
Site Address:	Land South of Lower Road & West of Old Manor Farm, Bedhampton		
Proposal:	Outline planning application for up to 43 dwellings, with access from Lower Road and associated landscaping, open space and allotments, and all other matters reserved.		
Application No:	APP/21/01071	Expiry Date:	N/A
Applicant:	Bargate Homes and Vivid Homes		
Agent:	Steven Brown	Case Officer:	Leanne Richardson
Ward:	Bedhampton		

Reason for Committee Consideration: The application is contrary to the provisions of the adopted development plan.

Density: 29 dwellings per hectare(dph)

HPS Recommendation: That had an appeal not been lodged, the Committee would have been minded to **REFUSE PLANNING PERMISSION**

Foreword

This outline planning application was originally made valid in October 2021 and has been the subject of a number of agreed extensions of time in respect of the determination period of the application.

However, in August 2022 the applicants, Bargate Homes and Vivid Homes, lodged an appeal with the Planning Inspectorate, stating that the statutory period in which to decide the planning application had not been met by the Council. The Inspectorate confirmed that the appeal was valid on 7th February 2023, and the Appeal Hearing has been set for 9th – 10th May 2023.

With a valid appeal now in progress, the determination of the planning application no longer rests with the Council. However, the Planning Committee still needs to resolve what its decision would have been, if it were able to have determined the application itself, as this will form the basis of the Council's case in the appeal proceedings.

This report is therefore being presented to the Committee to establish its position.

Executive Summary

Planning permission (Reference APP/19/00427) for the development of 50 dwellings ('Phase 1') was allowed on appeal (APP/X1735/W/20/3259067) on land immediately east of the application site. The current proposal is an Outline Planning Application for up to 43 dwellings with the proposed access taken from the Phase 1 development off Lower Road and associated landscaping, open space and allotments, with all other matters reserved. The current proposal would essentially be seen as an extension to the approved Phase 1 development, which is under construction.

The site is located to the south of Lower Road and south-west of Old Manor Farm and is adjacent to a detached section of the Old Bedhampton Conservation Area to the north. To the east is the Phase 1 development. To the west is the A27 and A3(M) and to the south is a railway line which provides services between Portsmouth and London.

The site was previously identified as a Candidate Site and before that a Secondary Support Area in line with the Solent Waders and Brent Geese (SWBG) within the Brent Goose and Wader Strategy (October 2018) (SWBGS). However, its classification has since been updated to 'no recorded use' which has been accepted by Natural England and the Solent Waders and Brent Goose Strategy Steering Group. This reflects four years of good survey data which has led to the reclassification of the site as 'no recorded use'. Therefore, no direct impacts would need to be assessed or mitigation required.

The site is also covered by an Area Tree Preservation Order.

In terms of the principle of development, the site is not allocated in the development plan for residential development. However, since the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan) were adopted the Housing Delivery Position Statement (HDPS) recognises that further sites will be needed in the short term in order to meet housing need and significantly boost housing supply.

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 adopted policy, however, the NPPF and the Borough's acute 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 applied.

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

The site has been assessed against the three overarching objectives for sustainable development in the National Planning Policy Framework 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 indicative layout has been assessed in terms of its impact on the character and appearance of the area and it is concluded that, subject to the final design and layout (reserved matters) there would be an acceptable impact on the surrounding landscape and from public vantage points

The development proposed by this planning application is not included within the housing land supply calculations and as such there would be a gain of 43 units to address the five year housing supply requirement. In this case the proposed scheme would contribute up to 0.06 (rounded) years supply. This is a material consideration of great weight, especially in light of the acute need for affordable housing and the 30% contribution of this scheme and falls to be part of the planning balance in the determination of this planning application.

The proposal is supported by specialist reports in respect to the key issues, including a heritage statement, landscape impact, ecology, archaeology, highways and drainage. Full

publicity has been undertaken on the application including consultation, notification of neighbours and site notices.

The proposal is for a cul-de-sac development with the housing mix to be considered at reserved matter stage. The building heights would generally be 2 storeys and would be constructed in materials to compliment the Phase 1 development. 30% affordable housing provision would be secured from the development to meet the Council's adopted policies. Vehicular access would be achieved through minor changes to the Phase 1 site layout. Pedestrian and cycle links connect the site to Lower Road with proposed connection around the communal open space, which would provide a children's play area, allotments and community garden which provides opportunities for outdoor activity.

The site area extends to 4.07ha of which 2.21ha will be dedicated open spaces comprising play, community gardens / allotments, hedgerows and buffer planting and space for SuDS. The public open space areas will connect with the wider Phase 1 development to provide play space and landscape features. The developable area is 1.46ha and the proposed density is 29 dwellings per hectare (dph). The indicative layout is considered acceptable in principle subject to appropriate details at the reserved matters stage.

With regards to highway impacts, following an initial response from the Highway Authority dated 7th December 2021, a Technical Note (TN1) and outline Construction Traffic Management Plan (CTMP) was submitted. Subsequent discussions were held between the applicant and the Highway Authority which led to a follow up note (TN2) to address the remaining points. The Highway Authority conclude that the additional information suitably addresses previous objections and the Highway Authority do not consider that the development will lead to an unacceptable impact on highway safety or a severe impact on the road network. It is therefore concluded that highway impacts have been considered in detail and it is considered that the site is sustainable in transport terms, subject to the mitigation measures and works secured by the associated S106 agreement and condition requirements.

The impact, including access, of the development on Heritage has been carefully assessed. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. Whilst the site in question does not lie within the Old Bedhampton Conservation Area, it does affect that Conservation Area's setting. It is therefore relevant to take account of paragraph 194 of the NPPF, which states '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration, destruction, or from development within its setting), should require clear and convincing justification*'.

The Council's Conservation Officer has identified that less than substantial harm (at the moderate level of the spectrum) would result to the setting of the Conservation Area. The Conservation Officer advised, however, that this parcel of land is further west than the Phase 1 development and the views are already constrained by existing development to the north and that the illustrative layout is more urbanised and does not reflect the rural character of the setting. In accordance with the NPPF, that is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

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

Ecological impacts have been appropriately mitigated and conditions are recommended to secure provision of a single, site-wide ecological mitigation strategy.

The site is in flood zone 1, however the Lead Local Flood Authority have raised concern that the surface water drainage strategy relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels during winter. Shallow infiltration was found to not be possible at this site due to slow infiltration rates in the superficial deposits, and no watercourses are present nearby. Whilst a number of rounds of additional information have been submitted by the applicant with regards to surface water drainage in an effort to overcome the LLFA's concerns, the LLFA's most recent response (13th February 2023) confirms that their holding objection still stands. In light of this, it must be concluded that the development has not demonstrated that it can be satisfactorily drained, and that in the absence of such information there would be a significant and demonstrable adverse effect arising from the development such as to outweigh the presumption in favour of granting planning permission.

Were the application proposals to have been found to be favourable, a package of infrastructure requirements would have needed to be secured in relation to the development via a S106 legal agreement in order to ensure that the proposal constitutes sustainable development. As the proposals are not acceptable on the basis of the inappropriate drainage strategy proposed in this case, the absence of binding arrangements to secure those infrastructure requirements must be raised as a further reason for refusal, albeit one that may be resolved as the matter progresses towards the Appeal Hearing.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development. The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development.

The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The consultation response from Natural England in relation to this conclusion is awaited at the time of drafting this report.

To conclude, it is considered that the scheme would contribute to the need to significantly boost the supply of homes within the Borough which must be afforded substantial weight in the overall planning balance. It is acknowledged that the indicative layout would result in less than substantial harm upon designated heritage assets. However, in assessing the proposal against the adopted local plan, the National Planning Policy Framework (NPPF), and given the need to maintain a five year supply of deliverable housing sites, the principle of the use of the site for residential purposes could, in theory, be supported. However the failure of the proposals to set out a suitable drainage strategy for the development means that significant and demonstrable adverse effects are liable to arise from the development such as to outweigh the presumption in favour of granting planning permission.

It is therefore concluded that the appropriate response to the appeal proceedings would be to inform the Planning Inspectorate that had an appeal not been lodged the Local Planning Authority would have been minded to refuse outline planning permission for Application APP/21/01071.

1. Site Description

- 1.1 The application site comprises the western part of a parcel of land located south of Lower Road in Bedhampton. It is bounded by a development of 50 dwellings currently under construction to the east; the railway line to the south; the A27 and the junction of the A3(M) to the west; and immediately to the north of the site (to the south side of Lower Road) is a small industrial complex including a large shed and external storage areas.
- 1.2 The site lies to the west of the Havant/Bedhampton residential area and to the north of Langstone Harbour and comprises approximately 4.02ha of agricultural land. It is located circa 1km west of Bedhampton railway station, Bidbury Mead Recreation Ground and Bidbury school. Bedhampton is predominantly a low rise residential area, of varying styles and materials.
- 1.3 Whilst the application site falls outside of the Old Bedhampton Conservation Area, the boundary of the Conservation Area includes the Old Manor Farm site, which is located immediately to the north-east of the site.
- 1.4 Along Lower Road, further to the north of the site are a number of dwellings which vary greatly in their vernacular style. Dwellings range from small period terraced cottages to large detached two storey houses, with a number of single storey and chalet style bungalows.
- 1.5 To the east of the site lies a development of 50 dwellings currently under construction beyond which is the Old Bedhampton Conservation Area, divided into two by the railway line which was constructed in 1847. Compared to the density of Bedhampton as a whole the density of the Conservation Area is relatively low and features a number of character buildings. The materials found in the Conservation Area are predominantly brick with tiled roofs, some with parapet detailing as with The Old Rectory and Bidbury House. Most buildings do not exceed 2.5 storeys and generally feature a pitched roof structure. A Heritage Statement has been submitted in support of this planning application.
- 1.6 The site, which is located within Flood Zone 1, is covered by an Area Tree Preservation Order in respect to the mature conifer trees on the northern boundary adjacent to Lower Road.

2. Planning History

- 2.1 There is no relevant planning history for the site, however, the relevant planning history for the adjacent site to the east is as follows:
- 2.2 APP/20/01031: Development of 50 new dwellings together with access, landscaping and open space (Revised scheme). Refused 14 January 2021 for the following reasons:

1. The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011,

Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

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

- 1. Affordable Housing*
- 2. S106 monitoring fee*
- 3. Open Space, orchard, children's allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner*
- 4. Solent Recreation Mitigation Strategy contribution currently £33,975.70*
- 5. SUDS bond*
- 6. A contribution towards Health of £8,000*
- 7. Mitigation Payment to the SWBGS of £329,036.40 for loss of secondary support habitat*
- 8. Permissive paths*
- 9. A contribution towards a Community worker of £12,500*
- 10. Delivery of site access works via a S278 agreement, prior to commencement of development.*
- 11. Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.*

The carrying out of the development in the absence of such provision would result in an unsatisfactory and unsustainable form of development having due regard to Policies CS1, CS7, CS8, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM13 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011; Policies DM20, DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014; the Conservation of Habitats and Species Regulations 2017 (as amended); and the National Planning Policy Framework.

2.3 APP/19/00427: Development of 50 new dwellings together with access, landscaping and open space. Refused 26 March 2020 for the following reasons:

1. The proposed development would adversely affect the open character and appearance of the setting to this part of the Old Bedhampton Conservation Area by reason of the scale of the development and the loss of agricultural land which provides a setting to the Conservation Area. These adverse effects are not outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

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

- 1. Affordable Housing*
- 2. S106 monitoring fee*
- 3. Open Space, orchard, children's allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner*
- 4. Solent Recreation Mitigation Strategy contribution currently £33,975.70*

- 5. SUDS bond
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- 7. Permissive paths
- 8. A contribution towards a Community worker of £12,500
- 9. Delivery of site access works via a S278 agreement, prior to commencement of development.
- 10. Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.

The carrying out of the development in the absence of such provision would result in an unsatisfactory and unsustainable form of development having due regard to Policies CS1, CS7, CS8, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM13 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011; Policies DM20, DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014; the Conservation of Habitats and Species Regulations 2017 (as amended); and the National Planning Policy Framework.

2.4 Application APP/19/00427 was, however, the subject of an appeal to the Planning Inspectorate. Following a Public Inquiry held on 2nd – 5th February 2021, the appeal was allowed and the development was granted planning permission.

2.5 A copy of the Appeal Decision is attached at Appendix D to this report, with the Inspector's 'Final Planning Balance' concluding:

“130. I have found the proposal conflicts with the development plan as a whole. However, whilst I recognise the importance of the plan-led system, 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.

131. I acknowledge the strength of local opposition to the proposal and have given significant consideration to the many concerns raised.

132. I also acknowledge that the principle of developing the site with the quantum of development proposed is currently supported by the emerging plan. Nevertheless, given the potential for modifications to Policy H20, I afford that policy's support for the development only limited weight.

133. There is, however, substantial policy support for the proposal 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.

134. As such, overall, I find that the conflict with the development plan as a whole is outweighed by other material considerations.

2.6 The development granted permission under APP/19/00427 is now under construction, and for the purposes of this report is referred to as 'Phase 1', given that it is being developed by the applicants in this case.

3. Proposal

- 3.1 The proposal seeks outline planning permission with all matters reserved except for access for the erection of 43 dwellings including a 30% provision of affordable homes, provision of public open space, play area, community garden/allotments and associated infrastructure.
- 3.2 The Outline Application seeks consent for the principle of residential development with all matters reserved except for access. If planning permission is granted, a 'Reserved Matters' application will be required to consider the Appearance, Landscaping, Layout and Scale of the development. It is however critical at this stage to consider whether the quantum of development proposed is acceptable and can be appropriately provided on this site together with securing the necessary infrastructure to support that level of development. The application is accompanied by a masterplan which seeks to demonstrate how the level of development could be accommodated.

Nature of housing proposed

- 3.3 The development, which would be accessed through an extension of the existing cul-de-sac within the Phase 1 development, would provide a mix of house types and sizes. In relation to Affordable Housing the development would meet the Havant Borough Local Plan requirement for a minimum of 30% affordable housing. Of the 43 dwellings, 13 units would be delivered as affordable units. The proposed dwellings would primarily consist of two storey dwellings.
- 3.4 No indicative housing mix has been provided with this Outline Application, but it is recognised that mixed communities would be created together with an appropriate mix of affordable housing within the development at the Reserved Matters Application stage.

Open Space

- 3.5 The indicative Masterplan shows development grouped in three parcels with open space provided to the west and south of the dwellings. A children's play area and community garden and allotments are located towards the southern section of the site.

