
Site Address:	Land E of Manor Farm Close, Havant		
Proposal:	Construction of of maintenance access off Manor Farm Close and amendments to existing drainage basins.		
Application Type:	Full Planning Permission		
Application No:	APP/23/00584	Expiry Date:	22/09/2023
Applicant:	Mr Briggs Barratt David Wilson Homes		
Agent:		Case Officer:	Leanne Richardson
Ward:	St Faiths		

Recommendation: **REFUSE PERMISSION**

1 Site Description

This application relates to Land East of Manor Farm Close which is a recently established residential area located approximately 1.4km east of Havant Town Centre and north of the railway line which offers stopping services towards Brighton to the east and Southampton and Portsmouth to the west.

The application relates to the provision of an access road located to the east of the junction of Fifth Avenue with Manor Farm Close. Presently the location features a modest pedestrian access to public open space and a footpath network serving the development, with established tree and hedge planting otherwise denoting the boundary between the road network and the open space. Open fields lie to the east beyond the open space.

2 Planning History

There is extensive history relating to the site, however, of particular relevance is a hybrid planning application which was granted under planning ref: APP/12/01222 which secured permission for the following:

- Full planning application for Manor Farm for the erection of 91 dwellings; 59 open market units comprising 9No 5 bed, 38No 4 bed and 12No 3 bed houses and 32 affordable units (flats and houses) comprising 8No 3 bed, 18No 2 bed, 6No 1 bed units including storage building and bin store; and incorporating new pumping station and open space with play area and including the demolition of two dwelling houses.
- Outline application for Copseys Nursery for the erection of 100 dwellings with 65 open market units comprising 9No 5 bed, 22No 4 bed, 27No 3 bed and 7No 2 bed houses and 35 affordable units comprising 5No 4 bed, 19No 3 bed and 11No 2 bed houses, public open space, allotments, farmers/vegetable market building and car park.

The scheme has been built out and all of the dwellings are occupied.

The application site lies within the Manor Farm area of the site. It is noted that the approved site layout plan for the development depicts access to the agricultural land to the east being secured via an access to the southern end of Manor Farm Close, close

its junction with Glenleigh Park – this access is in place.

3 Proposal

The applicants have advised that there is a contractual agreement in place between the Barratt David Wilson Homes site (Manor Farm) and the farmer in respect of the agricultural land to the east. A covenant essentially reserves the right to construct an access road and to pass/repass over that access road with farm equipment connected with the use and occupation of the farmland.

In order to comply with the contractual agreement, this proposal seeks to construct an access road located off Manor Farm Close and adjacent to Fifth Avenue. To facilitate the access, the scheme also seeks alterations to the SUDS attenuation pond.

The proposed access would measure 5.5m wide and would be constructed in resin bonded surfacing.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) 2011

- CS15 (Flood and Coastal Erosion Risk)
- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS19 (Effective Provision of Infrastructure)
- CS20 (Transport and Access Strategy)
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features)
- DM11 (Planning for More Sustainable Travel)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable
Conservation Area: Not applicable

5 Statutory and Non Statutory Consultations

Lead Local Flood Authority

We have no records of the previously consented application which is likely to pre-date our role as LLFA. However, having reviewed the proposals and technical note, it is stated that there will be an overall increase in the pond area. Given their connectivity, these amendments appear to be minor and we would have no objection to the proposals.

Environment Agency

We have no objection to the proposal.

Southern Water

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.

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.

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Council's Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own non-exhaustive desk-based assessment using the application documents, online sources and GIS mapping. The proposed amendments to the SuDS basins are not likely to result in significant ecological impacts and I do not consider that further ecological information is necessary.

Hampshire Highways

Revised Comments dated 15 November 2023

The Highway Authority previously responded on the 31 August 2023 setting out concerns over the need, design and scale of the proposed access. It is noted that this has not been published on the planning portal to date and it is requested that this is made available.

Additional information has been submitted in the form of the following revised drawings:

- 4527-MJA-SW-XX-DR-C-700 Rev P5 Road Layout and setting out details
- 4527-MJA-SW-XX-DR-C-701 Rev P3 Road extension sections and details

The revised layout seeks the connection to be of a similar form to that of the existing access from Manor Farm Close further south. This will serve primarily as amended pedestrian and cycle access to the public open space but have the ability to provide vehicle access to the land for the benefit of agricultural vehicles by removal of the proposed bollards.

