

along the southern and part of the eastern boundaries of the woodland to the south.

In terms of the principle of development, the site is not allocated in the development plan for residential development. In the emerging Local Plan, the application site is located outside of the settlement boundary as proposed to be defined by Policy E3. The site is however promoted as an 'omission site' as part of the Local Plan examination. Therefore, the status of the site has the potential to change as the examination progresses. Nonetheless, refusal of the scheme due to prematurity would not meet the tests of paragraph 9 of the National Planning Policy Framework.

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

The site is safeguarded under Policy IN1 of the emerging Local Plan for a combined emergency services hub. The site has been purposefully identified as safeguarded land as opposed to being allocated, reflecting the fact the land cannot be considered to be available now for this purpose. However, following a discussion with the Hampshire & Isle of Wight Fire and Rescue Service (HIWFRS) it has been confirmed that if planning permission is granted for this development, communities would continue to be adequately served by the HIWFRS through its current estates provision.

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 and emerging Local Plan policy. However, the NPPF and the Borough's shortage of a five year supply of deliverable land for housing is also a material consideration.

The Council published its latest 'Five Year Housing Land Supply Update in September 2021. This indicates that the Council cannot demonstrate a five year supply of deliverable sites. The assessment found that the Council could only demonstrate a 4.3 year housing land supply, with a 20% buffer.

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demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date.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 housing mix in the indicative layout would be of apartments and dwellinghouses. Details as to the range of types and sizes would be provided at the reserved matters

stage. 30% affordable housing provision would be secured from the development to meet the Council's adopted and emerging policies. The density of development proposed for the site (i.e. up to 100 dwellings) is considered to be appropriate having regard to the site's location close to, but outside of the urban area.

The indicative layout, noise attenuation measures and air quality have been assessed and are considered to provide acceptable residential amenity for future residents subject to appropriate details being provided at the reserved matters stage.

Highway impacts have been considered in detail and improvements to sustainable travel are proposed through the provision of a shared cycleway and footway to the south and a footway to the north. It is considered that the site is sustainable in transport terms, subject to the mitigation measures proposed and the works secured by the associated S106 agreement and condition requirements.

In relation to the public open space provision, the indicative layout is considered acceptable in principle subject to appropriate details at the reserved matters stage.

Flood risk and drainage proposals have been considered and subject to suitable foul and surface water drainage conditions, an appropriate drainage regime can be provided which mitigates flood risk.

Ecological impacts have been subject to detailed consideration and where necessary appropriately mitigated for example in relation to bats and dormice. Conditions and the associated S106 requirements are recommended to secure mitigation.

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

A package of infrastructure requirements would be secured in relation to the development via the S106 legal agreement in order to ensure that the proposal constitutes sustainable development.

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

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 weight in the overall planning balance. In assessing the proposal (including associated evidence) against the adopted development plan, the National Planning Policy Framework and given the need to maintain a five year supply of deliverable housing sites, the scheme is considered to represent sustainable development and is therefore recommended for permission, notwithstanding that it is contrary to adopted and emerging Local Plan policy.

1 Site Description

- 1.1 The site is located on the west side of Hulbert Road between Waterlooville and Havant. To the south of the site at the southern end of Hulbert Road are the B&Q and Asda stores and to the northern end of Hulbert Road is the Dunsbury Park employment area. Directly to the west is the A3(M) motorway and to the east is Hulbert Road which links the settlements of Havant and Waterlooville.
- 1.2 The plot is oblong in shape and comprises a grassed open area, together with a strip of roadside verge extending both north and south to accommodate a footpath to the north and a footpath/cycleway to the south. The total site area, including the area for the future footpath and footpath/cycleway is 7.25 hectares. The main development site excluding these areas measures approximately 4.71 hectares. The land rises from east to west with a hard standing to the south west of the site, accessed by a track. There is an existing vehicular access from Hulbert Road at the northern part of the site.
- 1.3 Directly to the north and south of the site are areas of woodland, which are in the applicant's control. These areas are designated as a Site of Interest for Nature Conservation (SINC), as is the woodland on the opposite side of Hulbert Road. There are also trees and vegetation along the east (with metal fencing) and west boundaries.
- 1.4 The woodland to the north is the subject of a Woodland TPO, with protected trees along the southern and part of the eastern boundaries of the woodland to the south.
- 1.5 The site is located within Flood Zone 1. Overhead power lines cross the woodland to the south.
- 1.6 The site is classified as Grade 4, which is poor quality agricultural land.

2. Planning History

- 2.1 08/53384/002 - Temporary permission to construct a hydrocarbon exploration site; mobilization of a drilling rig; setting-up and the drilling of an exploratory well including flow testing; permission to include new highway access, access track and passing places. Planning permission granted 2 December 2008

APP/12/01061 Hampshire County Council Consultation for Variation to Condition No. 2 of Planning Permission 08/53384/002 to alter from 36 months to 60 months from the start of the development. Application withdrawn 11 July 2013.

- 2.2 A Screening Opinion was issued by Havant Borough Council in relation to the proposed residential development of the site in June 2020 where it was concluded that the development did not constitute EIA development.
- 2.3 There is no other formal planning history relating to the land of relevance to the current application. A housing proposal for the site was however presented to the Council's Development Consultation Forum in April 2019.

3 Proposal

- 3.1 The proposal constitutes an Outline Application with all matters reserved except access, for the development of up to 100 dwellings and associated improved site

access, landscaping, footpaths, SuDS and other associated works on land to the west of Hulbert Road, Havant.