Access

- 3.6 The indicative layout shows access would be provided through an extension of the existing cul-de-sac within the Phase 1 development in the north-eastern corner. A circular footpath is shown around the periphery of the site with a new indicative pedestrian access providing connectivity to the development to the east.

Drainage

- 3.7 Sustainable Drainage Systems (SuDS) are shown on the indicative Masterplan, in the open space to the south.
- 3.8 The application is accompanied by a masterplan which seeks to demonstrate how the level of development could be accommodated together with a suite of supporting information including the following:

- Planning and Design & Access Statement

- Statement of Community Involvement
- Flood Risk and Drainage Assessment
- Ecological Reports
- Transport Assessment
- Residential Travel Plan
- Landscape and Visual Appraisal
- Geo-Environmental Assessment
- Archaeological DBA
- Heritage Statement
- Noise Assessment
- Tree Surveys & Reports
- Draft Heads of Terms

4. Policy Considerations

National Planning Policy Framework (2021) Planning Practice Guidance

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

The NPPF is supported by Planning Practice Guidance on the Gov.UK website across a variety of topics.

Havant Borough Local Plan (Core Strategy) 2011

- CS1 (Health and Wellbeing)
- CS8 (Community Safety)
- CS9 (Housing)
- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
- CS14 (Efficient Use of Resources)
- CS15 (Flood and Coastal Erosion)
- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS19 (Effective Provision of Infrastructure)
- CS20 (Transport and Access Strategy)
- CS21 (Developer Requirements)
- DM1 (Recreation and Open Space)
- DM10 (Pollution)
- DM11 (Planning for More Sustainable Travel)
- DM12 (Mitigating the impacts of Travel)
- DM13 (Car and Cycle Parking on Residential Development)
- DM15 (Safeguarding Transport Infrastructure)
- DM6 (Coordination of Development)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

DM18 (Protecting New Development from Pollution)

DM23 (Site for Brent Geese and Waders)

DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Housing Delivery Position Statement March 2022

The site is one to which Decision Making Principles 4 and 5 of the Council's adopted Housing Delivery Position Statement applies (see Planning Policy consultation response below).

Listed Building Grade: No Listed Buildings lie within the application site.

Conservation Area: Site lies adjacent to the Old Bedhampton Conservation Area

5 Statutory and Non Statutory Consultations

Planning Policy (updated 15th September 2022)

NB: Policy comments were originally provided in November 2021. The position with regard to the emerging Local Plan then changed, with the Havant Borough Local Plan being withdrawn in March 2022. The following comments are written to address this material change in the local policy position.

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.

Following the receipt of the Inspectors' Interim Findings, the Examination was concluded, and the Havant Borough Local Plan was formally withdrawn from Examination on the 16th March 2022.

The Council's Housing Delivery Position Statement is also of relevance to the application proposals which was adopted by the Council on 16 March 2022, which is a material consideration in the determination of this application.

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

Principle of Development

As you will be aware, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development in these locations, except in exceptional circumstances. I do not consider that any of the exceptions in the policy apply here, the proposal being a major residential development on greenfield land.

The Housing Delivery Position Statement (HDPS) does, however, recognise that further sites will be needed in order to meet housing need and significantly boost housing supply in the short term. In accordance with Decision Making Principle 4 of the HDPS, development proposals not in Table 1 and not in accordance with the Development Plan will be considered in line with paragraph 11 d) of the NPPF and will need to demonstrate that they constitute 'sustainable development' in accordance with the NPPF, by demonstrating that:

- *The remaining requirements of the Development Plan and decision making principles set out in this Statement are complied with; and*
- *There will not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s).*

In addition to the above, proposals will need to demonstrate that they are deliverable in line with the definition in Annex 2 of the NPPF.

Five year housing land supply

Following the receipt of the Inspectors' Interim Findings report, 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.

It should also be noted that there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone in combination with other plans or projects) in accordance with paragraph 182 of the NPPF.

The proposed scheme is not in the five year supply in whole or part. As such, there would be a gain of 43 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

43 dwellings / 725.2 dwellings = 0.057 years

In this case, the scheme would contribute up to 0.06 years' supply of housing (rounded). This must be afforded great weight in the overall planning balance.

Nonetheless, it is noted that the current application is in outline form. As such, whilst the principle of development is not supported in policy terms, if planning permission is granted, a condition should be attached requiring a shorter than standard timeframe for the submission of a valid reserved matters application.

Density

Paragraph 2.19 of the HDPS indicates that it will be necessary for proposals to demonstrate they constitute sustainable development by demonstrating compliance with the remainder of the Development Plan and Decision Making Principles. In particular Decision Making Principle 5 indicates that residential development will be expected to provide a minimum of 40 dwellings per hectare based on a net developable area. This is discussed in further detail below.

Based on a net developable area of 1.46 hectares, the site would have a density of 29 dwellings per hectare (dph) which would be below the minimum density standard of 40 dph. However, it is also relevant to consider whether the design response is appropriate in the context of site-specific constraints and local character. In this respect, the Council's Conservation Team has commented that the further consideration could be given to the design layout going forward to reflect a more rural character akin to the scheme already approved. The Council's Environmental Health team has requested further information in relation to the design and layout of the properties and the details of the mitigation measures required in the context of nearby noise sources, notably the railway to the south and the A3(M).

Best and most versatile agricultural land

As the proposal relates to a greenfield site outside the settlement boundary, a soil survey was previously requested to demonstrate whether the site is (in whole or part) BMV agricultural land. The submitted report from Reading Agricultural Consultants indicates that overall the site is classified as Subgrade 3a, although Grade 2 and Subgrade 3b are also present.

High Quality Design and Heritage

The north eastern extent of the site would lie in close proximity to the Old Manor Farm buildings which form part of the Old Bedhampton Conservation Area. As such, the development proposals would be expected to address the nearby heritage assets and their setting, and conserve and enhance them. The allocation for the adjacent land (Policy H20 in the previous Havant Borough Local Plan) specifically required the submission of a full detailed planning application to ensure the impacts on heritage assets are minimised. It is noted that this application has been submitted in outline form.

Ecology

The site was previously identified as a Candidate Site and before that a Secondary Support Area in line with the Solent Waders and Brent Geese (SWBG) within the Brent Goose and Wader Strategy (October 2018) (SWBGS). However, its classification has been updated to 'no recorded use'. This reflects four years of good survey data which has led to the reclassification of the site as 'no recorded use'. Therefore, no direct impacts would need to be assessed or mitigation required.

The western extent of site also lies in an Opportunity Area as defined by the Local Ecological Network Map where there are opportunities to recreate or restore habitats. The Council's Ecologist will be able to provide further advice on this matter.

Source Protection Zones

The site is located close to, but outside of a Source Protection Zone 1. It is noted that there are multiple mapped 'solution features' within 500m of the site. The Environment Agency and Portsmouth Water will be able to provide further advice in terms of where solution features are present, and if any conditions should be imposed.

The site also lies close to, but outside a Principal Aquifer and the developer should be aware of the possible constraints to construction methods with regard to protection of the water environment in line with advice from Portsmouth Water.

Developer Requirements

In order to justify a departure from the Development Plan, the proposals will be expected to demonstrate compliance with the development quality standards set out under Decision Making Principle 5. These developer requirements replicate those included in those in the now withdrawn HBLP; as such it can reasonably be expected that the submitted application proposals will have been informed by the policy expectations in the Plan. It is noted that the applicant has submitted a 'development quality standards' checklist which sets out how their application complies with the requirements of Decision Making Principle 5.

Conclusion

As you are aware, there is an 'in principle' policy objection to the application proposals in the context of the adopted local plan. The site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply to housing. The Council's HDPS does however, acknowledge that further housing sites will be needed to meet housing need and to significantly boost housing supply in the short term (see Decision Making Principle 4).

Whilst the Council is not currently able to demonstrate an up-to-date five year housing land supply position, Decision Making Principle 1 confirms the development plan remains the starting point in decision making. The development proposals will need to demonstrate that it constitutes 'sustainable development', including that there would not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s). In this case, the scheme would contribute 0.06 years' supply of housing and would therefore have the potential to increase the Borough's housing land supply. This must be afforded substantial weight in the overall planning balance.

Planning Policy – Nutrients Team (Revised Comments 3rd January 2023)

I am satisfied that the nutrient budget calculator has been completed correctly which indicates that there is no annual nitrogen load (0kg). In other words, the development is nutrient neutral and there is no need to provide additional avoidance or mitigation measures.

Conservation Officer (7th December 2021)

The Site

The application site comprises the western part of a parcel of land located south of Lower Road in Bedhampton. It is bounded at the south by the railway line and the A27 and the junction of the A3 to the west and Lower Road to the north. Immediately to the north of the site and on the south side of Lower Road is a small industrial complex including a large shed and external storage areas. The Manor Farm complex is located to the north east of the application site. This is also known as Character Area 5 of the Old Bedhampton Conservation Area. The other character areas of the conservation area are located north and east of Lower Road.

Planning permission has recently been granted for the land immediately east of the application site for the construction of 50 dwellings, with access from Lower Road.

Legislation and Policy Considerations

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (July 2021) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site'.

Policy DM20 of the Allocations Plan states that planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.
2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation may be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

(Officer comment: It should be noted that the Draft Local Plan 2036 has been withdrawn since these consultee comments were written, and Emerging Policy E13 therefore no longer applies to this case).

Proposal

The proposal is for a new residential development comprising 43no. dwellings, with access taken from the adjacent site which already has planning approval. The site layout includes open space on the south and west boundaries. The application is only for outline approval at this stage and no details of housing types and materials etc are being proposed at this stage.

Assessment

With regards to the application for the adjacent parcel of land, the heritage position was that the overall extent of harm to the setting of the consideration area, would be

'less than substantial'. In line with the NPPF, this means that the harm caused would not result in the total loss of significance of the heritage asset (that being the conservation area, including its setting).

The application was refused by the Local Planning Authority, but subsequently allowed at appeal stage. The Planning Inspector (PI) agreed that the development would result in less than substantial harm to the CA at a moderate level within the spectrum, and that the benefits of the scheme were of sufficient importance to outweigh the level of harm to the setting of Character Area 1 (CA1) – the historic core and to Character Area 5 (CA5). The PI agreed that the site did not form part of the setting of the group of listed buildings within the historic core of the CA.

The site now being proposed for development, is located to the immediate south west of the already approved development and south west of Character Area 5 (CA5) of the CA. It is an undeveloped parcel of land which currently contributes to the setting of CA5, along with the other field parcels. This field parcel is bounded on two sides by transport infrastructure and has a small industrial estate located to the north, separating it from Lower Road.

The proposed development would result in the further loss of part of the setting to CA1 and CA5 which currently forms part of the former landholding of the farmstead. It would also alter the views from Lower Road and Old Manor Farm, southwards and westwards. As with the previous scheme, it would also affect the understanding of the historical role of the adjacent farmstead, as the creation of additional housing would reduce the associated detachment of the rural setting.

A positive of the adjacent scheme was that the dwellings were generously spaced and designed to create a more rural, farm stead style setting to be in keeping with Old Manor Farm. Furthermore, high quality, traditional materials were incorporated to enhance the rural character of the buildings and their context. The current development site is of a comparable size to that already approved however, the illustrative masterplan shows a tighter knit layout, which in effect creates a more urbanised feel. It is appreciated that a higher level of open space is being proposed on this site however, further consideration could be given to the design layout going forward, which reflects a more rural character, akin to that already approved. It is advised that careful consideration is also given to the use of high quality, appropriate materials.

Overall, it is considered that the proposal would result in harm to the settings of both CA1 and CA5. However, this is deemed to be **'less than substantial harm'** at the moderate level of the spectrum. Although this parcel of land is further west than that previously approved and the views are already constrained by the existing industrial site to the north, the illustrative layout is more urbanised and does not reflect the rural character of the setting. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

Arboriculturalist (5th November 2021)

The boundary trees can be adequately protected by protective fencing measures as demonstrated within the tree protection plan and method statement, therefore I have no objection to the proposal.

Archaeologist

Updated comments (8th April 2022)

Thank you for your consultation regarding the clarified position on archaeological matters. In my original consultation response I raised a number of points of clarification and was pleased to see that there is agreement on the interpretation that I had placed on the discussion, and that my recommendations were considered proportionate. On that basis I am happy to rely on my existing consultation response,

Original comments (26th October 2021)

Thank you for your consultation. I would refer you to the archaeological desk based assessment which has been submitted. I would particularly refer you to those paragraphs that relate to archaeological work on the land immediately to the east of the present application site. This was subject to an archaeological evaluation and subsequently to an open area archaeological excavation to investigate the archaeological remains encountered by that evaluation. The archaeological evaluation found evidence of features of Bronze Age and Iron Age date as well as Roman material indicating that the area was in use in those periods. Subsequent archaeological excavation found evidence of occupation (possibly temporary, seasonal or activity based occupation rather than permanent) and particularly associated with considerable material of Roman date. An enclosure, possibly two, were revealed and an array of post holes or stake holes might indicate some processing activity at the site as might be associated with activity on the periphery of the harbour, such as drying or smoking racks. It seems likely the at the archaeological evidence found to the east represents utilisation of this harbour side landscape, and whilst not necessarily indicative of permanent settlement is indicative of archaeological evidence in the landscape that sheds light on the nature of the landscape and how it has been used over time.

However the report concludes that there is a low to medium potential for prehistoric remains (para 5.9) and a low potential for Roman remains (5.10). This review chimes with para 2.9 which indicates that the high archaeological potential of the land to the east (that is the likelihood of encountering archaeological remains) “has in no way been borne out by the results of the subsequent trial trench evaluation”. Whilst para 4.29 states “The archaeological features identified during the evaluation appear to date primarily from the late Bronze Age to the Iron Age, but also the Romano-British period. The archaeological features were found sparsely distributed, were limited in extent and depth and form no coherent pattern or trend, such as might represent a focus of activity, industry, settlement or discernible monument. They mainly comprised pits, linears representing field boundaries or drainage ditches and two postholes. Nonetheless, the features do provide slight evidence for use of the landscape, which may have been marginal and not suited to permanent exploitation”.

The evaluation having successfully identified archaeological remains and the subsequent archaeological excavation having successfully characterised those remains I suspect that where I have used the term ‘high archaeological potential’ to denote a high potential to encounter archaeological remains (which was borne out by the evaluation) the desk based assessment is referring to perhaps a low potential to encounter archaeological remains of over riding significance. This interpretation would accord with para 5.14 which summarises the archaeological potential “Based on the assessment of the recorded archaeological resource in the study area, it is unlikely that the archaeological resource within the PDA, that is currently unknown & unquantified would represent a risk or constraint to the development i.e. in terms of a requirement for preservation in situ of significant remains”.