The proposals however still impact the SUDs features and therefore require consideration by the Lead Local Flood Authority on the suitability of the proposals. In addition, other points of concern have not been addressed including how the amended link connects for pedestrians and cyclists to Fifth Avenue infrastructure as there is currently no dropped kerb access provision to the footway. The field gate provision and details are also not shown, this should open inwards to the farmland so as not to obstruct users of the open space. A stage 1 road safety audit should also be provided on the revised design as the changes are introducing a new vehicle access point and interaction between vehicles and vulnerable road users. Tracking of the revised access has also not been provided and should be included.

Visibility splays should be shown and it is noted that the hedge would need to be maintained below 1.05m to ensure appropriate visibility is maintained in perpetuity. Visibility splays should also be shown to the field gate to pedestrians and cyclists using the north/south path. The Highway Authority are not averse to the existing post and wire fence siting within these splays however an alternative boundary treatment should not obstruct these visibility requirements and be less than 1m in height.

Notwithstanding the above the evidence for the need for the new access point remains unclear given an existing access point is provided to the land further south, the Planning Authority should be satisfied that this matter is addressed and the need for further vehicular access to this land is necessary. Should the access be approved, a condition will be required to limit its use by vehicular traffic for agricultural vehicles only to the benefit of servicing the adjoining farmland which should be clearly identified within the application documents. Should the land change its use the Highway Authority do not consider that the granting of this permission (should the application be approved) sets any precedent for the suitability of a vehicle access to serve an alternative land use.

Recommendation

Additional information is required before the Highway Authority can be satisfied that the proposals are safe and suitable for all road users.

Original Comments dated 31 August 2023

The Highway Authority note that there is a contractual requirement to maintain access to land to the east. However, the extent of the redline suggests that this land is subject to the drainage infrastructure and public open space and therefore does not provide access beyond that which is already achieved via access to the pump station as approved under application APP/12/01222. It appears that a field gate

access to land east of the redline is already achieved from this point. It is also unclear why this matter was not dealt with through APP/12/01222 and is retrospectively amending established streets and pedestrian/cycle infrastructure.

The proposed access seeks to undermine the pedestrian and cycle access along the public open space which would be contrary to the permission granted under APP/12/01222. Fundamentally the Highway Authority are unclear on the need for the access in this form and the land parcel in which it needs to connect too, and this should be set out more clearly.

A Highways and Transport Technical Note has been provided in support of the application and this sets out a design on drawing 4527-MJA-SW-XX-DR-C700 Rev P2 for a full bellmouth construction with the relocation of the existing pedestrian access to the public open space to a footway and crossing. Given the use of the land and the proposed intent for the access, the design is wholly over engineered to the detriment of pedestrian and cycle users who now have a severed cycle route. Whilst the Highway Authority may be minded to accept an agricultural vehicular access may be necessary the provision of a new highway access in the form shown is not agreed to be safe or appropriate for the intended use.

The crossing facilities of Manor Farm Road are not aligned and require pedestrians to cross an extended amount of carriageway. The crossing should be aligned to not land pedestrians in the bellmouth itself.

The visibility splays for the access would need to be supported by recorded speed surveys and shown on a plan. In addition, the hedgerows which obstruct the visibility above 600mm would need to be removed and the visibility splays kept clear. Tracking has been provided for agricultural vehicles. It would not be anticipated that these would need to pass another vehicle and if this was necessary this could be managed. Given that flows would be low and consideration of the Highway Authority that a more minor vehicular access could be provided which would maintain priority for pedestrians and cyclists.

The impact of the proposals on the SUDs features would need to be considered by the LLFA and in terms of drainage would not be a highway matter for consideration as they are not a highway feature. They do however, in engineering terms, look to be too close to the proposed carriageway construction and would need to be in accordance with TG8-2 section 3.1.5 and consider TG8-1. TG8-1 also sets out an appropriate access for maintenance of SUDs pond which would also be duly appropriate to accommodate agricultural land.

No field gate has been shown and the access boundary treatment at the end of the proposed road is unclear.

