation in the Framework and the Borough's housing needs continue to not be met. The proposal would contribute towards rectifying this situation.
- 7.94 The Framework is clear that the Government's objective is to significantly boost the supply of homes to meet peoples' housing needs. The scheme would provide 9 units of much-needed housing, which if permission is granted, would be built within five years. This is considered to be a material consideration of substantial weight. The proposal would provide housing for future residents with access to local services and facilities. As such, substantial weight is given to the provision of housing on the site.
- 7.95 The compensation and mitigation package for the 'relocated' SINC on a piece of land to the east, would secure its enhancement and maintenance to provide a larger more sustainable area of this habitat. Modest weight is given to this compensation and mitigation package.
- 7.96 Proposed enhancements to biodiversity include retention and protection of species-rich hedgerows with semi-improved grassland buffer; infill of field gate with native woody species to compensate for loss of species poor hedgerow; lighting designed to reduce the impacts on bats and bat and swift boxes. The net biodiversity gain resulting from the proposal is supported by Framework paragraph 174(d) and affords this benefit moderate weight.
- 7.97 The development would result in supporting direct and indirect jobs during construction, with additional contributions to the economy generally through the activity and spending of future occupiers. Although the economic benefits may be ones that would result from any residential development, they are nonetheless important and are ones to which moderate weight is attached.
- 7.98 The development would include electric vehicle charging points, water efficiency and low carbon design measures, which would be secured by conditions. Some weight is given to these measures given their support within paragraph 152 of the Framework which requires the planning system to support the transition to a low carbon future.
- 7.99 Overall, the delivery of the proposed housing would yield social, economic and environmental benefits. Furthermore, it is considered that the public benefits would

be of sufficient importance to outweigh the harm that would arise to the impact in this location outside of the Borough's settlements.

Tilted Balance

- 7.100 By virtue of the absence of a 5 year housing land supply and the Council's most recent Housing Delivery Test result (i.e. 3.9 year housing land supply), the tilted balance under paragraph 11 d) of the Framework is engaged. Therefore, the policies most important for determining the application are out-of-date. The relevant approach is to consider the balance in accordance with paragraph 11d)ii). This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.101 Framework paragraph 174(b) requires planning decisions to recognise the intrinsic character of the countryside, trees, biodiversity and woodland. Given that the landscape and site harm would be localised, limited weight is given to this harm.
- 7.102 Weighing against this negative impact, there is substantial policy support for the development within the Framework given the economic, social and environmental benefits of the proposal as variously set out above. The presumption in favour of sustainable development, as set out at paragraph 11d)ii) of the Framework, provides very substantial weight in favour of the proposal.
- 7.103 Overall, it is considered that the conflict with the development plan as a whole is outweighed by other material considerations and the public benefits listed above. In particular the delivery of housing to contribute towards the Council's 5 year housing land supply, which must be given substantial weight.
- 7.104 To conclude, having regard to all material planning considerations, it is considered that the adverse impacts of granting planning permission in this instance would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

8 Overall Conclusions and Final Planning Balance

- 8.1 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.
- 8.2 The need to significantly boost the supply of housing in Havant Borough is a substantial material planning consideration, particularly in the absence of a five year supply of deliverable housing sites, with Paragraph 69 of the NPPF recognising that small sites can make an important contribution to meeting the housing requirements for an area and are often built out relatively quickly. The various economic, social and environmental benefits of the proposal set out above also weigh in favour of the proposal. In the balancing exercise, it is considered that the harm resulting from the impact of the development on the site and the landscape is limited. Furthermore, these adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal as set out at paragraph 11d)ii) of the Framework. As a result, there is a clear presumption in favour of planning permission being granted.
- 8.3 Overall, it is considered that the conflict with the development plan as a whole is

outweighed by other material considerations and it is recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01376 subject to:

(A) completion of the Section 106 Agreement as set out in paragraph 7.81 above (for which authority is given to the Head of Legal Services to complete the Agreement); and

(B) the conditions set out below (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision)

General

- 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:

Plans

Site Layout Plan – 01L
Plot 1 - Plans & Elevations - Drawing No. 02A
Plot 2 - Plans & Elevations - Drawing No. 03C
Plots 3 & 4 - Plans & Elevations - Drawing No. 04D
Plot 5 - Drawing No. 05C
Plots 6 & 7 - Drawing No. 06B
Plots 8 & 9 - Drawing No. 07B
Site Section from South to North (plot 4) D-D - Drawing No. 10C
Site Elevation from Long Copse Lane - Drawing No. 09 d
Street Scene Drawing.