I would agree that there is a low potential for archaeological remains to be encountered that would prove overriding to the principle of development, but I would argue that there is a high potential that some archaeological remains will none the less be encountered during development which would merit mitigation.

The conclusion of the desk based assessment para 7.14 offers that “An appropriate archaeological mitigation strategy, trial trenching followed by appropriate area specific preservation by record (as per the necessary investigations on the phase 1 site immediately east) could be undertaken pre- commencement of any development preparation works at the site, the details of which to be agreed in consultation with the archaeological advisor to the local planning authority. Any archaeological work therefore could be carried out under the terms of a standard archaeological planning condition set out with the granting of planning consent”. I would agree. Such an approach proved effective on the land to the easts in identifying, characterising and recording the archaeological remains.

Accordingly I would recommend that archaeological conditions are attached to any planning permission which might be issued. One archaeological condition should secure a preliminary archaeological survey, often known as an evaluation. Another archaeological condition should secure appropriate archaeological mitigation by recording of the archaeological remains identified by that evaluation and impacted by the proposed development.

Environmental Health (6th January 2023)

I refer to the above consultation request for this outline application under the Town & Country Planning Acts passed to this Service for comment.

A noise assessment has been provided with the outline application which indicates that the measurements provided are from a noise survey conducted in September 2021.

It is noted that the daytime and night time noise contour maps (dated 28 March 2019) provided for the adjacent approved site for 50 dwellings under App/19/00427, differ substantially from those provided under the Noise Impact Assessment dated 20 September 2021, in that the LAeq, 16 hour levels are up to 20 dB difference in corresponding areas. It is noted however that in the response dated 21 March 2022 to my colleagues query in regard to the number of proposed dwellings requiring a closed windows approach to meet the recommended internal noise levels, it has been advised that approximately one third of dwellings will be reliant on closed windows.

It is also not clear as to how many will require acoustic trickle vents and / or mechanical ventilation. This will need to be provided at reserved matters stage, if this application were to be approved.

If the Local Planning Authority is minded to approve this application I would ask that the conditions be included in any consent granted, in order that the applicant / developer can address these at full application stage. It should also be noted that any additional conditions or informatives that may be required at the reserved matters or full application stage, will be provided at that time.

Environmental Control Officer (3rd May 2022)

Policy Context

The current status of Havant Borough Council's submission Local Plan 2036/7 is noted, as is the applicants' arguments as to the relative applicability of the Adopted Local Plan (2010) & Allocations Plan (2014). The planning statements makes clear that the development is reliant upon the presumption in favour of sustainable development under the NPPF para. 11.

Whilst I note the strong terms used within para. 11 d) ('granting permission unless the impacts of the development would significantly or demonstrably outweigh the benefits'), I would point out that these terms are qualified by the caveat 'when assessed against the policies in this Framework taken as a whole' – i.e. the key question is not only whether the principle of development is unacceptable due to 'significant and demonstrable harms' but also whether the form of the development proposals, when taken as whole, accord sufficiently with a wholistic interpretation of the policy requirements of the NPPF.

I note that the submitted planning statement (at 7.95, 7.99 & 7.104) aims to provide a steer as the relative weight that should be allocated to the three respective limbs of the sustainable development (NPPF para. 8). Whilst the intention may be to refer to the weight of points made in respect of each limb, rather than the inherent weight given to each limb, the latter is the implicit meaning. I would challenge the implicit principle and highlight that the fundamental weight to be given to the three pillars is intended to be equal as a starting point, and may be tilted toward any of the pillars depending on local circumstances (a view expressed by the Environmental Audit Committee, and reinforced by senior Ministers during discussions about the NPPF definition).

Given the scale of development proposed, I have not appended a full commentary on the applicability of the principles of the withdrawn draft air quality policy (E23), though text is available if needed. It suffices to highlight that the text of policy E23 represents the councils view of how the requirements of NPPF paragraphs 93 b), 105, 119, 130 a) & f), 174 e) 185 & 186 should be met (with respect to air quality and the health impacts of relevant emissions to air-). As a result, the text of E23 still serves as an appropriate guide to- and reference to it's requirements is an appropriate shorthand for- the application of above-referenced adopted NPPF policies, and so will be referred to in the interests of conciseness.

Air Quality

Policy E23 recognises that all new residential development represents additional emissions to an area – locally to the development land as a result of within-dwelling-curtilage combustion (cooking, space & water heating, ad-hoc solid fuel & waste burning), and non-locally through emissions associated with powered transport emissions & peaking electricity supply (within borough) or primary electricity generation demand (wider region). Policy E23 a. aims for all major developments to make a proportionate offset of these associated new emissions, irrespective of either the baseline local air quality or the significance of any magnitude of increase in air pollution at any specific location, and in doing so to contribute to the general emissions reduction targets (referred to within the planning practice guidance, and as required by NPPF policy).

The intent of policy E23 was that emissions offsetting should be additional to the minimum requirements of related policies – i.e. that a wholistic & joined up approach should be taken to the meeting of co-dependent environmental policies, but that ‘direct double counting’ should be avoided.

This approach is compatible with the Bargate Homes Mission Statement quoted at 2.1.1 of the residential travel plan (‘to be better...to focus on the right thing... to have a purpose beyond profit’) and the approach referred to within the Design & Access Statement (‘site wide strategies that embrace sustainable lifestyles such as walking, cycling, greening the public realm’; ‘mitigate the effects of climate change’; ‘our approach to sustainable energy production, mitigating and adapting to climate change is reflected in individual plots and homes through energy use and other technologies’).

Whilst I note the intention to ‘take account of future changes to the Building Regulations and Future Homes Standards when these are implemented’, references to HBC’s housing delivery statement principle 5 i) (local targets for carbon emissions, -19% DER) are limited, and the development principles in this regard are referred to in contradictory terms (i.e. ‘just meet building regs as and when required’ and ‘acknowledge the local requirement, and seek to meet it’). It should be noted that many of the options for meeting principle 5 i) would directly contribute to reductions in local dwelling emissions of other pollutants, which is why they are relevant to Air Quality.

No objections arise to the principle of development, but I would encourage the applicant to place both environmental and social sustainability at the heart of the design philosophy, and to recognise both that these matters are inter-related & co-dependent, and that environmentally responsible design has the potential for a corresponding positive impact on development value (yield). I would recommend that the reserved matters application make clear how:-

- the scheme will meet delivery statement principle 5 i) is to be met, and
- the development design responds to the need to proportionately mitigate other new development emissions (Nitrogen Oxides and Particulates in particular, NOx, NO2, PM2.5 & PM10).

It may be helpful to suggest some development enhancements which could contribute to these objective to maintain local air quality, e.g.;

- Selecting species for landscaping that have an ‘urban tree air quality score’ rating of ‘high’ or ‘medium’ (see Woodland Trust ‘Urban Air Quality’ Apr.2012, or <http://www.es.lancs.ac.uk/people/cnh/UrbanTreesBrochure.pdf>)
- implementing small-scale / low-cost site-wide domestic unit specification enhancements which target reductions in domestic combustion; e.g. wastewater heat recovery (WWHR), upgrade from gas cooking appliances to efficient electrical models (such as induction hobs), substitute traditional gas secondary space-heating appliances with electric.
- where costing does not permit site-wide enhancements (or where preferred), targeted upgrading of affordable units to achieve environmental and social co-benefits from reduced emissions and reduced running costs (increased affordability of occupation) – e.g. WWHR, heat recovery ventilation (MVHR), or supplementing domestic heating/hot water with a direct-solar installation.
- upgrading of a limited number of the private residential units to ‘exemplar’ sustainability standards – including low or zero carbon technologies which

target reductions in domestic combustion &/or grid energy consumption; e.g. direct solar water heating, heat recovery (ventilation MVHR, wastewater WWHR), Heat pump heating appliance (ASHP), electric vehicle charging point, electrical cooking appliances, direct solar, solar PV, or solar PV with domestic battery storage (etc.)

Air Quality – Development as source, impact on local air quality at existing receptors

Policy E23 recognises that developments of fewer than 150 dwellings are unlikely to generate sufficient traffic as to cause a significant deterioration of existing air quality, when considered against the current binding targets (albeit that these are presently under review, and likely to be tightened). There is no basis to require an assessment of the impact of the development upon air quality exposures, as the impact is not expected to be significant to the degree that specific mitigation is required. No objections arise.

Air Quality – Development as receptor, exposure of future occupants to existing sources of air pollution (Adopted policy DM18, withdrawn draft policy E22)

The outline development is sufficiently set back from the principle existing sources of air pollution, that exceedances of current binding air quality targets is unlikely. No objections arise.

Air Quality – Sustainable & Active Travel, Access, Residential Travel Plan, Parking

The i-Transport LLP residential travel plan (-013B, Feb '22) contains some best practice provisions, and contains headline mode shift targets that are in line with common practice. I have no substantive comments to make and can support acceptance of the framework plan.

The achievement of targets for shifting the proportion of trips made by private motor car to sustainable and active modes of travel is dependent upon travel by those modes being both safe & convenient. Whilst it is recognised that the outline nature of this scheme means that it is not possible to demonstrate how the requirements of the parking SPD are to be met, and I do not object to these matters being addressed at the reserved matter stage. However, the current proposals include securing the means of access, and in this respect, the development has not capitalised on the proximity of the Northwest boundary to the off-road cycle facilities at the Rusty Cutter roundabout.

The omission of a pedestrian / cycle access at this boundary adds more than 400m to journeys to destinations to the West via the A2030, or to the employment areas at Southmoor Lane or in Portsmouth via NCN22. This could be a key 'hard' measure that would serve to support sustainable travel options for these proposals, as well as for 50 dwellings to the East, approved at appeal. I would recommend that the feasibility of providing an access at this location be explored – either as a specifically reserved matter, or prior to determination of these proposals where the principle would be established as a consequence of approval.

As an observation, I note that the development proposals do not account for the 20% SPD visitor parking requirement. Whilst I would support a <SPD provision on grounds of encouraging alternative modes of travel (and so the related transport emissions-), it is not clear that a nil provision would be acceptable. Having reviewed a selection of public representations, it is clear that overspill parking would be

perceived to be a significant issue by local residents. For clarity, overspill parking issues (and any related impact on existing traffic on lower road) are considered to be parking & highway issues, and are not likely to material to the air quality impact of the development (due to low traffic base flows on the access route).

Sustainable Urban Drainage - SuDS

The draft drainage strategy indicates that the preferred destination for surface water disposal is one that represents a high risk (it is proposed to discharge waste surface water direct to the principal aquifer). Generally speaking (however), residential development represents a low pollutant source risk, and I note that the design concept includes 'stream streets', an unlined attenuation basin, and '...additional pollution control and silt removal ...provided by an up-flow Filter chamber [up-flow of disposal boreholes]'. Subject to detailed design, these design principles ought to provide adequate intrinsic (passive) pollution control, and to provide reasonable natural surveillance for significant inputs of pollutants (e.g. oil or fuel from minor traffic collisions, or irresponsible disposal of liquid household consumer products). No in principle objections arise, though the particulars of the detailed design should be secured at the reserved matters stage.

Ground Contamination

The Geo-Environmental desk-based assessment concludes that there are no known risks associated with the site, other than as associated with ad-hoc activities undertaken ancillary to agricultural use of the land. To address this uncertainty, the assessment recommends a precautionary Phase 2 Intrusive Geo-Environmental Site Investigation, to run alongside the Geo-Technical assessment, and to include environmental tests.

I would agree that this is good practice, and the conclusion is supported. I would anticipate that the Phase 2 assessment will include procedures to cover the low (but non-negligible) risk associated with unexploded ordnance and unexpected contamination – e.g. via a watching brief. Where this is not included within scope of the report (or any associated Construction Environmental Management Plan), Environmental Health may seek to impose some limited requirements by means of a compliance condition, which may have a 'prior to occupation' clause. No objections arise.

Building Control

No public sewers on the site.

County Minerals

No comments received.

Council's Ecologist (20th September 2022)

The application is accompanied by a Winter Wildfowl Assessment (Aluco, March 2022) and an Updated Information for Habitats Regulations Assessment (Aluco, April 2022). These two documents provide updated information on the extent to which the site comprises supporting habitat for the Solent Special Protection Areas (SPAs). Following detailed bird survey works, and in consultation with the Solent Waders & Brent Goose Strategy Steering Group, the application site has been removed from

the SWBGS based on a lack of bird records in recent years. On that basis, impacts to SPA supporting habitat need not now be considered. I am content that the submitted HRA contains sufficient information.

I have provided comments on this proposal previously. I am content with the overall proposed mitigation, compensation and enhancement measures and, if you are minded to grant permission, can I suggest that these are secured through a suitably-worded planning condition requiring the provision of a single, site-wide ecological mitigation strategy. This strategy should be in full accordance with any landscaping, drainage and lighting strategies. I would however request that additional bird nesting features are installed within the new dwellings. Such features, especially those for Common Swift, are inexpensive and can be readily incorporated into new buildings. Given the number of dwellings proposed I would expect a substantial increase in the number of in- built ecological enhancement features.

Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (Aluco, September 2021) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be implemented in accordance with the agreed details and maintained in perpetuity in a condition suited to their intended function, unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Core Strategy March 2011.

In addition, I would suggest that a Construction Environment Management Plan (CEMP) is secured through condition, in order that potential ecological impacts are subject to assessment and avoidance/mitigation measures detailed.

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, September 2021). Development shall be implemented in accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011

Natural England (revised comments 26th September 2022)

As submitted, the application could have a likely significant effect on:

- Solent and Dorset Coast SPA
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime SAC
- Solent and Southampton Water SPA

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites

named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out. The following information is required to inform a HRA:

- Consideration of this project's effects on total nitrogen and/or total phosphorus nutrient loading within the Solent catchment, including a nutrient budget calculation.
- Details of proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
- Any other likely significant effects that could arise from the development should also be assessed.

Once the above information is obtained, please consult Natural England on any appropriate assessment your authority may decide to make.

Officer comment: *The Council has now conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development. The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development.*

The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages, and the Appropriate Assessment has concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. Natural England have been consulted on the completed HRA/AA, and their consultation response is awaited at the time of drafting this report.