- 3.2 The Outline Application seeks consent for the principle of residential development with all matters reserved except the access. If planning permission is granted, there will therefore need to be a further planning application submitted to consider the 'Reserved Matters', namely the development's Appearance, Landscaping, Layout and Scale. 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 together with a suite of supporting information including the following:

Planning, Design & Access Statement, including Affordable Housing Statement.
Flood Risk and Drainage Assessment
Lighting Assessment
Ecological Reports
Transport Assessment
Framework Travel Plan
Technical Note
Air Quality Assessment
Noise Assessment
Tree Surveys & Reports

- 3.3 The site would provide an improved vehicular access to Hulbert Road, compared to the current access on the site. The proposal would also provide a lit footpath/cycleway 3m wide from the pedestrian access to the Asda roundabout to the south and a lit footpath 2m wide to the Dunsbury Park roundabout to the north along the western boundary of Hulbert Road. A crossing point and connecting infrastructure would also be provided at the roundabout for pedestrians to access the facilities due to be provided as part of the Dunsbury Park scheme.
- 3.4 The indicative Masterplan shows development grouped in six parcels; the western area features three apartment blocks facing into the central open space, which would help provide an acoustic buffer to the site; with the eastern side providing three housing parcels. Open space is proposed in the centre of the site and around the plot, with tree planting shown to create a landscape link with the woodland to the north and south. Native planting is shown along the western and parts of the north and south boundaries. The residential development would be set back from Hulbert Road and the impact of the built form would be reduced by this set back and existing vegetation.
- 3.5 The height of the development, following discussions, would be two storey across the site, which should help reduce the visual impact of the development when viewed from Hulbert Road and mitigate noise from the A3(M) to the west.
- 3.6 The indicative layout shows a central spine road running north to south, with spurs off to the east. A circular footpath is shown around the periphery of the site with a new indicative pedestrian access shown through the trees in the north east corner. Footpaths are also shown coming off the circular footpath to provide access to the spine road and the indicative development.
- 3.7 A green corridor is shown on the indicative layout along the western boundary, incorporating a wide tree band to help provide acoustic and visual benefits. A 3m high bund, with a 1.8m acoustic fence on top, together with native planting and a building

line set back 37m from the kerbside of the A3(M), is also proposed along the western boundary. This is to mitigate noise to the development from the A3(M).

- 3.8 The proposal for up to 100 units of accommodation would produce a density of development of 21 dph. No indicative housing mix has been provided with this Outline Application, but it is recognised in the application that mixed communities would be created through an even spread and integration of affordable housing within the development at the Reserved Matters Application stage.
- 3.9 In relation to Affordable Housing the development would meet the Havant Borough Local Plan and the Submission Local Plan requirement for a minimum of 30% affordable housing.
- 3.10 Sustainable Drainage Systems (SuD) are shown on the indicative Masterplan, in the central open space and in the south east corner.
- 3.11 Since the submission of the application, a number of amendments to the scheme have been made which include:

Reduction in the number of units proposed from 120 to 100.

Reduction in the height of the units proposed along the western boundary from 3 to 2 storey.

Revised access proposal of a 10m wide access radii, supported by visibility splays of 2.4m x 160m, negating the need for a right hand turn into the site.

To improve the accessibility of the site, in addition to a new 3m wide shared use facility to the south of the site, a 2m wide footway to the north along Hulbert Road is proposed.

Street lighting along these infrastructure facilities is proposed.

New signage is also proposed along Hulbert Road to aid speed reduction.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) 2011

CS1	(Health and Wellbeing)
CS8	(Community Safety)
CS9	(Housing)
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)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Havant Borough Submission Local Plan

DR1	(Delivery of Sustainable Development)
DR2	(Regeneration)
IN1	(Effective provision of infrastructure)
IN2	(Improving transport infrastructure)
IN3	(Transport and parking in new development)
H1*	(High quality new homes)
H2*	(Affordable housing)
H3*	(Housing density)
H4*	(Housing mix)
E1*	(High quality design)
E2	(Health and wellbeing)
E3	(Landscape and settlement boundaries)
E6	(Best and most versatile agricultural land)
E9	(Provision of public open space in new development)
E12	(Low carbon design)
E14	(The Local Ecological Network)
E15	(Protected species)
E16	(Solent Special Protection Areas)
E19	(Managing flood risk in new development)
E18	(Trees, hedgerows and woodland)
E20	(Drainage infrastructure in new development)
E22	(Amenity and pollution)
E23	(Air Quality)
E24	(Contamination)

Adopted Supplementary Planning Guidance

Borough Design Guide SPD

Parking SPD

Housing SPD

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboricultural Officer

Final Comments

I would not be able to support any further tree removal other than those shown for removal within the tree survey and tree protection plan. More detail would need to be provided on this if that was the case. There are a number of Ash trees in poor health along the northern section of the Hulbert Road but not all of these trees have been highlighted for removal. I agree that lighting should be suitably located to avoid further tree loss. The woodland to the north is also protected by a woodland TPO.

My comments remain. I note the comments regarding the wider context in relation to

the loss of the Category A TPO'd Oak tree. However my opinion is unchanged and I cannot support its removal. This will be your decision to decide if the overall benefit of the site development outweighs this tree loss and not in conflict with Policy DM8.

Can we check that the proposed development will have no implications to the woodland opposite please?

I understand that this is an outline application however I still felt the need to make reference to the fact that without detailed information I cannot comment on the rest of the development in relation to trees.

Whilst the arb report states that in their opinion would be feasible to install custom designed no-dig footpath that aligns to the formally adopted specification of Hampshire County Council Highway Authority (reference **HCC10/C/160** – dated July 2015) I still wish to see this detail upfront (with level details and drainage provisioning) please, unless you choose for it to be dealt with by condition.

Officer comment: *Level details have been provided as part of the application. Should planning permission be agreed, drainage conditions are recommended.*

No more trees are proposed to be removed, other than those set out in the tree survey, which includes those that need to be removed for the good management of the woodland/trees.

As to the loss of the Cat A Oak tree this is covered in in paragraph 7.148 below.

The proposal would not impact on the woodland opposite the site, as a right hand turn into the development is no longer proposed.