Documents

Arboricultural Implications Assessment and Method Statement dated 3/2/2022 by Barrie Draper
Ecological Appraisal by WYG dated November 2021
Reptile Survey by WYG dated November 2021
Long Copse Management Plan by WYG dated 26 May 2020
Technical Note by Tetra Tech dated 17/8/21
Planning Statement dated November 2021 by Nova Planning
Drainage Strategy and Flood Risk Statement dated 3/2/2022 by Aqua Callidus
Road Safety Audit Report dated December 2020 by Fenley
Transport Statement dated November 2021 by Nick Culhane
Swept Paths Analysis Using 11.2m Refuse Freighter Vehicle – Drawing No. NJC-001 C

Reason: - To ensure provision of a satisfactory development.

3. Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020 unless otherwise agreed in writing by the Local Planning Authority).

Reason: to protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policies E14 and E15 of the Submission Havant Borough Local Plan .

4. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or roof conversion shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring properties, the protection of trees and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1, E18 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

5. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the buildings hereby permitted the windows in the first floor on the side elevation facing west, on Plots 1 and 5 shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 201, Policies E1, E18 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

6. The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development 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, Policy IN3 of the Submission Havant Borough Local Plan, Policy ENP M1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

Pre-commencement Conditions

7. No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;
 - (f) Protection of pedestrian routes during construction;
 - (g) Location of temporary site buildings, compounds, construction material and plant storage areas;
- Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

8. Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP.
Reason: to protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policy IN3 of the Submission Havant Borough Local Plan.
9. Prior to the commencement of development activities, a detailed Ecological Mitigation & Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All EMMP measures shall be in accordance with those detailed within the Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020) unless otherwise agreed in writing by the local planning authority. The EMMP shall include (but not necessarily be restricted to): grassland translocation (to include details of preparatory works, translocation methods and timings, aftercare); details of all habitat and species mitigation measures; details of the ongoing management of all compensatory/enhancement habitat; location, type and number of all bat/bird boxes and other ecological enhancements; details of lighting. All ecological compensation/enhancement measures shall be installed/implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.
Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF, Policy CS 11 of the Havant Borough Core Strategy March 2011 and Policies E14 and E15 of the Submission Havant Borough Local Plan.
10. Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Assessment & Method Statement by Barrie Draper dated 25 November 2021 and the Tree Protection Plan shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.
Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.
11. Prior to development commencing details of the services and the final no dig surfacing shall be submitted to approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority
Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning

Policy Framework.

12. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.
Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
13. Not to commence development until there is a binding provision with the landowner for the ecological compensation provision on land edged blue on the Site Layout Plan, which shall be submitted in writing to the Local Planning Authority.
Reason: In the interests of nature conservation and biodiversity net gain, and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E14 of the Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

Above ground

14. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.
15. Notwithstanding any description of landscaping shown on the Site Layout Plan no above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

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

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- retaining structures or steps

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E3 of the Submission Havant Borough Local Plan Policy ENP D1 and ENP D7 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework

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

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

Pre-occupation

17. 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 Policies E14, EX1 and E12 of the Submission Havant Borough Local Plan.

18. No part of the development 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, Policy IN3 of the Submission Havant Borough Local Plan, Policy ENP DI of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

19. Prior to occupation, notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved Site Layout Plan

drawing number 01L and these visibility splays shall be kept free of obstruction and thereafter maintained and retained.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

20. Prior to the occupation of the development full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework
21. No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and future occupiers of the development having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.
22. Prior to occupation of the development hereby approved details of Swift and Bat boxes to be on installed on all of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The approved Swift and Bat boxes shall be installed in full accordance with the approved details before the occupation the dwelling and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of nature conservation and biodiversity net gain and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, policies E14 and E15 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

Post occupancy

23. 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 Policies E14, EX1 and E12 of the Submission Havant Borough Local Plan.

Appendices:

- (A) Location Plan
- (B) Site Layout Plan
- (C) Site Elevations
- (D1) Plot 1 Plans and Elevations
- (D2) Plot 2 Plans and Elevations
- (D3) Plots 3 and 4 Plans and Elevations
- (D4) Plot 5 Plans and Elevations
- (D5) Plots 6 and 7 Plans and Elevations (Plots 8 and 9 similar)