Lead Local Flood Authority (LLFA) (Final Comments 13 February 2023)

The LLFA maintains a holding objection to the development proposals based on the surface water drainage information submitted to date. The surface water drainage strategy relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels during winter. Shallow infiltration was found to not be possible at this site due to slow infiltration rates in the superficial deposits. No watercourses are present nearby, however surface water sewers exist in this area albeit upgradient from the site.

Deep-bore soakaways are considered to be an option of last resort by the LLFA, as stated on page 4, guidance note 2 of the 'Surface Water Checklist Guidance' available online at <https://documents.hants.gov.uk/flood-watermanagement/SurfaceWaterChecklistGuidance.pdf>, where the LLFA requests that discussions must be held as soon as possible to avoid delays to the application and confirm any additional requirements that will apply.

The Geo-Environmental report (ref. GE20814/WP02/220518, 18/5/22) provides the supporting evidence of the ground conditions, showing a

groundwater strike in the chalk in borehole BH101 at 6.40 mbgl during drilling on 25/4/22, rising to 4.50 mbgl 20 minutes after drilling finished, and monitored at 2.71 mbgl on 4/5/22. The less permeable clay river terrace deposits are situated between ground level and 3.0 mbgl and were shown to be unsuitable for infiltration in an earlier report.

Although not specifically relating to deep-bore soakaways, guidance documents for infiltration drainage design such as BRE 365, CIRIA R156 and CIRIA C753 often recommend that groundwater levels are monitored to ensure that an unsaturated zone (usually one metre) exists between peak groundwater levels and the base of an infiltration structure. The reasons are to reduce the risk of contamination pathways to the groundwater and to ensure that the infiltration structure functions effectively at all times of year (the infiltration capacity is not reduced by high groundwater levels). No such unsaturated zone is proposed for this drainage system, and there may even be a risk of groundwater emerging from the boreholes in a worst-case scenario – no other records of groundwater level monitoring have been provided for the winter period to determine the peak level. **The LLFA requires a one metre unsaturated zone beneath the base of any proposed infiltration structure.**

Infiltration testing for the design of the deep-bore soakaways was also included in the Geo-Environmental report referred to above. The report implied that a single falling head test was undertaken within borehole BH101 with groundwater at 4.50 mbgl prior to the test. It is not clear whether the falling head test was continued through to the original groundwater level. No further detail has been provided other than the estimate preliminary infiltration rate of 1.48×10^{-5} m/s, which has been used for the deep-bore soakaway design. Testing appears to have been undertaken one time only and at one depth into the saturated chalk, which is insufficient for determining whether the rate achieved is an anomaly or even representative of the entire depth of the proposed boreholes. As the groundwater levels will continue to impede infiltration through much of the winter, it is not clear whether increasing the depth or number of deep-bore soakaways makes much difference to the discharge rate of water off-site. A significant volume of attenuation storage has also been proposed upstream of the deep-bore soakaways, raising concerns over the effectiveness of deep-bore soakaways designed using the sole test infiltration rate. The Soakaway Design Guide (Kent County Council, July 2000)³ refers to the influence of groundwater restricting the driving head and hence the soakage capacity of the system. **The LLFA requires more evidence of a suitable infiltration rate than a single falling head test result**, should the proposal to maintain a one metre unsaturated zone at the base of infiltration structures be successfully argued against.

The application of the infiltration rate data in the hydraulic calculations is of some concern, in addition to questions over its suitability. The rate was originally applied across the full depth of the proposed deep-bore soakaways, however the most recently submitted calculations show a variation by depth. It is not clear how this was calculated as there is no evidence for additional testing. A safety factor of 2 is applied to the infiltration rate, however it is not clear whether this should be 10 due to the effects of failure on the railway line to the south. The only consideration given to the railway line is the offset distance due to potential dissolution of the chalk, and further input from Network Rail may be necessary to ascertain the risk of failure of the drainage system as their expectation will be that the surface water system will work as

stated in the application. The EA surface water flood risk mapping shows that there is an elevated flood risk in this corner of the site and that the railway line is at a lower level and also susceptible to surface water flooding. **The LLFA requires that the infiltration rate used in the hydraulic calculations is representative of actual conditions on-site and risks off-site.**

No evidence has been provided to show that the drainage network in its entirety will not flood during the 1 in 30 year event. Attenuation storage has been provided for the 1 in 100 year event plus an allowance for climate change, however the LLFA requires further evidence of suitable infiltration rates to be certain of suitable half-drain times for all storm events. **The LLFA requires network calculations to show that flooding does not occur for the 1 in 30 year event and revised calculations showing suitable half-drain times.**

The LLFA has experience of a development site proposing deep-bore soakaways (13/00720/MAJOR, 17/01017/FUL – Surface Water Drainage: Additional Information for LLFA [Martin J Harvey, March 2018], Hart DC), where more representative infiltration testing was undertaken than for this site and with lower groundwater levels, however the drainage system failed because infiltration rates after construction had been completed were found to be an order of magnitude lower than those encountered during ground investigations. Despite the design relying on data from falling head tests at varying depths including in saturated and unsaturated ground, chambers in the completed drainage system were found to be full of water long after any rainfall, and the surface water drainage system required additional elements including overflows to attenuation storage and pumps discharging to a watercourse to rectify the situation.

Therefore, the LLFA ultimately requests that a surface water drainage strategy is submitted that follows the hierarchy for sustainable drainage discharge locations. Note that the existing evidence available to the LLFA excludes infiltration to ground as an option, and the only likely acceptable solution is a pumped discharge to a surface water sewer with the relevant safeguards and permissions in place. As no consideration of an alternative workable surface water drainage strategy has been submitted, **the LLFA maintains its holding objection as the site cannot be shown to effectively drain sufficiently at this outline application stage.**

Note: Should infiltration be successfully argued as a suitable surface water drainage strategy for this site against the advice of the LLFA, the LLFA would require further evidence of a suitable infiltration strategy as detailed above.

Note: The Environment Agency have been consulted and agreed to details in relation to the protection of groundwater. The LLFA is responsible for checking the suitability of the proposals with regards to the technical viability of the design and the quantity of surface water runoff to be disposed of.

Additional comments received 14 February 2023:

The LLFA maintains a holding objection to the development proposals based on the surface water drainage information submitted to date. The surface water drainage strategy relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels for significant periods. Deep-bore soakaways are considered to be an option of last resort by the LLFA and given the high water table, it is not considered appropriate in this location. More consideration of

alternatives needs to be provided. Although the Environment Agency have not objected to the proposals, they have confirmed that their comments are solely in relation to water quality and not the discharge functionality of the boreholes.

In light of these concerns, we do not consider the proposals to be in line with Planning Policy Framework ref 167 as without a suitable drainage scheme, flood risk will be increased. In addition, we do not consider the Flood Risk Assessment to be compliant with Paragraphs 049, 055 – 059 of the associated Flood Risk and Coastal Change guidance nor S7, S8 or S9 of the Non-statutory technical standards for sustainable drainage systems. Based on this, until such time as information can be provided to demonstrate a suitable surface water drainage scheme, we would not recommend that planning is granted.

(Previous Comments 1 December 2022)

Having reviewed the information, we maintain our holding objection for the following reasons:

- The infiltration rate calculated in GE20814/WP02/220518 is accompanied by a disclaimer stating that testing by other methods in equivalent ground conditions did not achieve suitable results, showing that the rate of infiltration at this location is not uniform or consistent. The rate itself is described as estimated and preliminary in the report.
- It is stated that storage is available in the wider system for several 1 in 10 year events. This should not be necessary and suggests that there may be a problem with the design.
- As the boreholes are surcharged for much of the effective depth, the method of modelling them in Micro Drainage (essentially stacking them above each other) does not seem to be an appropriate method. The modelling should possibly take account of the number of boreholes and the surface area of the cross sections, as this may be the only interface for the surface water when groundwater levels are at their highest.
- It is not clear how the driving head or presence of groundwater is modelled in the calculations. As stated above, it is anticipated that infiltration rates are not a constant variable, and that the full capacity of the boreholes will not be available for storage.
- It is not clear whether a falling head test into saturated chalk can effectively demonstrate the effect of the design storm draining to saturated chalk, because of the significant difference in water volume.
- There is a risk that the effectiveness of the proposed deep bore soakaways may only be proven after they have been completed, which may result in additional deep bore soakaways being required after completion.
- The EA's approval relates to the principle of discharging surface water of an appropriate quality to the aquifer, rather than the effectiveness of the design for disposing of surface water for the design storm. In separate correspondence between ourselves and the EA, they have questioned the value of the additional capacity provided by boreholes in saturated ground.

We would really appreciate clarification on these points, as we are still not confident that the proposals will be suitable.

(Previous Comments 14 October 2022)

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application in our role as statutory consultee on surface water drainage for major developments.

This response does not reflect the position of Hampshire County Council as the Highway Authority. If there is a potential for the drainage features to be offered for adoption, this will need to be discussed separately with Highways development planning as they might not be considered acceptable by the Highway Authority.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

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

- SuDS Management & Maintenance Plan SS/21/0433/6430 (MJA Consulting, 24/9/21)
- Groundwater monitoring and infiltration testing GE20565/FG01/220111 (Geo-Environmental, 11/1/22)
- Winter groundwater monitoring results GE20565 (March 2022)
- Correspondence SS/22:0133/6430 (MJA Consulting, 4/4/22) 2
- Proposed Drainage Strategy 6430:001 P3 (MJA Consulting, 21/6/22)
- Micro Drainage calculations (MJA Consulting, 21/6/22)
- Correspondence SS/22:0133/6430 (MJA Consulting, 22/6/22)

Previous consultation responses by the LLFA have requested that suitable evidence is provided to ensure that infiltration is viable at this site. The applicant has provided groundwater monitoring results from two 5 metre dynamic sampler boreholes screened from 1 to 5 metres, and one 10 metre cable percussion borehole screened from 8 to 10 metres. The highest groundwater level of 1.71 metres below ground level was recorded in WS01 on 3rd March 2022. There is a chance that groundwater could have reached higher levels as the last date of monitoring coincided with the highest levels in each borehole, however levels would be expected to recede shortly after that time of year.

The depth of screening of the dynamic sampler boreholes suggests that the results could have been influenced by any perched water table that exists in this area. The screened part of the cable percussion borehole was installed beyond the depth of the superficial deposits and presumably would react in a similar way to the proposed infiltration boreholes. The levels of groundwater monitored in this borehole suggest that any proposed drainage boreholes would mostly be full of water and allow for only limited infiltration until groundwater levels have receded.

Infiltration testing in the superficial deposits was not successful, but was achieved somewhat through falling head tests into the chalk bedrock. The rate achieved would not be sufficient to support a surface water drainage system, and this is likely to be due to the high groundwater levels experienced. A faster rate is referred to in correspondence from MJA Consulting, but the updated investigations report ref. GE20814/WP02/220518 may not have been submitted for planning. This faster rate

was used for the design calculations. It is also suggested in the application documents that structures should be 20 metres away from infiltration features in the chalk at this location.

The number of boreholes proposed has increased to eight since the application was made, however it is not clear whether the increase in number resolves the issue of discharging surface water from the site effectively. The calculations for the boreholes require further explanation. A faster rate than that initially recorded in the ground has been used for the infiltration coefficient, and the depth of the borehole has been modelled at 50m. The calculations consider only three boreholes in addition to the attenuation pond.

The LLFA is expecting to see calculations for the pond and total number of boreholes, using infiltration rates as achieved in the ground and only considering the volume of the boreholes that will be available at peak groundwater levels for each storm event up to the 1 in 100 year event plus an allowance for climate change. In addition, we require the network calculations for the entire system for each storm event to ensure the network does not cause flooding up to the 1 in 30 year event. Flooded volumes and exceedance flows should be shown for the 1 in 100 year event plus an allowance for climate change. Half drain times should be of a reasonable period – the attenuation storage may be available for one storm but there are concerns over how quickly water can be discharged from the system as proposed.

SuDS management and maintenance details have been provided for the surface water drainage system as proposed.

In order for us to provide a substantive response, the following information is required:

- Explanation for the increased number of borehole soakaways proposed,
- Explanation of the figures used for borehole depth in the Micro Drainage calculations and how this relates to available storage in the model,
- Evidence of the faster falling head rate into saturated chalk at a greater depth used for the design calculations
- Revised calculations for the drainage system using appropriate data as necessary,
- Calculations are to include the network and the attenuation pond and borehole soakaways, and provide acceptable half drain times,
- Evidence of any correspondence with the Environment Agency relating to the proposed surface water drainage design (particularly regarding infiltration capacity rather than groundwater protection),
- Confirmation that Network Rail will accept infiltration structures within 20 metres of its infrastructure.

We require this further information before we can make a decision on whether to recommend to the Local Planning Authority that planning permission is granted

Network Rail (25th November 2021)

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. This will

allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-andoptimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team). We would like to point out that soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of the railway.

Southern Water (Final Comments 23rd September 2022)

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance. All other comments in our response dated 10/11/2021 remain unchanged and valid for the amended details.

Original comments (10th November 2021)

The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 225 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk

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

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: Developer.Services@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 Design and Construction Guidance (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 Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Education (9th November 2021)

Thank you for the opportunity to comment on the above planning application and apologies for the late response but I have been waiting for updated figures to ensure I can base my comments on the most up to date information.

The application site sits within the Bidbury Infant and Junior Schools and Warblington Secondary School catchment areas.

Although Bidbury Infant and Junior Schools are full (and forecast to remain so for the foreseeable future) this is down to out catchment recruitment. The anticipated yield of pupils from the development (about two per year group) can be accommodated at the schools with the out catchment pupils being returned to their catchment schools.

Warblington Secondary School has sufficient places to accommodate the yield of pupils from this development.

Consequently I will not be seeking any contribution towards educational facilities from this development.

Hampshire Highways (Revised comments 7th September 2022)

Thank you for re-consulting the Highway Authority on the above planning application.

Further to the Highway Authority's response dated 7th December 2021, the applicant has provided a Technical Note (TN1) and outline Construction Traffic Management Plan (CTMP) to address the comments previously raised. Discussions were subsequently held with the applicant following these documents, leading to a follow up note (referred to as TN2) to address the remaining points. Following a review of these documents, the Highway Authority have the following comments to make.

Sustainable Access – Walking and Cycling

Within the Highway Authority's previous response, it was highlighted that the catchment secondary school (Warblington School) is located 3.7km away from the site, sitting outside of the 'preferred maximum' walking distance of 2km. A walking and cycling audit was requested to audit the route for pedestrians and cyclists to identify whether the route to school should be improved given the identified distance.