Initial comments (Note: these are provided for reference only)

I have looked over the submitted Arboricultural Assessment and Method Statement and have the following comments:

At present the only detail I have is for the proposed access and footpaths along Hulbert Road therefore I am still unable to comment fully on the proposals for the dwellings and whether these proposals will impact the boundary trees. No arb detail has been provided with regards to the SUDS or the bund. This should be outside of root protection areas.

There are trees subject to TPO along the southern boundary of the site and also along the southern section of the Hulbert Road. There is a category A Oak tree shown for removal and I cannot support the removal of this tree (I believe this tree is also subject to TPO). The rest of the trees shown for removal are of poor quality and not suitable for TPO protection.

I would like to know where the services are going prior to any decision being made on this application to ensure there will not be conflict with retained trees.

A 'no dig' surface for the pedestrian footpaths would be acceptable but please request that details of the HCC adopted no dig footway to be supplied please.

Building Control

No comments received.

Community Infrastructure Team

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.

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

S106

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

1. Affordable Housing
2. Monitoring Fees*
3. Management Company
4. Management Plan
5. Solent Recreation Mitigation Strategy (see further information)**
6. Nutrient Neutrality
7. Employment and Skills Plan
8. Education (HCC)
9. SUDS/SUDS Bond
10. Highway Works (HCC)
11. Site Specific Transport Improvements (HCC)
12. Footpath and access (HCC)
13. Others arising out of consultee responses

County Archaeologist

I was disappointed that no Heritage Statement has been submitted with this application, nor any full discussion of the archaeological implications offered in the Planning Statement – the brief statement in para 10.22 offers no insight into the applicant's consideration of the archaeological potential of the site. This despite the pre application advice offered (dated 20/11/2018) – set out below;

“The site is in an area of relatively low archaeological potential, although this may be a reflection of a lack of past archaeological investigations rather than genuine absence of material. A small archaeological evaluation has taken place in the south west corner of the site that recorded no archaeological features and/or deposits and no further work would be required here. Due to the scale of the proposal there is a chance that as yet unrecorded or unsuspected archaeological features may be exposed by ground working in those areas of the site that remain as green field. What is required at this stage is for further in depth work to be conducted that explores the archaeological potential of the site in detail so that a fully informed decision can be made on a possible archaeological response when a planning application is submitted.

I would therefore recommend that any future planning application should be accompanied by a Heritage Statement that should address any below ground archaeological issues. It should set out the nature of the archaeological potential of the site, the impact previous development may have had upon that potential and the impact on that potential of any future development proposals. The statement should also set out a detailed mitigation strategy to satisfy the planning authority that any archaeological issues that have been identified will be sustainably dealt with during development under the terms of NPPF."

Wherever possible I would seek to overcome this shortfall within my consultation response. However it is the nature of the archaeological considerations needed in this case (a site visit, map regression to assess past impacts, and assessment of the topographical and geological context) that it is beyond the remit as your archaeological advisor to create the case that is needed and should have been submitted within any Heritage Statement (it would take many hours and so invoke considerable cost to the planning authority to do this). In the absence of a heritage statement the archaeological potential of the site cannot be dismissed. Burnt flint has been found on site (undated but often an indicator of prehistoric or Roman occupation activity) and an archaeological survey to the north at Dunsbury has encountered archaeological material within this landscape.

I am happy that archaeological issues are very unlikely to emerge as overriding and that these matters can be dealt with by use of a condition. I recommend that an archaeological condition (or conditions) be attached to any planning permission which might be issued to secure an appropriate level of archaeological consideration, survey and mitigation.

Officer comment: *Should planning permission be agreed conditions to cover archaeological considerations are recommended.*

Council Ecologist

Final Comments - No Objection

The application is accompanied by an amended Dormouse Survey (WYG, March 2021) and an amended Bat Activity Survey report (WYG, March 2021). Dormouse surveys carried out in 2020 recorded six dormouse nests and several live dormice within nest tubes placed at the site's boundaries. It is therefore confirmed that hazel dormice are present at the site and is breeding.

This development will affect hazel dormice, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect EPS, permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Will the development result in a breach of the EU Directive?

Yes, unmitigated, the development has potential to result in harm to individual hazel dormice and result in impacts to the favourable conservation status of dormice locally.

Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three

tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

It is for you as the case officer to assess the proposals against the first two tests and you may wish to ask for further information from the applicant. In order to assess the development against the third test, there must be sufficient confidence that the investigations to date have enabled a robust assessment of dormouse presence upon which to base informed mitigation proposals. I am content that sufficient survey effort has been expended and that the status of dormouse at the site is understood.

The dormouse report now quantifies the extent of habitat to be affected, 200m². The outline nature of the proposal means that firm landscaping details (which are critical to assessing the efficacy of dormouse mitigation measures) are not included. Given the size of the site, and the outline concept layout, it should be possible to provide continued habitat connectivity for this species. It is essential that existing habitat linkages to the surrounding woodland/scrub are not severed or fragmented.

There is still a requirement for further details on any off-site measures: I concur that habitat enhancements in the surrounding SINC are worthy of exploration. The installation of dormouse nesting boxes is a welcome measure, as is the adoption of a sensitive lighting strategy. Despite the lack of firm details, provided these principles are implemented I conclude that impacts to dormice can be mitigated. I would recommend that a fully-detailed dormouse mitigation strategy is secured by condition.

The Bat Activity Survey report details the results of manual transects, automated monitoring and a series of trapping sessions (note: the dates of these surveys are given as both 2018 and 2019).

These surveys covered the period August-October 2019 and April-May 2020. No bat surveys were conducted in June or July in either year: no definitive explanation is provided for this gap within the peak summer survey season. A total of eight bat species were recorded on site: Brown long-eared, Common pipistrelle, Soprano pipistrelle, Western barbastelle, Noctule, serotine and a Mouse-eared species considered to be either whiskered or Brandt's. This is a reasonable bat assemblage and places the site at regional value.