The footway continues beyond the existing north south route and it is also unclear why it would be necessary to take it to the redline boundary.

At this stage, given that the Highway Authority consider this junction form to be inappropriate for the intended use, full detailed comments on the design proposals have not been provided. If the Planning Authority are minded to determine the application positively then the detailed design of the proposed access will need to be consider further and additional comments provided. In the meantime, additional information is sought as set out above and the Highway Authority welcome a discussion with the applicant on agreeing the appropriate access form and location.

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: 77

Number of site notices: 1

Statutory advertisement: N/A

Number of representations received: 55

Summary of Representations

- Adequate vehicle access to the east of Manor Farm Close already exists via the reinforced track and gate at the southern end of Manor Farm Close which has been utilised for agricultural traffic during the past 8 years.
- The proposed new roadway is unnecessary and excessive. No evidence has been submitted to demonstrate that it is necessary.
- Increased traffic and traffic flow through the wider estate. The roads are narrow and cannot accommodate farm vehicles.
- Vehicles will begin to use all estate entrances which will be harmful to the character of this quiet estate.
- Increased risk of flooding due to the soakaway being reduced to accommodate the access.
- removal of the pathway would be detrimental to pedestrian safety and users of the park (particularly children), open space and nature conservation area.
- the use of materials is inappropriate.
- landscaping will need to be maintained and should not be at the expense of residents.
- the access road could be used as a precedent for planned future development.
- opening up the access could lead to unauthorised users of the farmland leading to damage and theft to residents.
- residents should be compensated for due to misleading sales brochures.
- residents are jointly responsible for maintenance and safety of all roadways, pathways and common grounds. We do not agree to take on this additional responsibility of the proposed crossing.
- impact on noise and odour.
- the scheme would not be in keeping with NHS guidelines which encourages people to exercise and socialise.
- would have a negative impact on local wildlife in the area.
- lack of engagement with the developer.

In addition, one letter of support has been received.

7 Planning Considerations

- 7.1 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) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Highway Safety
- (v) Impact on Drainage

(i) Principle of development _

The application site lies at the interface of the defined urban and non-urban areas of Havant. In this instance there is understood to be a restrictive covenant in place which requires Barratt David Wilson Homes to construct an access road and to allow the farmer to pass/repass over that access road with farm equipment in connection with the use and occupation of the farmland to the east. Whilst the contractual agreement indicates a farm access be constructed in this location, this is a private matter between the respective parties and any development would still need to be subject to the usual development management criteria.

The applicant has advised that the proposed access would solely be used for agricultural vehicles for maintenance purposes to provide access to the farmland to the east. The proposed access would measure 5.5m wide and would be constructed in resin bonded surfacing. Amended plans received during the course of the application has removed a footpath and grass verge either side the proposed access road in an attempt to minimise the harm to the verdant character of the area.

The proposed access road would replace an existing pedestrian access point which currently links the residential area to the open space to the east. Officers have previously expressed concern that the proposed access is overly engineered for its intended purpose. The provision of a 5.5m wide access road in this location would be likely to undermine the pedestrian connectivity to the open space and would be harmful to the character of the area.

It is also noted that there is an existing access point to the agricultural land to the east located further south along Manor Farm Close. This access, which formed part of the approved layout for the Manor Farm estate as a whole, is constructed in grasscrete and measures circa 4m wide, reducing in width as it passes through a field gate into the farmland. This existing access has clearly been utilised by the farmer to access the farmland for a number of years and several residents have questioned the need for a new access and whether the existing arrangement could continue to operate.

Aside from the restrictive covenant, which is a private legal matter, no substantive evidence has been submitted to justify the need for a new access in this location, nor has it been satisfactorily demonstrated that the existing arrangement could no longer continue to operate. In addition, there is no evidence to suggest that the existing access would be closed, and therefore the development would result in two access routes to the farmland which, on the basis of the information available to the Local Planning Authority, is considered unnecessary and unjustified.

Overall, in the absence of appropriate justification to the satisfaction of the Local Planning Authority, it is considered that the principle of the development cannot be supported.