The applicant has subsequently undertaken a review of the route to Warblington School within Appendix B of TN1. The review summarises that the walking and

cycling routes available to pedestrians are good and therefore no upgrades are required to provide a safe route to school. The note also states that alternative methods of travel are available to school children in the form of bus and rail provision.

The Highway Authority have reviewed the audit and whilst it is accepted that part of the route to Warblington School is acceptable in its current form, improvements are required for pedestrians and cyclists accessing Bedhampton station, increasing the uptake of travel to both the station for rail travel and for those looking to access Warblington School. Bedhampton Road has been identified within Havant Borough Council's Local Cycling and Walking Infrastructure Plan (LCWIP) as requiring improvements for both pedestrians and cyclists. The road has been identified as a secondary route for sustainable road users in the Havant area, although it will act as a primary route for pedestrians and cyclists looking to access the aforementioned school and local facilities directly from the Lower Road development.

Details regarding proposed pedestrian and cycle improvements is noted further within this response.

Pedestrian and Cycle Flows

To forecast the pedestrian and cycle flows associated with the Forty Acre Farm development, the applicant has reviewed the Transport Assessment and Travel Plan submitted in support of the consented application.

The multi modal trip generation has been split via the mode share data available within the Travel Plan to derive the number of people who will walk and cycle from the development. A specific route assessment is undertaken within TN1 to establish the likely walking routes for pedestrians routing from the Forty Acre Farm development to local facilities. The assessment assigns 60% of walking and cycling trips west along Havant Road to Drayton, whilst the remaining 40% of trips are assigned to the east, before being split further with 15% routing via Bedhampton Hill, 15% via Lower Road and 10% via Harts Farm Way. The Highway Authority raised concerns with the low level of trips assigned via Lower Road during initial discussions around the methodology, resulting in a sensitivity scenario within TN1 which assigns 30% of the eastern walking and cycling trips via this route. In total, 46 daily walking trips and 13 daily cycle trips were originally forecast from the Forty Acres development to travel along Lower Road out of the 154 and 44 respective pedestrian and cycle daily trips. In total, 5 walking and cycling trips were predicted along Lower Road in both the AM and PM peak hours within the sensitivity test.

Following a review of these figures and the assessment, the Highway Authority raised that the assessment had not included trips to Bidbury Infant and Junior School, which are the catchment schools for the Forty Acre Farm development. Trips to these schools will be facilitated via the new walking route provided around the Rusty Cutter Roundabout. It was also identified that there is likely to be an element of suppressed demand associated with the existing lack of crossing facilities at the roundabout. Once the Rusty Cutter improvement works are implemented, it is considered that more pedestrians will choose to walk across the roundabout and route via Lower Road, which needs to be factored into the applicant's assessment.

A revised assessment was subsequently put forward in TN2 to address the points raised above. Utilising the aforementioned modal split from the travel plan and the predicted number of pupils, an additional 31 two-way pedestrian movements are forecast in total in the AM peak hour from the Forty Acres development. When

applying the route assignment split, an additional 16 movements are forecast in the AM peak hour along Lower Road from the movements put forward in TN1. To account for the potential suppressed demand, given the current lack of crossing facilities at the Rusty Cutter roundabout, the pedestrian and cycle flows have been uplifted by a further 10% for both the existing and proposed scenarios.

Taking account of the updated assumptions made regarding the school trips and suppressed demand, the final sensitivity scenario for the total pedestrian, cyclist and vehicular trips utilising Lower Road in the future year with development scenario is shown below. The numbers in brackets represent the increases associated with the proposed development.

	Pedestrian	Cyclist	Vehicular
AM Peak	66 (+14)	23 (+1)	93 (+23)
PM Peak	40 (+6)	38 (+1)	99 (+23)
Daily Trips	373 (+76)	132 (+6)	949 (+218)

The figures indicate that Lower Road will continue to operate as a shared surface, albeit with higher vehicular, pedestrian and cyclist trips associated with the proposed development. The latest figures have been reviewed by HCC's in house safety auditor who has confirmed that whilst there will be more peak hour and daily movements along Lower Road, it will not affect the current safe operation of the shared space arrangement, corroborated by accident data which shows there have been no accidents along Lower Road from the past 20 years.

Site Access

Within the Highway Authority's first response, concerns were raised with regards to the poor forward visibility available through the access and the limited carriageway width which restricted the ability of two vehicles to pass concurrently. The applicant was required to revisit the site access design given the identified safety concerns. Following these comments and a further discussion with the applicant, a revised access proposal has been presented which provides forward visibility to a 20mph design speed, supported by localised widening to facilitate two-way movements through the access and along the access road.

The Highway Authority have reviewed the updated proposal presented in drawing number ITB12174-GA-018 Rev D, along with the Stage 1 Road Safety Audit. The latest design demonstrates that two family cars can pass without conflicting through the access and onwards into Phase 2. The tracking for a car and refuse vehicle demonstrates that the manoeuvre can now be undertaken, and it is also acknowledged that the improved forward visibility will allow a vehicle to anticipate the approaching refuse and wait for it to pass through the narrower section of the access.

The RSA1 picked up on issues including the transition from the footway to the north of the access road as it meets the carriageway, measures to stop pedestrians from falling into the swale and widening of the bend of the access road to 5.5m to improve vehicle manoeuvring, the latter of which has been addressed and agreed.

Within TN2, further work has been undertaken to provide a crossing point from the footway to the west of the swale to a new footway on the southern side of the access road. The footway has also been relocated away from the swale, although measures may still be required to prevent a pedestrian from falling. It is considered that this matter can be conditioned and addressed appropriately at the reserved matters

stage. The realigned footway and the introduction of a new footway on the southern side of the access road are considered suitable for providing pedestrians with a safe place to cross.

The widened access road and improved pedestrian facilities are considered suitable for overcoming the Highway Authority's original comments. An appropriate condition shall be secured to ensure the access is implemented as shown in principle in drawing number ITB12174-GA-018 Rev F, with further details provided at the reserved matters stage regarding the interaction between the footpath and the swale.

Junction Modelling

Within TN1, the applicant has clarified that the difference in the modelling outputs between the assessment work presented as part of Phase 1 and Phase 2 of the development at Lower Road is a result of changes in background growth.

The Highway Authority acknowledges that the background growth changes in TEMPRO are likely to account for the differing model outputs; however, the proposed development will further reduce capacity at the Bedhampton Road/Bedhampton Hill Roundabout, with a worst-case RFC of 0.99 observed on the Portsdown Hill Road approach in the 2026 'with development' scenario.

Therefore, the proposed development is required to offset its impact at the junction. Following a review of the operation of the junction and potential measures to mitigate the impact, alternative improvements to pedestrian and cycle links from the site have been identified. This would reduce reliance on the private car – an approach encouraged through emerging LTP4 guidance which was not being developed at the time of the original planning application. The Havant Local Cycling and Walking Infrastructure Plan has identified costed improvement schemes along Bedhampton Road to improve pedestrian and cycle connectivity in the area. Given that Bedhampton Road has been identified as one of the routes to school, it would be both fair and proportionate and directly relevant to the proposed development to contribute towards some of the identified schemes. The Highway Authority have also identified improvements to the pedestrian network in the vicinity of the site, further improving the sustainable connections to the development, which could also be implemented via a contribution.

Following discussions with the applicant, a contribution of £108,000 has been agreed towards either measures identified within the LCWIP along Bedhampton Road to improve pedestrian and cycle facilities, or pedestrian crossing facilities at Brookside Road. The contribution has been calculated against the cost of implementing a segregated cycleway on Bedhampton Road between Kings Croft Lane and Bedhampton railway station, which would also be utilised by cyclists looking to access Bedhampton rail station on route to Warblington School. The Highway Authority considers the contribution sufficient for mitigating the vehicular impact of the development.

Travel Plan

The updated Travel Plan has been reviewed and is now considered acceptable. The monitoring, approval and cash deposit fees will be secured through the Section 106 agreement.

Outline Construction Traffic Management Plan

Through the Phase 1 planning application, bespoke wording was agreed for the management of construction traffic through the Construction Traffic Management Plan to ensure that a lorry would not meet an approaching vehicle on the narrow section of Lower Road. It is noted that the outline CTMP reflects the previously agreed wording and is therefore suitable in its purpose as an outline document.

A planning condition will be required for the submission, and agreement of, a full CTMP should the application obtain planning permission. This should incorporate any additional requirements for this specific phase of development if necessary.

Recommendation

The comments raised within the Highway Authority's original response have now been suitably addressed by the applicant. The Highway Authority therefore recommends no objection, subject to the following S106 obligations and conditions:

S106

- Prior to commencement of development, to pay the sustainable transport contribution of £108,000.
- Prior to commencement of development, to pay the Travel Plan approval, monitoring and cash deposit fees

Conditions

- Construction Traffic Management Plan
- To implement the site access as shown in drawing number ITB12174-GA-018 Rev F prior to occupation of development.
- Through the Reserved Matters application, to provide plans with details of the proposed drainage, street lighting, landscaping, site levels and materials strategies for the indicative site layout as shown in drawing number MOSAIC - REV V4

Traffic Team (4th November 2021)

Without any details on the amount of bedrooms that these properties are to have the traffic team can not comment on the proposals. We would however advise that the developer studies the HBC Parking Supplementary Planning Document 2016 and ensures that the corresponding amount of parking spaces and visitor spaces are accommodated.

The Traffic team would also request that if this development is permitted then a provision to be made for a sum of £5000 (plus the costs associated with advertising the proposals and any works) estimated to be a maximum of £7000 in total, to be provided by the developer to be set aside from commencement to allow a TRO to be processed ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network

Historic England (28th October 2021)

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Housing Manager (Development) (1st November 2021)

Housing:

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that developments of 15 units or more would be required to provide 30-40% affordable housing on site.

The Submitted Havant Borough Local Plan 2036 (HBLP 2036), which was approved by the Council on 30/01/2019, further reinforces this policy (see emerging Policy H2 / Affordable Housing) by setting out a requirement for 30% affordable housing on sites resulting in a net gain of 10 or more dwellings. This would equate to a minimum of 45 affordable units on this site.

Overall Affordable Housing Provision

The applicants are proposing a housing development of up to 43 new homes. As this is an outline application only the exact size and type of housing provision is not confirmed as yet. However, the applicants have confirmed within their Planning Statement that they intend to provide 30% affordable housing on the site which would equate to up to 13 units.

Tenure

The applicants have not specifically stated the exact tenure of the affordable new homes, only that they will be considered as affordable. The councils starting point would normally be a 70% Rented/ 30% Shared Ownership split in favour of the rented homes. This is considered a reasonable mechanism to create a sustainable mixed community and meet the varied housing needs of our residents.

The demand for affordable housing remains consistently high within Havant borough; as at 28/10/2021 there are 1741 active applications registered on Hampshire Home Choice (HHC) seeking accommodation in our area and of these 811 are waiting for a one-bedroom home, 550 for a two bed, 310 for a 3 bed, 62 for a 4 bed, and 8 for a 5 bed.

Waiting times on Hampshire Home Choice (HHC) represent a significant number of years. Between April 2020 to March 2021, for Band 3 applicants (which reflects a reasonable priority for moving) the time between registration and nomination was an average of between 2 to 5 years depending on the property size required.

Housing Mix

As yet there are no details of a housing mix, however The PUSH Strategic Housing Market Assessment (SHMA) indicates that there is a projected need for approximately 35% of new properties to have 2 bedrooms in both the market & affordable sectors and this is echoed at Policy H4/Housing Mix of the submitted Havant Borough Local Plan. I would expect the affordable housing provision to consist of a variety of types and sizes of accommodation to help meet the demonstrated demand.

House sizes

I would all new homes to meet, or exceed, the nationally Described Space Standards.

Location

The location of this proposed development is in a very desirable area close to all local amenities, including transport, education, health, and retail.

Wheelchair Accessibility

I would expect to see some of the affordable units developed as being adapted to wheelchair accessible standards, or to a standard enabling those units to be adaptable in the future.

In principle Housing would support this application pending confirmation as soon as possible of the exact number and housing mix of the 30% affordable provision.

HBC Landscape Architect (20th September 2022)

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

- We would require the site to link up to the existing pedestrian and cycle routes to the development to the west.
- Material pallet for buildings, hard landscaping and soft landscaping should all replicate the development site to the west to create a cohesive design.
- Given the site proximity to busy highways tree species which are effective at capturing airborne particulate should be introduced as boundary screening to help improve air quality. Species such as London Plane, Silver birch, Yew and Elder alongside evergreen species such as pines and cypresses have been shown to improve air quality.
- The site would benefit by connecting to the existing cycle infrastructure to the north west of the site by Bedhampton Hill Road.

HBC Community Infrastructure Officer (10th February 2023)

CIL

This application is not CIL liable, but any subsequent full or reserved matters application would be.

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which the CIL liable permission is issued.

The subsequent application would need to be accompanied by:

- CIL Form 1: CIL Additional Information
- CIL Form 2: Assumption of Liability
- Form 10: Charitable and/or Social Housing Relief Claim Form

Further information on CIL including relief in respect of affordable housing can be found on the Planning Portal.

Please note the current CIL Charging Schedule is under review.

S106

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

1. Affordable Housing
2. HBC Monitoring Fees*
3. HCC Monitoring Fees
4. Management Company
5. Management Plan (may include SUDS)
6. Solent Recreation Mitigation Strategy (see further information)**
7. Community Worker (payment due prior to commencement)
8. Education (HCC)
9. SUDS/SUDS Bond (Bond not necessary if Southern Water have agreed to adopt SUDS once installed)
10. Highway Works (HCC)
11. Site Specific Transport Improvements (HCC)
12. Others arising out of consultee responses

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

Latest version accessible from: <https://www.havant.gov.uk/community-infrastructure-levy>

***Monitoring Fees:** As part of the 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We have an agreed schedule of charges, due to be updated 1/4/23:

From 1 April 2022

- £798.00 per non-financial head of term (outside the scope of VAT)
 - 5% of cost per financial head of term (outside the scope of VAT)
- Monitoring fee is capped at a maximum of £11,525 per application. This cap only applies to major applications (up to 250 Homes) without long term ecological management which may also be subject to separate negotiation.

The sums charged will be increased and apply to S106 agreements drafted after 31/3/23.