As with the dormouse report, the outline nature of the application means that firm details on proposed landscaping are not provided. However, the mitigation principles as detailed in section 6 of the bat report are sensible. Again, I would recommend that further details are provided within a mitigation strategy, secured by condition.

If you are minded to grant outline permission, can I suggest that a site-wide ecological mitigation, compensation and enhancement strategy is secured by condition. This strategy should include full, deliverable details of all ecological mitigation, compensation and enhancement measures and should be fully consistent with other submitted documents such as landscaping and lighting strategies.

Prior to the commencement of development activities, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with those detailed within the Ecological Appraisal (WYG, December 2019, the Dormouse Survey report (WYG, March 2021) and the Bat Survey report (WYG, March 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes; details of lighting. All ecological compensation/enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function. Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

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

Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer comment: *If planning permission is agreed the above two Ecological conditions are recommended. The matter of licencing is considered in Section 7(ix) of this report.*

County Minerals - No objection

Having reviewed the available data I can conclude that HCC as the Mineral and Waste Planning Authority (MWPA) have no objection to the outline planning application for the land west of Hulbert Road, Havant.

Crime Prevention -Major Apps

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."

As this is an outline application the supporting documentation does not provide full details of the design and layout. 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 and appropriate connectivity and permeability 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.

To reduce the opportunities for crime and disorder we ask that the following planning conditions relating to the prevention of crime and disorder are made, worded, as below (or with words conveying the same meaning):

CONDITION 1: Prior to any above-ground works, details of full 'Secured by Design' Accreditation shall be submitted and approved in writing by the Local Planning Authority. The details shall demonstrate consultation with the Hampshire Constabulary Designing Out Crime Officer and that each building or such part of a building can achieve accreditation. The development shall only be carried out in accordance with the approved details and maintained thereafter.

REASON: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with the Local Plan, Policy CS8 and the NPPF (As Amended).

CONDITION 2: Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use and thereafter all features are to be permanently retained.

REASON: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with the Local Plan Policy CS8 and the NPPF (As Amended).

CONDITION 3: Prior to the commencement of works details of the lighting scheme shall be submitted and approved in writing by the Local Planning Authority. The design of lighting scheme must comply with BS 5489-1:2020 and discharge any liabilities attached to that standard. The development shall only be carried out in accordance with the approved details and maintained thereafter.

REASON: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with the Local Plan Policy CS8 and the NPPF (As Amended).

Officer comment: *Should planning permission be agreed appropriate conditions are recommended.*

Highways England

Final Comments – No Objection

Highways England has no objection to the proposal for the Outline planning application with all matters reserved except access for the development of up to 100 dwellings and associated improved site access, landscaping, footpaths, SuDS and other associated works on land to the west of Hulbert Road, Havant, planning application number subject to the below proposed planning conditions to mitigate the impact on the A3(M) by the development proposal:

1. Prior to the commencement of construction of the proposed bund, geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the earth bund (as set out in principle in the drawing number SK02 included in the Noise Assessment document dated December 2020) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with and requiring certification by Highways England).

Reason: To mitigate any adverse impact from the development on the A3(M). To ensure that the A3(M) continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2. Prior to the installation of any drainage systems, full details of drainage and its location shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or in to any drainage system connected to the Strategic Road Network. No drainage connections from any part of the development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A3(M) continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative:

Subject to detailed design, this development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and Highways England (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to Highways England). Works to the highway will normally require an agreement or agreements, under Section 278 and Section 38 of the Highways Act, with Highways England and the Local Highway Authority.

Officer comment: *If permission is agreed, the two highway conditions and informative are recommended.*

Initial Comments (Note: these are provided for reference only)

Having examined the above application we have identified from the few drawings submitted that the applicant is proposing the construction of what appears to be a 3 metre high bund with a 1.8m high acoustic fence on top of the bund adjacent to the A3(M), a significant bund at this location would require further investigations. In general we would look to have a distance from the toe of the bund to the highway boundary, equidistant to the height of the bund (in this case 3m), at all times, this includes during construction. We would direct conditions to this effect in any formal planning application, alongside the maintenance of a slope no steeper than 1 in 3. There would need to be significant evidence to enable us to consider a lesser distance than this.

The carriageway of the A3(M) is drained via a system of road gulleys set into the kerb line at the back of the hard shoulder. There could be significant run-off at times of heavy rain, particularly if the bund may contain a high clay content. The highway land must be safeguarded against any impacts of this run off, and the highway and verge drainage systems must not be used to drain any run-off from the bund. Therefore, a suitable drainage system with sufficient capacity demonstrated within the site boundary, must be provided to satisfactorily deal with surface water run-off from face of the bund.

Given that the proposal is for the construction of a significant bund adjacent to the A3(M), we would expect supporting information to include documentation in accordance with CD622 – Managing Geotechnical Risk. Supporting information should also include ground investigation works and slope stability analysis. It is suggested that the applicant produces a Preliminary Sources Study Report which collates all the background information.

We would also be concerned to ensure that any construction activities likely to create dust be controlled to prevent dust blowing across the motorway where it may reduce visibility for drivers and increase safety risk. Access and egress to the site shall be from the local road network only not from the A3(M). We would wish to see a transport assessment detailing the routing to and from the site, and the daily trips throughout the construction period so that we can identify any potential impacts on the operation of the SRN and agree mitigations as necessary.

Developer Services, Southern Water

Final Comment - No Objection

Please see the attached extract from Southern Water records showing the approximate position of our existing rising main, foul sewer and surface water sewer within the access of the development site. The exact position of the public foul rising main and public foul and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 80 mm public foul rising main and 375 mm public foul sewer and 225 public surface water sewer requires a clearance of 3 meters on either side of the rising main and sewer to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 meters of the external edge of the public foul rising main and sewer without consent from Southern Water.
- The 1125 mm public surface water sewer requires a clearance of 5 meters on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.