(ii) Impact on the character and appearance of the area _

The proposed access would be located adjacent to the Fifth Avenue junction and would replace a pedestrian access which currently links the residential area to the open space to the east. There are a number of other footpaths along the eastern boundary which link to the open space. The character of the application site, in common with its surroundings, is verdant and features established hedge planting and maturing trees within a grassland setting. The pedestrian paths cutting through the landscape are generally of modest width (c.2m – 2.5m).

Whilst amended plans have been received to remove a footpath and grass verge originally proposed either side the proposed access road, together with a change in materials from asphalt to resin bond, it is important to assess the acceptability of the scheme with regards to the impact upon the character and appearance of the area. It is considered that the creation of a 5.5m wide access road in this location, on the edge of the built-up area and in an area which is well landscaped and which constitutes open space, would significantly change the character of the site and its surroundings.

Given the scale and nature of the development, a 5.5m wide access road would both visually and functionally intrude into a significant area of open space. It would entail the loss of existing natural features in the form of the hedge which clearly denotes the edge of the open space at this point and a buffer to the residential area beyond. On this basis the works would be inappropriate and would result in significant visual harm to the character and appearance of the area. In addition, as set out above, insufficient information has been submitted to demonstrate an identified need for an additional access road in this location.

It is acknowledged that the application proposals also involve a remodelling of the existing drainage basins to the north and south of the application site to facilitate the corridor required for the access road. In and of themselves, the drainage basin changes are not considered to give rise to serious harm to the character of the area.

However, with specific regard to the access road proposals, the proposed development would result in significant harm to the character and appearance of the area and the loss of existing natural features, contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the aims and objectives of the NPPF.

(iii) Impact upon residential amenity

Given the nature of the proposal, which is intended to be for infrequent agricultural access only, it is not considered that the proposal would have a significant direct adverse impact on the residential amenities of neighbouring properties, albeit it is acknowledged that the general impact of the development on the character and appearance of the area would be apparent to nearby residents and users of the open space.

In terms of residential amenity therefore, the proposals are not considered to conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Highway Impacts

The Highway Authority have been consulted on the amended plans submitted following their initial consultation response and advise that their previous concerns have not been addressed. Insufficient information has been provided to demonstrate

how the access road connects pedestrians and cyclists to Fifth Avenue as there is currently no dropped kerb access provision to the footway.

As the proposal introduces a new vehicle access point and interaction between vehicles and vulnerable road users, a Stage 1 Road Safety Audit and tracking details would need to be provided. In the absence of such information, there is insufficient evidence to demonstrate satisfactorily that the new access point is safe and suitable for all road users. The Highway Authority also reiterate that there is insufficient evidence to demonstrate the need for an additional access given there is an existing access located further south which could continue to be utilised to serve access to the farmland.

Overall, it has not been demonstrated that the proposals are safe and suitable for all road users, and the proposals are therefore considered contrary to Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

(v) Impact on drainage

To accommodate the proposed access, there will be a requirement to widen the current gap between the two basins. The northern basin will be reduced in size but the southern basin will be increased. Overall, there will be a net increase in the surface water basins of 10 square metres.

The Lead Local Flood Authority has been consulted on the application and raise no objections to the scheme. Further, no objections have been raised by the Environment Agency.

In terms of drainage therefore, the proposals are not considered to conflict with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

8 Conclusion

The proposed access is considered to be overly engineered for its intended purpose for occasional use by agricultural vehicles and insufficient information has been submitted to demonstrate the need for an additional access road over and above the existing access road which currently exists further south. The design proposals would give rise to significant visual harm to the character and appearance of the area which has not been justified. It has also not been demonstrated that the scheme would provide a safe and suitable access to all road users.

The development is therefore considered to be contrary to Policies CS16, CS20, DM8 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, and the application is recommended for refusal.

9 RECOMMENDATION:

That the Head of Place be authorised to **REFUSE PERMISSION** for application APP/23/00584 for the following reasons:

- 1 By virtue of its scale, design and siting, the proposed access road, which would erode into prominent open space and result in the loss of natural features, would be inappropriate and would result in significant visual harm to the character and appearance of the area. In addition, insufficient information has been submitted to demonstrate an identified need for an additional access road. The proposal is therefore contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 Insufficient information has been submitted to demonstrate that the proposed access would be safe and suitable for all road users, contrary to Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.