****Solent Recreation Mitigation Strategy**

The charges updated 1/4/22 are set out below, based on the maximum number of **net** new dwellings and bedroom sizes; contribution will be indexed (RPI), these rates will be updated 1/4/23: <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

No of Bedrooms	Amount	Monitoring Fee
1	£390	Plus 5% of total (sum may be included in 'HBC Monitoring Fees')
2	£563	
3	£735	
4	£864	
5+	£1,014	

Hampshire Fire & Rescue (26th October 2021)

Advice provided on access for firefighting, water supplies, fire protection, fire safety systems, and timber framed buildings.

Hampshire Swifts (7th November 2021)

I am writing to you on behalf of Hampshire Swifts, a charity devoted to the conservation of Swifts in Hampshire and part of a national network of Swift groups throughout the UK.

The purpose of this letter is to request that planning consent for the above-mentioned development, if granted, includes a requirement for an average of 1 integral nest brick for Swifts per dwelling

In their ecological appraisal, Aluco Ecology recommend 6 bird nest boxes in total either on trees or on the proposed dwellings. This small number for a development of up to 43 dwellings is a missed opportunity to provide integral nest sites for declining species of bird that rely on buildings for nest sites. We strongly recommend that integral Swift bricks are installed in an average ratio of one per dwelling. Swift bricks are a universal nest brick as they are readily used not just by Swifts but also by several other bird species, including red-listed species such as House Sparrow and Starlings. The RIBA and conservation organisations recommend that integral nest bricks are installed in an average ratio of one per dwelling. The National House Building Council Foundation in their recent report 'Biodiversity in New Housing Developments' make similar recommendations. The integration of nesting sites for birds is supported by the following national policy and guidance:

- Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, states: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." –
- Section 174(b) of the revised National Planning Policy Framework (NPPF, 2019), states: ""To promote and enhance biodiversity and geodiversity, plans should: ...identify and pursue opportunities for securing measurable net gains for biodiversity...". This is explained further by the accompanying guidance notes (NPPF, Natural Environment Guidance, paragraph 023): "...relatively small features can often achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments..."

- Furthermore, the government's support for such measures was stated explicitly in the accompanying government press release: "...expectations on how developers can protect specific species, including using hollow swift bricks – which are installed into the walls of new build homes, allowing the birds to nest safely. <https://www.gov.uk/government/news/brokenshire-orders-house-builders-to-protect-wildlife>

The above is of particular relevance to 3 species of bird, the red-listed House sparrow and Starling and the amber-listed Swift (expected to be red-listed at the next review). All 3 species are undergoing major declines caused mainly by the loss of nesting sites on existing houses due to re-roofing and replacement of soffits and fascias. Swifts, for example, have experienced a catastrophic decline of nearly 60% in the last 20 years. All these species readily use Swift bricks when these are integrated into new developments.

Integration of Swift bricks is very easy to include into routine building practices and results in a permanent, discrete, maintenance-free biodiversity enhancer which will provide much needed breeding spaces for declining species of birds. We strongly recommend that installing an average of 1 swift brick per dwelling is made a condition of the consent if granted.

Langstone Harbour Board (8th November 2021)

I refer to your letter dated 21 October 2021 and the detailed drawings viewed on the Havant Borough Council website concerning the above planning application.

The Board's Planning Sub Committee has considered this application and wish to OBJECT to the proposals. The land concerned is currently agricultural and is categorised in the Solent Wader and Brent Goose Strategy as a Secondary Support Area for SPA bird species.

The Langstone Harbour Management Plan states that "The open area around the harbour is part of the harbour's landscape and nature conservation value and should be retained and managed for these purposes in association with the harbour itself".

Crime Prevention Officer (15th November 2021)

Thank you for your letter of the 21st October 2021 and the opportunity to comment upon the application. Having considered the application I have the following comments to make with reference to the prevention of crime and disorder (Anti-Social Behaviour (ASB)).

The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance advises: "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides." It continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

An illustrative master plan, which will be subject to change, has been provided. The design and layout of a development influences the opportunities for crime and disorder (Anti-Social Behaviour (ASB)). The presence of good natural surveillance of the public realm, defensible space (especially about dwellings), good lighting, appropriate connectivity / permeability and appropriate security fittings will reduce the opportunities for crime and disorder. Collectively these attributes are generally referred to as the Crime Prevention Through Environmental Design (CPTED) principles.

The Secured by Design Award Scheme¹ brings the CPTED principles into a single award. Research has shown that developments achieving the Secured by Design award suffer less crime and disorder.

The design and access statement makes reference to the development aspiring to achieve Secured by Design accreditation upon completion. Achieving the award is the best way to ensure the benefits associated with a low crime environment are realised.

To reduce the opportunities for crime and disorder, we recommend a number of conditions relating to Secured by Design and a lighting scheme.

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: 182

Number of site notices: Yes

Statutory advertisement: Yes

At the time of writing the report 132 objections have been received.

Summary of representations

Principle

- The site is not an allocated site and lies outside of the settlement
- The harm caused by this proposal is not outweighed by any public benefit.
- Impact on quality of life.
- Inappropriate development
- Inadequate infrastructure and access to services to support an increase in

- population
- unsustainable site for housing.
- The outline plan is of a poor design.
- The development is speculative, opportunistic and a piecemeal development
- The Council refused development on the adjacent site and the same arguments Bargate Homes' appeal was upheld in July 2021 who merely cited the Government's priority to boost the supply of housing
- Loss of agricultural land
- There should be 'no automatic permission'.
- A reassessment of the Council's lack of 5 year housing land supply is needed.

Officer comment: *The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. The Borough's housing land supply was updated in November 2021 and shows that the Borough now has a 3.9 year housing land supply, which falls below the Governments five year supply threshold.*

Impact on Heritage, the Conservation Area, and character of the area.

- Detrimental to adjacent to conservation area
- Harmful to character of the area
- The traffic generated by the proposed developments amounts to substantial harm
- we should seek to protect valuable heritage areas , not swamping them with new houses and access hazards.

Officer comment *A full assessment of the Heritage considerations is provided in the Consultee responses and in Section 7.*

Highway Impacts

- Increased traffic and congestion and resulting air pollution
- Insufficient parking
- The layout does not provide sufficient parking for residents and visitors
- Inadequate highway infrastructure
- No justification on the point of access
- Impact on road safety
- Impact on pedestrian safety
- Insufficient visibility
- Highway safety due to bends in road
- Increased danger to pedestrians due to narrow blind bends
- Impact on local services eg schools, doctors
- Insufficient infrastructure eg footpaths to accommodate pedestrians/cyclists
- The access route is narrow with blind bends and no pavements
- Access and egress from Brookside Road is already difficult
- The access road is insufficient to accommodate delivery vehicles

Officer comment: *The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highway submission in respect to the application has been reviewed and is considered to appropriately*

address the highway considerations and safety issues. The Highway Authority has independently assessed the implications of the development and has reached its position having reviewed several factors, including vehicle speeds, inter-visibility between pedestrians and vehicles, accident history and traffic volumes to consider both the existing and forecast interaction between pedestrian and vehicles. The Highway Authority is satisfied that the additional vehicular, pedestrian and cycle trips generated by this development are not considered to compromise the existing operation of the road.

Drainage and Flooding Issues

- The application makes no provision for the collection of surface water drainage
- It is unclear whether the LLFA accept the proposals

Officer comment: The LLFA have submitted an objection to the proposals. A full assessment of the drainage considerations is provided in the Consultee responses and in Section 7.

Impact on Ecology

- Impact on wildlife
- Development is already destroying valuable hedgerows causing harm to the environment

Officer comment: The proposal provides for ecological mitigation and enhancement and the key consultees including Natural England, and HBC Ecology support the proposal

Residential amenity

- Loss of greenspace
- Environmental noise
- Increased air pollution

Officer comment: The development has been designed to accord with the guidance set out in the adopted Borough Design Guide meeting the requirements for garden sizes and privacy within the development and in relation to existing dwellings .

7. Planning Considerations

Impacts on European Sites / Nutrient Neutrality

- 7.1. The site was previously identified as a Candidate Site and before that a Secondary Support Area in line with the Solent Waders and Brent Geese (SWBG) within the Brent Goose and Wader Strategy (October 2018) (SWBGS). However, its classification has since been updated to 'no recorded use'. This reflects four years of good survey data which has led to the reclassification of the site as 'no recorded use'. Therefore, no direct impacts would need to be assessed or mitigation required.
- 7.2. The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to

be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

- 7.3. The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant has indicated a willingness to enter into a legal agreement to secure the mitigation packages.
- 7.4. The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA is currently subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) for confirmation that they agree with the findings of the assessment. Subject to this confirmation it can be concluded that the proposal will not result in adverse effects on the integrity of any of the sites in question, provided the applicant enters into a legal agreement to secure the mitigation packages.

Planning Considerations

- 7.5. 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) Housing mix and affordable housing
 - (iii) Impact upon the character and appearance of the area
 - (iv) Impact on Heritage Assets
 - (v) Impact upon residential amenity (for existing and future residents)
 - (vi) Highways, parking and accessibility issues
 - (vii) Flood Risk/Drainage
 - (viii) Ecology Impacts
 - (ix) Impact on Trees
 - (x) Impact on Archaeology
 - (xi) Education
 - (xii) Contamination
 - (xiii) Developer Contributions/CIL and S106 requirements
 - (xiv) Overall Conclusions and Planning Balance

(i) Principle of development

- 7.6 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

- 7.7 The Development Plan consists of:

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 application site is located close to, but outside of, the

urban area. Policies in the adopted plans support appropriate residential development within the urban areas. "Exception schemes" are only supported in the countryside. The site is not an exception scheme and is located in a non-urban area. Therefore, this application does not accord with the development plan. Planning permission should therefore be refused unless other material considerations indicate otherwise.

Submission Havant Borough Local Plan

- 7.8 The Submission Havant Borough Local Plan was submitted for examination on 12 February 2021. However, following receipt of the Inspectors' Interim Findings, the Examination was concluded and the Havant Borough Local Plan was formally withdrawn from Examination in March 2022.

Consistency with the National Planning Policy Framework.

- 7.9 The National Planning Policy Framework (July 2021) is a material consideration which should be placed in the s.38(6) planning balance.
- 7.10 The NPPF's primary objective is to promote sustainable growth and development through a "plan-led" planning system. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which, for decision making, 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".
- 7.11 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 applied. In addition, the Housing Delivery Test (HDT) for Havant indicates that delivery of housing was below (less than 75%) of the housing requirement.
- 7.12 The Council published a Housing Delivery Position Statement (HDPS) in March 2022 which is a material planning consideration in the determination of planning applications. The publication of the HDPS follows the receipt of the Inspectors' Interim Findings report into their Examination of the Havant Borough Local Plan (HBLP) and the Council's decision to withdraw the Plan from Examination. The HDPS set out how planning applications for housing not in accordance with the Development Plan will be considered in the context of the Council's current five year housing land supply and Housing Delivery Test measurement.
- 7.13 The HDPS recognises that further sites will be needed in order to meet the Borough's housing need and to significantly boost housing supply in the short term. In accordance with Decision Making Principle 4 of the HDPS, development proposals not in Table 1 and not in accordance with the Development Plan will be considered in line with paragraph 11 d) of the NPPF and will need to demonstrate that they constitute 'sustainable development' in accordance with the NPPF, by demonstrating that:
- The remaining requirements of the Development Plan and decision making principles set out in the Statement are complied with; and

- There will not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s).
- 7.14 In addition to the above, proposals will need to demonstrate that they are deliverable in line with definition in Annex 2 of the NPPF.
- 7.15 In accordance with the Position Statement and in order to justify a departure from the Development Plan, the applicant must demonstrate compliance with the development quality standards set out under Decision Making Principle 5 – Development Quality. These developer requirements replicate those included in those in the now withdrawn HBLP; as such it can reasonably be expected that the application will have been informed by the policy expectations in the Plan. In this case, the applicant has submitted a ‘development quality standards’ checklist which sets out how the application complies with the requirements of Decision Making Principle 5.
- 7.16 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

- 7.17 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. Paragraph 11 of the NPPF sets out that, in applying the presumption in favour of sustainable development, proposals for development should be granted permission unless:
- 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, however, it does lie directly adjacent to a designated heritage asset.*)
 - 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.
- 7.18 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 assumption 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.
- 7.19 As previously mentioned, the proposed scheme is not included in the Council’s five-year supply. That said, the proposal, if granted, would add up to 43 units towards the five-year housing supply requirement. This would have the potential to increase the Borough’s housing land supply by 0.06 (rounded) years supply. This must be afforded substantial weight in the overall planning balance, which is set out below. In coming to this view, it is recognised that the proposal is in outline only, with all

matters reserved apart from access. Therefore, if permission is granted, it would be recommended that there is a shorter period for the submission of a valid reserved matters application (i.e. 2 years, instead of normally 3 years).

- 7.20 Notwithstanding that the site is located outside of the urban area and is not allocated in the development plan, it is accessible to facilities and services. It would also deliver significant economic and social benefits. The site would make a contribution in remedying the Council's housing land supply shortfall and this must be afforded substantial weight in the overall planning balance.

Deliverability

- 7.21 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".

- 7.22 The application has been assessed and consultations carried out with infrastructure providers and others (as set out in this report). As such there would not appear to be significant off-site infrastructure works arising from the development which might delay the implementation of the development. Therefore, there are no evident barriers to the development coming forward within the next 5-year period, which weighs in support of the scheme.

Environmental Sustainability

- 7.23 Introducing a housing estate to an undeveloped field would alter its character but it is concluded that this would have a limited impact, as any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall, whilst resulting in harm, the development would result in less than substantial harm to the significance of the Conservation Area. This needs to be weighed against the public benefits, and is considered in more detail further in this report. Furthermore, the provision of open space comprising play areas, allotment and orchard provision is of significant benefit to this application.

- 7.24 In terms of the location of the site relative to services and facilities there is a Convenience store and Post Office (less than 1km), Recreation Ground 1km, Havant Industrial Estate (2km), Bidbury School (1.9km), Havant College 1.9km. In addition, Bedhampton railway station is 1.4km from the site, which offers stopping services towards Brighton to the east, London to the north-east and Southampton and Portsmouth to the west, and the site is well served by bus with service numbers 21 and 23 serving the bus stops on Bedhampton Road, approximately a 500m walk. These operate 7 days a week providing a frequent service to Portsmouth, Havant and Southsea.

- 7.25 In accessibility terms, the site is in a sustainable location, and has realistic alternatives to the use of the car, which weighs in support of the scheme.