No development or tree planting should be carried out within 5 meters of the external

edge of the public sewer without consent from Southern Water.

- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 meters of a public rising main and sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/default/PDFs/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

No habitable rooms shall be located within a minimum 15 metres of the boundary of an existing wastewater pumping station, due to the vibration and noise generated by all types of pumping stations and the potential odour. Southern Water requires existing access arrangements to the wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access.

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

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme

throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaway to dispose of surface water from the proposed development.

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

We request that should this application receive planning approval, the following condition is attached to the consent

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage 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 Sewers for Adoption standards 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.

Officer comment: *If permission is agreed foul and surface water conditions are recommended.*

Early Years

No comment received.

Economic Development

No comment received.

Education Department

The development sits in the catchment area of Barncroft Primary School and Park Community School. A development of the size being proposed (which looks to be up to 120 dwellings) would generate approximately 36 primary age pupils and 25 secondary age pupils, about 5 per year group. Forecasts for the Havant area show that there will be a sufficient number of places to accommodate this number of pupils and I will not be seeking a contribution towards educational facilities from this development.

Environment Agency - No Objection

We request that the following **conditions** be attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Condition 1 – Remediation strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses

- potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons for Condition 1

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

Localised contamination may be present at this site. Whilst site wide gross contamination would not be expected, there may still be hotspot, of contamination. The site is located in a Source Protection zone 1c (confined). This applies to the chalk principal aquifer that occurs at depth beneath the site. Piling or existing/potential deep borehole could create pathways to this deep aquifer

The submitted GeoEnvironmental Assessment Report is largely satisfactory. We would agree that provided no pathways are present/created to the deep underlying chalk aquifer than the risk to sensitive groundwater receptors would be limited. If however any pathways are presence or created (i.e. from existing boreholes or piling), then then risks may be significant.

Condition 2 – Unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

Reasons for Condition 2

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 3 – Verification report

Prior to any phase of development first being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and verified in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons for condition 3

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition 4 – Piling

Piling or other deep foundation using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons for Condition 4

To ensure that the proposed Piling or other deep foundation does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. Contamination may be present on site.

Piling or deep foundation, has the potential to mobilise contamination from the shallow soils into the chalk bedrock, and increase the potential of mobilisation/migration to the underlying chalk aquifer and associated Source Protection Zone 1.

Run off from areas such roads or car parking areas could contain elevated levels of contamination. Areas of contamination may also be present at this site.

Deep infiltration drainage may create pathways to the deep chalk aquifer and associated confined inner source protection zone (SPZ1c).

Officer Comment: *If permission is granted the changes to the conditions suggested by the EH below are recommended, as some of the information required by the EA has already been provided and agreed and the reasons for the conditions only refer to water protection; not all receptors, which for residential development is required.*

Environmental Health - Air Quality etc

Final Comments

Air Quality (Sustainable Travel)

I have reviewed the Additional / Revised framework travel plan, and note the minor amendments, which represent a small enhancement over previous provisions, alongside commitment to HCC oversight & the provision of a travel plan bond. The changes are supported, and I have no adverse comments to make in respect of this document.

Ground Contamination

Where not covered by these comments, previous comments remain valid. I note that

the Environment Agency has reiterated its advice in respect of contamination. I would similarly reiterate my advice in respect of condition wording & the scope of the 'reason' for conditions given by the Environment Agency; reproduced below for convenience (blue text).

I have re-reviewed my prior recommendation alongside the condition wording proposed by the Environment Agency, and consider that the recommendation leaves room for condition discharge problems to arise, and potentially for the effect of the proposed conditions to be undermined. The recommendation for revised wording of condition [1] remains appropriate, but varied wording is required for the condition 'reason'.

Contamination (Standard – omitting EDS, based upon submitted EDS proposals)
[1]

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the WYG Phase 1 Geoenvironmental Desk Study Report Ref: A096474; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,*
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
- clearly defined proposals for mitigation of the identified risks.*

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: *Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants, controlled waters, &/or to ecological receptors. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 170, 178-180 of the National Planning Policy Framework."*

Environment Agency proposed conditions 2-4 are generally appropriate and should function as intended with the proposed wording for condition 1 (above), however, it would be appropriate to amend the condition reasons stated on the decision notice to ensure that the conditions apply for all purposes, in line with the full range of applicable policy. Recommended amendments are outlined below.

Reasons for EA-Proposed Condition [2]:

*“Contamination may be present at the site that has not been or will not be identified by the site investigations required by **Condition [1]**, which may be encountered during construction. If allowed to remain at the site, contamination could pose an unacceptable risk to future occupants, controlled waters, &/or to ecological receptors. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 170, 178-180 of the National Planning Policy Framework.*

Reasons for EA-Proposed Condition [3]: *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 170, 178-180 of the National Planning Policy Framework.*

Reasons for EA-Proposed Condition [4]: *To ensure that the proposed Piling or other deep foundation in soils affected by contamination does not harm groundwater resources. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 170, 178-180 of the National Planning Policy Framework.*

Interim comments

Observations / Comments:

I have reviewed the revised documents submitted which post-date my prior comments (CONS/20/02411 September 2020). I will update comments provided previously in respect of contaminated land, but will principally focus on documents relevant to air quality.

Documents Reviewed:

- • WYG Air Quality Comments Response
- • WYG Technical Note 01 (Transport) A096474 (Oct 2020)
- • WYG Air Quality Assessment A096474 Iss. 4 (Oct 2020)
- • WYG Framework Travel Plan I2 (Oct 2020)
- • Representations from key consultees.

Ground Contamination

No change in general advice. I have re-reviewed my prior recommendation alongside the condition wording proposed by the Environment Agency, and consider that the recommendation leaves room for condition discharge problems to arise, and potentially for the effect of the proposed conditions to be undermined. The recommendation for revised wording of condition [1] remains appropriate, but varied wording is required for the condition ‘reason’.

Contamination (Standard – omitting EDS, based upon submitted EDS proposals) [1]

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the WYG Phase 1 Geoenvironmental Desk Study Report Ref: A096474; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes; • appropriately considered remedial objectives,

- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
- clearly defined proposals for mitigation of the identified risks.*

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: *Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants, controlled waters, &/or to ecological receptors. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 174, 183-185 of the National Planning Policy Framework."*

Environment Agency proposed conditions 2-4 are generally appropriate and should function as intended with the proposed wording for condition 1 (above), however, it would be appropriate to amend the condition reasons stated on the decision notice to ensure that the conditions apply for all purposes, in line with the full range of applicable policy. Recommended amendments are outlined below.

Reasons for EA-Proposed Condition [2]:

*"Contamination may be present at the site that has not been or will not be identified by the site investigations required by **Condition [1]**, which may be encountered during construction. If allowed to remain at the site, contamination could pose an unacceptable risk to future occupants, controlled waters, &/or to ecological receptors. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 174, 183-185 of the National Planning Policy Framework.*

Reasons for EA-Proposed Condition [3]: *To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 174, 183-185 of the National Planning Policy Framework.*

Reasons for EA-Proposed Condition [4]: *To ensure that the proposed Piling or other*

deep foundation in soils affected by contamination does not harm groundwater resources. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 174, 183-186 of the National Planning Policy Framework.

Transport Technical Note

Development trip generation estimates have been updated, but resulting in an small change in PM peak travel demand. No AADT values are provided, but it is implicit that the revised estimates are likely to have resulted in a change to the total daily trip generation values.

The development traffic trip distribution has also been updated, to bring it in to line with Census travel to work data (to overcome local routing biases driven by access to the strategic road network. Northbound / Southbound distribution was previously estimated to be 58/42%, with the technical note revising these estimates to 15/85%. Baseline network traffic & development trip generation estimates underpin the air quality assessment, and significant revisions could necessitate reconsideration of Air Quality modelling.

Response to Air Quality Comments

A Key point is that the applicant has made a case that the quantum sought is deliverable with an intended building line of 37m. Given that the applicant believes this to be technically feasible in consideration of other related matters (notably, Highways England's requirements in respect of the noise bund positioning & drainage, and Environmental Health's requirements in respect of the acoustic fencing to be constructed on the bund-); I can withdraw the holding objection to the principle of development insofar as matters are material to the outline consent.

Revised Air Quality Assessment

It is noted that neither the baseline traffic data, nor the development traffic figures have been updated in line with the transport technical note - values are as previously. This would normally be considered to be a strict requirement, but it I would acknowledge the general absence of nearby receptors likely to be directly & significantly impacted by the amended estimates.

Substantial revisions have been made to the modelling output(s). The report indicates that this is due to an update of 'modelling... using the latest DEFRA calculating tools and ADMS Roads 5.0'. This implies that the earlier draft used the v.8.0 Emissions Factor Toolkit (EFT) & ADMS Roads 4.1. ADMS Roads v5.0 release date was around February 2020. It is not clear which version of the EFT was utilised previously, but the technical documentation for ADMS Roads 5.0 implies that incorporation of the EFT v9.0 is new to the latest version, so this explanation would appear to be reasonable, and the resultant differences in estimates justified.

The result of this change is that the predicted environmental concentrations for Nitrogen Dioxide are reduced by between -15% to -25% for both 'do minimum' and 'do something' scenarios. The estimated development contribution is not materially altered as an absolute. Given the low results, its impact as a proportion of the Air Quality objective (while greater as a result-) is similarly not materially altered. Estimated concentrations for particulates are marginally increased in the revised modelling, but in all cases results are elevated by < +0.5%. This change is not material to the conclusions of the report.

On-site monitoring results are similarly updated, following a typographical error in the seasonal adjustment (annualisation) of the results. This is accepted, but it is also noted

that the magnitude of the adjustment is significant, and only one AURN site was used to calculate the adjustment factor. The DEFRA recommended adjustment procedure requires multiple sites be used in order to guard against local effects. This increases the range of uncertainty around the monitoring best-estimate. WYG3 is considered to be the most relevant result given its position relative to the proposed building line. This position returns a maximum recorded raw value at around -10% of the applicable objective value. The revised report confirms that this result is from January, which typically represents the period of poorest air quality. Annualised results are typically substantially lower than concentrations recorded during January. The objective is only comparable to an annual average concentration.

For these reasons, I would agree that ambient air quality should be acceptable for future residents against the current standards. Health & wellbeing & air quality policy may still require examination at the reserved matters stage, depending on the date that the detailed scheme is brought forward. A revision of some air quality objectives is expected to bring regulation & policy in line with developing knowledge about the health impacts of particulates (in particular).

The revised report also provides a response to policy E23 in that an estimate of the environmental damage cost from (a reasonable estimate of the transport demand of-) the development has been made. The estimated value is in the region of £100,000, excluding domestic emissions.

The report suggests that this value should be allocated to measures that are required by other policy – in particular the promotion of sustainable travel and framework travel plan measures. I would highlight that policy E23 seeks additional measures to offset the impact of development, and that contributory measures should be considered to be those that are both 'air quality relevant' (positive) that go 'above-and-beyond the minimum requirements of other applicable policy'. Measures should complement sustainable travel, climate & energy, health & wellbeing, parking, and landscaping policies, and could address local emissions (e.g. domestic), non-local emissions (transport, and energy), or pollutant interception / absorption services provided by landscaping features or elements of the building fabric.

These are matters that can be deferred to the reserved matters stage, but I would reiterate that Environmental Health would encourage the applicant to consider the full suite of health, transport, sustainability & air quality policy as a material & related elements at all stages of the evolution of the scheme design.

Framework Travel Plan

The revised travel plan document presents improved mode shift targets at Table 3.1, doubling the single occupancy vehicle trip reduction target (to -10%), increasing the 'journeys on foot or by cycle' target from +3% to +5%, and 'journeys by public transport' from +2% to +5%.