Economic Sustainability

- 7.26 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, a sufficient supply of homes that the country needs.

- 7.27 The development would bring economic benefits at the construction phase and following occupation. As with any new housing the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy. In addition, the development would also create construction jobs, which would contribute towards the local economy. Furthermore, the proposed development would result in financial contributions being secured to offset certain impacts of the development, such as contributions towards the provision of enhanced community infrastructure.
- 7.28 Provided they are appropriately secured to address the impacts of the scheme, these elements are all considered to be benefits in the planning balance. Overall it is considered that the development would be economically sustainable.

Social Sustainability

- 7.29 In accordance with the Local Plan, development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community.
- 7.30 The application proposes that a range of house types, sizes and tenures would be provided, including 30% affordable housing (30% shared ownership and 70% affordable rented) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "create places that are safe, inclusive and accessible..." The Housing Officer supports this proposal subject to the final details being agreed, at the Reserved Matters stage.
- 7.31 The proposal also proposes areas of open space which could be used by both new and existing residents and is considered to be a benefit in the overall planning balance. Contributions would also be secured through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the adopted SPD on Planning Obligations.

Prematurity

- 7.32 In relation to prematurity, paragraphs 49-50 of the 2019 NPPF states:

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

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'

- 7.33 Officers are satisfied that the development is not considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.

Undeveloped Gaps between Settlements

- 7.34 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2 – these are predicated on outdated levels of housing need. 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.
- 7.35 In conclusion on this issue:
- 1) The scheme is contrary to the development plan;
 - 2) National planning policy is a material consideration;
 - 3) The tilted balance is engaged in this case because:
 - a) the Council cannot demonstrate a 5 year supply of deliverable land for housing towards which this site would contribute; and
 - b) the most important policies for the determination for the application set out in the development plan are out of date in that respect;
 - 4) The proposals would constitute sustainable development in policy terms;
 - 5) It is deliverable now and is required to improve the 5 year supply and this must be afforded substantial weight in the overall planning balance ;
 - 6) The scheme is not premature;
 - 7) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

(ii) Housing mix and affordable housing

- 7.36 The proposal for up to 43 dwellings would produce a density of development of approximately 29 dph (dwellings per hectare), based on the developable area. Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) '*Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form*'.
- 7.37 Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

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

High Density – Minimum of 60 dwellings per hectare

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

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

- 7.38 Paragraph 6.23 makes it clear that *'It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character...'*
- 7.39 The NPPF states that *'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'*. Although this scheme represents a low-density development, the proposed density of 29 dph is considered an appropriate density given the context of the site on the edge of the settlement, adjoining the Conservation Area, taking into account the character of the surrounding area, and site constraints such as the need for open space, protected trees, ecology, proximity to the A3(M), A27 and railway, and drainage requirements. Overall, given the sensitivities of the site in terms of its constraints, and its location close to, but outside of, the urban area, the lower density of development proposed in this application is considered to be appropriate.
- 7.40 Adopted Local Plan 2011 Policy CS9 requires provision of a mix of dwelling types, sizes and tenures. The proposal does not include details of the housing types and sizes as it would be the subject of a reserved matters application. However, the site has been shown to be capable of accommodating a range of types and sizes of dwellings, having regard to the acknowledged constraints.
- 7.41 In relation to Affordable Housing, the proposal would provide a minimum of 30% of the total units as affordable housing, and would comply with the quantum of affordable housing required under the adopted policies. The tenure split is anticipated to be 70/30 Affordable Rent / Shared Ownership. The affordable units would be required at the reserved matter application stage to be spread throughout the site.
- 7.42 Subject to necessary requirements being secured within the associated S106 Agreement it is considered that the required on site affordable housing can be suitably secured.
- (iii) Impact upon the character and appearance of the area
- 7.43 The site and its location is described in section 1 of this report. The current proposal is in outline form and therefore the detailed appearance of the proposed development is not for consideration at this time. An indicative layout has, however, been provided which seeks to demonstrate how the quantum of development could be successfully provided on the site. The proposed development consists of up to 43 units of accommodation, which could be accommodated on the site, with a density of development of 29 units per hectare. Having regard to the location of the site, which is outside of the urban area, the density of development is considered to be appropriate.
- 7.44 The design qualities of the scheme have particular regard to the character of the site layout in respect of storey heights, materials and having regard to its edge of settlement location and relationship with the Phase 1 development. The proposed character of development comprises mainly 2 storey housing and parking overall

complies with the adopted standards and would be provided on curtilage so as not to be over dominant.

- 7.45 Landscaping would include native trees and native hedging species. The development has been carefully designed to retain the hedging on the boundaries with Lower Road and the A27 and new hedging would be provided to the site boundaries. This additional planting would comprise oak, field maple, hawthorn, holly and blackthorn to ensure a good mix of fast-growing with native species for biodiversity and the added screening would provide longer term benefit to both landscape character and ecology.
- 7.46 The layout has been influenced by its constraints including its proximity to the A3(M), A27, railway line and its siting relative to the Conservation Area. The layout is traditional in its form, with the proposed housing being designed to create active frontages and a sense of enclosure to the new streets, together with overlooking of the public areas.
- 7.47 The building heights of the proposed dwellings would be a maximum of two storeys with pitched, catslide and gable roofs, and would be of high quality design to be constructed of red brick, stone, burnt brick, timber board and coloured render.
- 7.48 The development will provide significant areas of Public Open Space and overall, the form of development is considered to have regard to the sites context and will form an appropriate transition from the verdant character of the area into this development.
- 7.49 Overall, it is considered that a development of up to 43 dwellings could be designed to have an attractive layout with an acceptable impact on the surrounding landscape. The final design and layout would form part of the reserved matters application should outline permission be granted.

(iv) Impact on Heritage Assets

- 7.50 The application site, whilst not within the Old Bedhampton Conservation Area, adjoins Old Manor Farm which was included in the Conservation Area under the 2019 review. Local Plan policy CS11 - Protecting and Enhancing the Special Environment and Heritage of the Borough advises that development should protect and where appropriate, enhance the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, building of local historic or architectural interests.
- 7.51 The Conservation Officer has provided a detailed response setting out the considerations in respect to the impact on Heritage Assets and this is reproduced below.

Policy Considerations

- 7.52 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.53 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.
- 7.54 The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4: 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.
- 7.55 The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The NPPF sets out, in Section 16, the proposals regarding Conserving and Enhancing of the Historic Environment. The following paragraphs are of particular relevance:
- 7.56 Para. 184 states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 7.57 Para. 189 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.58 Para. 190 advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.59 Para. 191 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 7.60 Para. 192 advises that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering Potential Impacts

- 7.61 Para. 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.62 Para. 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 7.63 Adopted Local Plan Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) advises that planning permission will be granted for development that protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.
- 7.64 Policy DM20 from the adopted Allocations Plan 2014 advises that planning permission will be granted for development that conserves and enhances the historic assets of the Havant Borough and that a heritage statement is expected for developments which have the potential to affect heritage assets.

Assessment

- 7.65 With regards to the Phase 1 development, the heritage position was that the overall extent of harm to the setting of the consideration area, would be '*less than substantial*'. In line with the NPPF, this means that the harm caused would not result in the total loss of significance of the heritage asset (that being the conservation area, including its setting).
- 7.66 In consideration of the Phase 1 development, the Inspector (Appeal Ref: APP/X1735/W/20/3259067 – see Appendix D) concluded that the development would result in *less than substantial harm* to the Old Bedhampton Conservation Area at a moderate level within the spectrum (para.48), and that the public benefits of the scheme were of sufficient importance to outweigh the harm that would arise to the significance of the Old Bedhampton Conservation Area (para.124).

- 7.67 The site is located to the west of the Phase 1 development and south west of Character Area 5 (CA5) of the Conservation Area. It is an undeveloped parcel of land which currently contributes to the setting of CA5, along with the other field parcels. This field parcel is bounded on two sides by transport infrastructure and has a small industrial estate located to the north, separating it from Lower Road.
- 7.68 The proposed development would result in the further loss of part of the setting to Character Area 1 (CA1) and CA5 which currently forms part of the former landholding of the farmstead. It would also alter the views from Lower Road and Old Manor Farm, southwards and westwards. As with the Phase 1 scheme, it would also affect the understanding of the historical role of the adjacent farmstead, as the creation of additional housing would reduce the associated detachment of the rural setting.
- 7.69 A positive of the Phase 1 development was that the dwellings were generously spaced and designed to create a more rural, farm stead style setting to be in keeping with Old Manor Farm. Furthermore, high quality, traditional materials were incorporated to enhance the rural character of the buildings and their context. The proposed development is of a comparable size to the Phase 1 development, however, the illustrative masterplan shows a tighter knit layout, which in effect creates a more urbanised feel. It is appreciated that a higher level of open space is being proposed on this site however, further consideration could be given to the design layout going forward, which reflects a more rural character, akin to the Phase 1 development. It is advised that careful consideration is also given to the use of high quality, appropriate materials.
- 7.70 Overall, it is considered that the proposal would result in harm to the settings of both CA1 and CA5. However, this is deemed to be '**less than substantial harm**' at the moderate level of the spectrum. Although this parcel of land is further west than that previously approved and the views are already constrained by the existing industrial site to the north, the illustrative layout is more urbanised and does not reflect the rural character of the setting. In accordance with NPPF, this is a matter which needs to be weighed against the public benefits of the proposal and the overall planning balance.

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

Impact on existing residents

- 7.71 The main impacts in terms of residential amenity relate to the dwellings currently under construction as part of the Phase 1 development to the east. There are no residential properties beyond the northern, western or southern boundaries. Given the separation distances between the proposed dwellings, there would be no significant loss of amenity to existing residents and the development would comply with policy CS16 of the Core Strategy, the Design SPD and the NPPF.

Impact on future residents

- 7.72 Policy CS16 states that proposals for noise-sensitive development, including residential uses, which would result in the occupiers of such development being exposed to unacceptably high levels of noise will not be permitted. This policy is consistent with that of Paragraphs 170 and 180 of the NPPF, which respectively require that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings, and that the planning system should prevent new and existing development from contributing to or being put at unacceptable risk

from, or being adversely affected by, amongst other things, unacceptable levels of noise pollution.

- 7.73 A Noise Impact Assessment has been provided taking into account noise generated from traffic on the A27 and the railway line. The noise assessment has considered noise levels in proposed habitable rooms as well as external noise levels in amenity spaces. The report concludes that development can be delivered without causing significant harm to the amenity of future residents.
- 7.74 The Environmental Health Officer has provided updated comments on noise levels. As the proposal is in outline stage, it is unclear how many dwellings will require acoustic trickle vents and / or mechanical ventilation, however, appropriate details would need to be submitted and considered at reserved matter stage.
- 7.75 The Environmental Health Officer has also assessed the impacts of air quality and contamination and has raised no objection and is satisfied that subject to conditions, a satisfactory environment for future residents can be achieved.

(vi) Highways, parking and accessibility issues

- 7.76 The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 110 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 7.77 The application is supported by a Transport Assessment and in response to the initial consultation from the Highway Authority dated 7th December 2021, a Technical Note and an outline Construction Traffic Management Plan (CTMP) was subsequently submitted which sought to address concerns raised by the Highway Authority. Following submission, further discussions were subsequently held with the applicant leading to a follow up note to address the remaining points.
- 7.78 With regards to junction modelling, the Highway Authority advises that the proposed development will further reduce capacity at the Bedhampton Road/Bedhampton Hill Roundabout and requires appropriate mitigation measures to offset its impact to improve pedestrian and cycle links. The applicant has agreed to a contribution of £108,000 towards either measures identified within the Havant Local Cycling and Walking Infrastructure Plan along Bedhampton Road to improve pedestrian and cycle facilities, or pedestrian crossing facilities at Brookside Road. The contribution has been calculated against the cost of implementing a segregated cycleway on Bedhampton Road between Kingscroft Lane and Bedhampton railway station, which would also be utilised by cyclists looking to access Bedhampton rail station en route to Warblington School. The Highway Authority considers the contribution sufficient for mitigating the vehicular impact of the development.
- 7.79 The Highway Authority initially raised concerns with regards to the site access and the poor forward visibility available through the access and the limited carriageway width which restricted the ability of two vehicles to pass concurrently. Following this, a revised access proposal was submitted which provides forward visibility to a 20mph design speed, supported by localised widening to facilitate two-way movements through the access and along the access road. The Highway Authority has reviewed

the revised access layout and are satisfied that two family cars can pass without conflicting through the access and onwards into the proposed site.

- 7.80 Extensive representations have been received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular, concerns were raised that the existing highway network in the vicinity and in particular Lower Road is unsuitable for the extra traffic that would be generated by the development, with the absence of footways and presence of tight bends resulting in safety issues and conflict between vehicles and pedestrians with pedestrians having to walk in the road along Lower Road, Brookside Road and Bidbury Mead.
- 7.81 The Highway Authority provided comments on the additional vehicle movements and the acceptability of the additional development flow heading onto Lower Road and Brookside Road and additional information was submitted by the applicant through detailed discussions with the Highway Authority. Taking account of the updated assumptions made regarding the total pedestrian, cycle and vehicular trips utilising Lower Road, the Highway Authority are satisfied that whilst there will be more peak hour and daily movements along Lower Road, it will not affect the current safe operation of the shared space arrangement which is corroborated by accident data which shows there have been no accidents along Lower Road from the past 20 years
- 7.82 As part of the scheme, it is also proposed to provide a crossing point from the footway to the west of the swale to a new footway on the southern side of the access road. The Highway Authority consider that the realigned footway and the introduction of a new footway on the southern side of the access road are suitable for providing pedestrians with a safe place to cross. As part of the Phase 1 development, a 2m wide footway was proposed internal to the site, linking to the junction with Lodge Road to the west via tactile paving. The Highway Authority consider that the realigned footway and the introduction of a new footway on the southern side of the access road are considered suitable for providing pedestrians with a safe place to cross.
- 7.83 Overall, the Highway Authority are satisfied that the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network. It is clear in paragraph 111 of the NPPF that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Following the implementation of the agreed mitigation proposals required by the legal agreement and conditions, these are considered to mitigate the impact of the development on the highway network and therefore a reason for refusal on this basis could not be justified.

(vii) Flood Risk/Drainage

- 7.84 The site is located within Flood Zone 1, an area at low risk from flooding, and Southern Water have advised that they can facilitate foul sewerage disposal to service the proposed development. A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted as part of the application which includes a drainage strategy plan. The application has been considered in detail by the Lead Local Flood Authority (Hampshire County Council).