The plan is not substantially amended, but enhancements are provided in respect of Focus Groups & Events, Walking Route Maps, and coordination with local schools to promote walk-to-school events. It is also proposed to set up a bicycle user group (BUG), and to seek to engage local public transport providers on service improvements, negotiated discounts and other opportunities to trial initiatives or incentivise uptake.

Monitoring of Car Parking is also proposed, though I would anticipate vehicle parking to be addressed by consideration of the parking SPD and any requirements of the traffic

team, which should ensure that parking problems do not arise.

The Monitoring & Review section has also been strengthened, introducing minimum survey response rates & provision to incentivise respondents to improve confidence in the evidence base for consideration of performance against the revised targets. Where survey response rates are not achieved, third-party surveys will be procured to establish travel patterns. All these provisions are welcome enhancements / clarifications.

The travel plan details have been moved to an appendix of the report, which now includes indicative costs. The travel plan costs account for around 1/3rd of the value determined in the air quality assessment. As outlined above, policy E23 seeks offsetting that is 'additional' to the minimum requirements of other policy requirements. Considering these factors, it is expected the detailed scheme brought forward at the reserved matters stage will include a response to the air quality policy E23 broadly in line with the environmental damage estimate included within the Air Quality assessment.

Concluding remarks

I expect comments to be made by Environmental Health under separate cover in respect of noise & amenity, and the lighting strategy (etc.). These comments should be read without prejudice to any comments offered by my 'noise and amenity' focussed colleagues.

That notwithstanding, I have no objections to the granting of outline consent, subject to the inclusion of the suggested amendments to the suite of contamination conditions required by the Environment Agency.

Officer Comment: *If permission is granted the changes to the conditions suggested by the EH are recommended, as some of the information required by the EA has already been provided and agreed and the reasons for the conditions only refer to water protection; not all receptors, which for residential development is required.*

Initial comments (Note: these are provided for reference only)

I have reviewed the supporting information to this application, and would like to make some comments in respect of potential contamination (and risk management), air quality (development as source, emerging policy, and development as receptor), and land drainage arrangements (pollution). There are material synergies between these subjects and other planning matters – in particular, ecology, landscapes, noise mitigation & design quality.

Principle of development

I note that the applicant has sought to make a case for determination under the presumption in favour of sustainable development and has made reference to a recent development of similar form (APP/13/00266, Havant Retail Park Portsdown Hill Rd). Determination under the presumption in favour places a focus on the matter of 'sustainable development', and it is considered that strong environmental sustainability should be required to justify a consent for development outside that tabled by the Council to demonstrate its 5 year housing supply.

The APP/13/00266 development is relevant in its approach to development adjacent to the A3(M) and the management of noise, amenity & air quality issues.

It is understood that the applicant is seeking outline consent for 120 units with 'all matters reserved' save for site access – it is regarded (however) that the application seeks to define the maximum quantum (i.e. the upper limit on unit numbers is not a

reserved matter) and must therefore demonstrate that 120 units can be delivered in an environmentally sustainable way.

The site masterplan is drawn to 'development parcels' level only; the curtilage of individual units is not defined. The site set-back from the A3(M) is similarly not clearly defined. Fitting the site indicative masterplan to GIS would appear to indicate a set-back of approximately 38m from the kerbside of the A3(M), however, text in the supporting documents would suggest an intended set-back of less than 25m. given the masterplan resolution, it is unclear whether the quantum sought might be accommodated at the site without relying upon the lower set-back distance. With reference to APP/13/00266, the development set-back (as built) exceeds 30m, and in addition, the apartment buildings were required to benefit from a mechanical ventilation system drawing air from the Eastern façade (or other non-road facing walls in the 'emissions lee' of the building). This served internal amenity purposes, ensuring internal noise mitigation standards and securing reliable indoor air quality.

It is worth noting that the development referenced as design precedent represents the closest building line relative to the Eastern kerbside of the A3(M) within the borough, and that concentrations of NO₂ have been modelled to be within 95% of the statutory air quality objective – which if permitted would represent one of the poorest 'at receptor' concentrations within the borough. Given modelling uncertainty, and the substantial difference distance from source can make to concentrations over very short distances – the distance between the kerbside of the A3(M) and the façade of the closest proposed units is considered to represent a significant material factor in demonstrating sustainability of the site.

It is unclear whether the quantum of development can be sustainably delivered at the site if the site does not propose units 'more at risk' (from this road-emissions source-) than any existing property in the borough (i.e. if a minimum 30m buffer is applied from the kerbside of the A3(M) carriageway, and if the applicant does not propose to protect the internal amenity & air quality of affected units).

I would highlight the comments of the Traffic Team, Highways England, and in particular, the Landscapes consultee, who requires "(a) significant landscape buffer...to the West for noise, views & ecological connectivity". These latter comments are supported, and as described above, and as highlighted by the Traffic Team – these matters may be material to quantum and as a result it may not be appropriate to defer these issues to the reserved-matters stage.

Flood Risk Assessment & Drainage Design

Surface drainage is to be achieved via a filter drain & permeable surfaces.

Sustainability enhancements such as rainwater harvesting & landscaping bioretention are acknowledged to be viable options, but these features are not proposed.

Attenuation capacity is to be provided by means of two no. substantial below ground tanks (900 cu.m) and within a detention basin at the topographic low point. Sequential hydrobrakes are proposed to limit discharge rates to greenfield rates, and final discharge is to the ordinary watercourse to the SE of the development land.

Given that the receiving watercourse lies within a SINC, it is considered that the draft scheme misses an opportunity for ecologically valuable conveyance of surface water (e.g. via a swale), however strictly from a pollution-attenuation perspective;

- the draft scheme provides sufficient attenuation for a residential development
- the draft maintenance schedule is appropriate

No objections to the FRA or drainage design. I expect the LLFA to comment on aspects of the scheme concerning the contribution of the site to downstream flood risk.