Surface Water Management

- 7.85 The FRA indicates that surface water runoff from the application site will be managed through swales, permeable paving and an attenuation basin. Additionally, surface water will be discharged into 3 deep bore soakaways (16m). However, the Lead Local Flood Authority (LLFA) requested a ground investigation report be submitted to include infiltration testing and a groundwater assessment. The LLFA advised that if infiltration is not feasible, the applicant should propose an alternative secure outfall in accordance with the drainage hierarchy for surface water disposal. In response, the applicant's drainage consultant provided a response advising that infiltration testing was not feasible at the site, however, further comments from the LLFA advised that a detailed drainage strategy with a proposed alternative to infiltration should be submitted.
- 7.86 Following discussions with the applicant additional information was submitted with a view to addressing the concerns raised by the LLFA. This included a SuDS Management and Maintenance Plan, groundwater monitoring and infiltration testing, wider groundwater monitoring results, drainage strategy and micro drainage calculations. These details were thoroughly reviewed by the LLFA and revised comments were received requesting further information on whether an increase in the number of boreholes would effectively discharge surface water from the site.
- 7.87 Following receipt of further information submitted by the applicant, the LLFA have maintained their objection to the application for the following reasons (summarised):
- The surface water drainage strategy relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels during winter.
 - Shallow infiltration was found to not be possible at this site due to slow infiltration rates in the superficial deposits.
 - No watercourses are present nearby.
 - Deep-bore soakaways are considered to be an option of last resort by the LLFA, as stated in of their 'Surface Water Checklist Guidance'.
 - No unsaturated zone is proposed for the drainage system, and there may be a risk of groundwater emerging from the boreholes in a worst-case scenario.
 - Infiltration testing appears to have been undertaken one time only and at one depth into the saturated chalk, which is insufficient for determining whether the rate achieved is an anomaly or even representative of the entire depth of the proposed boreholes.
 - The application of the infiltration rate data in the hydraulic calculations is of concern, in addition to questions over its suitability. The rate was originally applied across the full depth of the proposed deep-bore soakaways, however the most recently submitted calculations show a variation by depth. It is not clear how this was calculated as there is no evidence for additional testing.
 - No evidence has been provided to show that the drainage network in its entirety will not flood during the 1 in 30 year event. Attenuation storage has been provided for the 1 in 100 year event plus an allowance for climate change, however the LLFA requires further evidence of suitable infiltration rates to be certain of suitable half-drain times for all storm events.
 - The LLFA has experience of a development site proposing deep-bore soakaways where more representative infiltration testing was undertaken than for this site and with lower groundwater levels, however the drainage system failed because infiltration rates after construction had been completed were found to be an order of magnitude lower than those encountered during ground investigations.

The LLFA ultimately requests that a surface water drainage strategy is submitted that follows their hierarchy for sustainable drainage discharge locations. They also advise that the existing evidence available to the LLFA excludes infiltration to ground as an option, and the only likely acceptable solution is a pumped discharge to a surface water sewer with the relevant safeguards and permissions in place. As no consideration of an alternative workable surface water drainage strategy has been submitted, the LLFA maintains its objection as the site cannot be shown to effectively drain sufficiently at this outline application stage.

- 7.88 The absence of any prospect of a workable surface water drainage strategy from the application submissions is considered to be of overriding importance to the outcome of the proposals, in that in the absence of a workable strategy there would be likely to be a significant and demonstrable adverse effect arising from the development such as to outweigh the presumption in favour of granting planning permission. The development proposals are therefore considered to not be in accordance with Decision Making Principle 4 of the Housing Delivery Position Statement, Policies CS15 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011, and Paragraphs 167 and 169 of the NPPF.

(viii) Ecology Impacts

- 7.89 The site overall comprises a fairly typical area of south Hampshire farmland and is of generally limited ecological value. The site has been shown to support a typical assemblage of foraging/commuting bat species, mostly concentrated along the site's wooded boundaries and hedgerows. Breeding and wintering bird surveys have recorded an assemblage of typical species, with no overwintering geese or waders or other species associated with the nearby Solent Special Protection Areas. No evidence of Hazel Dormouse or Badger has been recorded, and the site is considered unsuitable for supporting Great Crested Newt. Reptile surveys have identified a small population of Slow-worms on site.
- 7.90 The proposed landscaping scheme would provide a useful area of open greenspace within the south and west of the site. This will include areas of sown species-rich grassland, native hedgerow, trees and scrub and wetland features and should provide a valuable range of habitats. Mitigation measures are provided for the identified ecological receptors, entailing timing vegetation removal to avoid nesting bird impacts and the use of habitat modification to encourage the translocation of reptiles from the northern boundary.
- 7.91 The site was previously identified as a Candidate Site and before that a Secondary Support Area in line with the Solent Waders and Brent Geese (SWBG) within the Brent Goose and Wader Strategy (October 2018) (SWBGS). However, its classification has been updated to 'no recorded use'. This reflects four years of good survey data which has led to the reclassification of the site as 'no recorded use'. Therefore, no direct impacts would need to be assessed or mitigation required.
- 7.92 The Council's Ecologist has confirmed that the proposal is acceptable subject to a condition requiring a single, site wide ecological mitigation strategy – this strategy should make suitable provision for swifts in light of the Hampshire Swifts' consultation response.

(ix) Impact on Trees

- 7.93 An Arboricultural Assessment and Method Statement accompanies the suite of planning submission documents which has been reviewed by the Council's

Arboriculturalist. No trees are shown to be removed and the trees on and offsite can be adequately protected during the course of development by the protective fencing proposed and the Council's Arboriculturalist has concluded that the tree work specified to be carried out in the method statement is appropriate and necessary. In summary provided that the methodology set out in the arboricultural reports is strictly adhered to there is no arboricultural objection.

(x) Impact on Archaeology

7.94 The County Archaeologist (CA) has been consulted on the application and notes archaeological work that has been undertaken as part of the Phase 1 development. It is noted that the archaeological evaluation found evidence of features of Bronze Age and Iron Age date as well as Roman material indicating that the area was in use in those periods. Subsequent archaeological excavation found evidence of occupation (possibly temporary, seasonal or activity based occupation rather than permanent) and particularly associated with considerable material of Roman date.

7.95 The report concludes that there is a low to medium potential for prehistoric remains and a low potential for Roman remains. The County Archaeologist agrees that there is a low potential for archaeological remains to be encountered that would prove overriding to the principle of development, but that there is a high potential that some archaeological remains will be encountered during development which would merit mitigation and in this regard recommends appropriate conditions to secure a preliminary archaeological survey and to secure appropriate archaeological mitigation by recording of the archaeological remains identified by the evaluation and impacted by the proposed development.

(xi) Education

7.96 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised the development site is served by Bidbury Infant and Junior Schools and Warblington Secondary School. Although the Bidbury pair of schools are full they only achieve this by out catchment recruitment. The yield from the development at Lower Road will be able to be accommodated at the Bidbury Schools with the out-catchment pupils being returned to their catchment schools. Consequently, a contribution from the developers to provide any additional primary school places is not required. Similarly, there are places available at Warblington Secondary School to accommodate the yield of pupils at secondary age and, again, a contribution to provide any additional secondary school places is not required.

(xii) Contamination

7.97 As to potential contamination on the site the Council's Environmental Health Team were consulted and no objection has been raised. The Geo-Environmental desk-based assessment concludes that there are no known risks associated with the site, other than as associated with ad-hoc activities undertaken ancillary to agricultural use of the land. To address this uncertainty, the assessment recommends a precautionary Phase 2 Intrusive Geo-Environmental Site Investigation, to run alongside the Geo-Technical assessment, and to include environmental tests and the Council's Environmental Health Team agree with this approach.

(xiii) Developer Contributions/CIL and S106 requirements

7.98 The impacts of the proposed development on key infrastructure have been assessed and draft Heads of Terms submitted. The infrastructure provision in respect to highways, education, flood risk/drainage, open space, leisure and utilities has been considered and mitigation for the potential impacts on infrastructure proposed which would be the subject of a legal agreement as set out below.

7.99 This outline application is not CIL liable but any subsequent full or reserved matters applications would be. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement would be required in respect of the following matters in the event that permission were recommended to be granted: -

Affordable Housing 30%

HBC S106 monitoring fee

HCC monitoring fee

Open Space, allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan.

Solent Recreation Mitigation Strategy contribution £33,007.70

SUDS including SUDs Bond, Management and Maintenance (*NB subject to change to address the outstanding LLFA objection*)

Permissive paths

A contribution towards a Community worker in line with Decision making principle 5 of the Housing Delivery Position Statement which states that developments of 20 dwellings or more will be expected to:

(o) "Contribute towards a community officer, to help new residents in the development integrate into existing communities. "

Contribution towards sustainable transport of £108,000

Travel Plan requirements

8 Overall Conclusion and Planning Balance

8.1 The development site lies outside of the built-up area and is not allocated for development in the adopted Local Plan policy and as a result the proposal is contrary to the most relevant policies within the development plan. 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.

8.2 The scheme would provide for 30% affordable homes where the demand for affordable housing remains consistently high within the Borough. Therefore significant weight to the delivery of affordable homes is attributed in accordance with HBLPCS Policy CS9, criterion (2).

8.3 Notwithstanding that the site lies outside the urban area boundary for Havant and the delivery of homes on the site would not accord with the spatial strategy within the development plan, limited weight is afforded to the conflict with both HBLPCS policy CS17 and ALP Policy AL2, and the NPPF due to the settlement boundaries being based on outdated levels of housing need.

8.4 The site lies adjacent to the Old Bedhampton Conservation Area and would be located immediately adjacent to the Phase 1 development. The proposed development of this

open site would have an impact on the setting of the Conservation Area, although this has been found to be less than substantial and must be taken into account in the overall planning balance.

- 8.5 In respect to the landscape impact, the development would not unduly affect the character and appearance of the wider area. The landscape character and visual impact of the proposal would be contained and localised to a degree, due to existing tree planting to the south and west. In addition, the scheme proposes additional tree and buffer planting to the north and south which would be secured at the reserved matters stage. As such limited weight is given to these harms and the conflict with HBLPCS Policy CS16 which requires development to demonstrate that it integrates with existing local landscape features.
- 8.6 Amongst the benefits of the proposal would be the provision of a number of homes in a Borough which does not have a 5 year supply of deliverable housing sites. The Council accept that it 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.
- 8.7 The Government's objective is to significantly boost the supply of homes and the scheme would provide up to 43 units of much-needed housing, with a minimum of 30% of these comprising affordable housing. This is considered to be a material consideration of substantial weight. The proposal would provide housing for future residents and good access to local services and facilities. As such, substantial weight is given to the provision of affordable and market housing on the site.
- 8.8 The proposed development would include areas of public open space and the provision of other landscaped areas, at the reserved application stage. The open space would, therefore, promote health and well-being within the community to which moderate weight is afforded to the benefits derived from the public open space and other landscaped areas.
- 8.9 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.
- 8.10 Set against these positive aspects of the proposal, however, the LLFA have clearly set out their objection to the proposed drainage strategy, which relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels during winter. Shallow infiltration was found to not be possible at this site due to slow infiltration rates in the superficial deposits, and no watercourses are present nearby. Despite a number of rounds of reconsultation with additional information submitted by the applicants, in light of the LLFA's detailed consultation response it must be concluded that the development has not demonstrated that it can be satisfactorily drained. In the absence of such information it is considered that there would be a significant and demonstrable adverse effect arising from the development such as to outweigh the presumption in favour of granting planning permission.
- 8.11 Overall, whilst the delivery of the proposed housing would result in social, economic, and environmental benefits which weigh in favour of the proposal, the absence of any prospect of a workable surface water drainage strategy from the application submissions is considered to be of overriding importance to the outcome of the application, in that in the absence of a workable strategy there would be likely to be a

significant and demonstrable adverse effect arising from the development such as to outweigh the presumption in favour of granting planning permission.

- 8.12 That being the case, the absence of a completed S106 Agreement to secure the necessary infrastructure and other requirements set out at Paragraph 7.99 above must also be referenced, although this is a matter likely to be resolved in the event that the matter progresses towards the Appeal Hearing.
- 8.13 It is therefore considered that the appropriate response to the appeal proceedings would be to inform the Planning Inspectorate that had an appeal not been lodged the Local Planning Authority would have been minded to refuse outline planning permission for Application APP/21/01071.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to inform the Planning Inspectorate that had an appeal not been lodged the Local Planning Authority would have been minded to **REFUSE OUTLINE PLANNING PERMISSION** for Application APP/21/01071 for the following reasons:

- (1) The surface water drainage strategy relies on deep-bore soakaways as final discharge points, that will be saturated by high groundwater levels for significant periods. Deep-bore soakaways are considered to be an option of last resort by the Lead Local Flood Authority and given the high water table, it is not considered appropriate in this location. More consideration of alternatives needs to be provided.

In light of these concerns, it is considered that the proposals conflict with Policies CS15 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011, Decision Making Principle 4 of the Housing Delivery Position Statement, and Paragraph 167 of the National Planning Policy Framework as without a suitable drainage scheme, flood risk will be increased. In addition, the submitted Flood Risk Assessment is not considered to be compliant with Paragraphs 049, 055 – 059 of the associated Flood Risk and Coastal Change guidance nor S7, S8 or S9 of the Non-statutory technical standards for sustainable drainage systems;

and

- (2) Binding arrangements are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner:
- (i) Affordable Housing;
 - (ii) Open Space, Allotments and associated infrastructure;
 - (iii) Solent Recreation Mitigation Strategy;
 - (iv) Highway/Travel Plan requirements;
 - (v) Public Access;
 - (vi) Site Management;
 - (vii) Drainage;
 - (viii) Community Worker provision; and
 - (ix) Associated monitoring fees.

The carrying out of the development in the absence of such provision would result in an unsatisfactory and unsustainable form of development having due regard to Policies CS1, CS9, CS11, CS15, CS16, CS19, CS20, CS21, DM8, DM10, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011; Policy DM24 of the Havant Borough Local Plan (Allocations) 2014; the Conservation of Habitats and Species Regulations 2017 (as amended); and the National Planning Policy Framework.

And that the Council's case in the appeal against non-determination of the application be prepared on that basis.

Appendices

- (A) Location Plan
- (B) Illustrative Masterplan
- (C) Proposed Site Access Arrangement from Phase 1 Site
- (D) Appeal Decision in respect of Application APP/19/00427