Contamination Assessment

The assessment & conclusions of the WYG Phase 1 Geoenvironmental Assessment (Desk Top Study) Ref: A096474 are generally agreed to be appropriate.

I note that the Environment Agency has also accepted the report, and has recommended a comprehensive suite of conditions to address contamination risk at the site as a material matter to the residential development of this land (i.e. relevant to the OA application). The wording of the proposed conditions does not acknowledge the A096474 report, and risks duplication at the conditions-discharge stage.

The works recommended at 10.2.1-10.2.3 of the A096474 report are appropriate, and I would recommend that a more refined condition be imposed in place of that proposed by the Environment Agency, omitting the need for an environmental desk study, and requiring additional assessments to be based upon the proposals of the A096474 report.

Contamination (Standard – omitting EDS, based upon submitted EDS proposals) **[1]**

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the WYG Phase 1 Geoenvironmental Desk Study Report Ref: A096474; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes; • appropriately considered remedial objectives,

- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
- clearly defined proposals for mitigation of the identified risks.*

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants or ecological receptors. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180

of the National Planning Policy Framework."

Environment Agency proposed conditions 2-4 are generally appropriate and should function as intended with the proposed wording for condition 1 (above).

Air Quality – Development as Receptor

The WYG Air Quality Assessment concludes that the projected air quality at the nearest-to-source proposed (new) air-quality-sensitive receptors is predicted to be compliant with the air quality objective, and that no exposure mitigation is therefore required.

As indicated in the 'principle of development' section above, the modelled result (if accurate) would represent some of the highest 'at receptor' concentrations in the borough.

The modelling result is regarded as a 'modelling best estimate', with a reasonably wide margin of +/- error. The modelling result was with prescribed standards of error, and so was not (did not need to be-) adjusted, but it is notable that the result is within the margins of expected modelling error.

The WYG monitoring within the curtilage of the site has returned a monthly result in excess of the air quality objective (AQO) value. The monitoring period is unclear as the report Appendix A contains the construction phase (dust) risk assessment, and not the details of monitoring indicated at section 4.1. It is worth highlighting that;

- Results from period 1 & period 2 significantly differ, indicating that they may not be consecutive 4-5 week period monitoring.
- The location map presented is of insufficient scale to determine the distance of monitoring points from the kerbside of the nearest roads
- No photographs of monitoring points are shown for local context, and no specific description of the mounting is given.

As a result of the above, it is difficult to draw a conclusion based on the monitoring presented, however in the absence of any additional details it would be appropriate to consider that it demonstrates that within-curtilage exceedance of the AQO is possible and that that exceedance probably relates to a location between 15 & 20m from the kerbside of the A3(M).

Modelling is poor at accounting for the built environment, trees and topography, essentially assuming free-field. Significant differences can occur where barriers (such as new buildings) are introduced.

I am uncomfortable with accepting that "no air-pollution exposure mitigation is required" at the western side of the development where

- modelled results are so high, being within modelling error of the AQO
- local monitoring indicates that monitoring period exceedances are possible despite the (mitigating) vegetation buffer to the site
- monitoring data is difficult to interpret in relation to distance from source, period & duration of measurement (relative to seasonality) and
- the development would exceed current precedent for proximity of sensitive receptors to this (down-prevailing-wind) side of the A3(M)

I would consider that either;

- i) the modelling & local monitoring data need to be refined to show that concentrations at the proposed 'building line' (facades relative to the A3(M) kerbside – being the hard shoulder, not the running-lane) are acceptable to within a reasonable margin of safety (e.g. at least modelling error),
- ii) the development layout should adopt a building line of at least 30m from the kerbside of the A3(M) (in line with local precedent) or,
- iii) the proposed apartment buildings in the West of the site should be protected in a similar way to the equivalent blocks on the APP/13/00266 development referenced (as precedent) in the design & access statement.

It would represent a significant failure of planning for an AQO exceedance to arise at a building constructed post-publication of the NPPF 2019. It is unclear whether the applicant has done enough to demonstrate that the quantum sought can be sustainably delivered at this site. The planning service may take this response to be a holding objection pending clarification.

Air Quality – Development as Source

I note that the applicant has sought to make a case for determination under the presumption in favour of sustainable development, and that an argument is given for the LP2036 carrying substantially limited weight. I would highlight that the text of Policy E23 (LP2036) represents the Council's view of how NPPF Para.181 ('...identify opportunities to improve air quality or mitigate impacts...') should be met. It should be noted that the interpretation making E23 more material than might be suggested by the current status of the LP2036 is likely to apply to a number of other key emerging policy areas. Where relevant to Environmental Health's remit, a case will be made for the emerging policies to be regarded as carrying non-negligible weight by virtue of the 2019 wording amendments to the NPPF (extending the effect of clauses from being a directive for formulation of local policy to apply in addition directly to 'decisions').

It is clear that the applicant regards air quality as a 'threshold' issue only – i.e. the applicant has sought to assess the material change in concentrations of pollutants arising from the operational phase of the development, and to mitigate any unacceptable impact. While the assessment acknowledges that traffic emissions represent less than 50% of total Nitrogen Dioxide concentrations, it has only considered the impact of traffic demand, and has not considered domestic sources. E23 seeks an 'offsetting emissions' approach to all major development which applies irrespective of any 'material change' in any specific pollutant at any specific receptor location, and aims to reduce regional 'upward pressure' on local air quality as a cumulative effect of development. It is appropriate to consider this as a matter deferrable to the reserved matters stage, but it may be material to the question of whether the proposed development is 'sustainable development'. I would encourage the applicant to consider reasonable emissions offsetting as an integral part of the detailed design and to do this at an early stage so that features identified to be economically implementable may be used to improve the environmental sustainability credentials of the outline scheme.

I would also encourage the applicant to consider a design response to policy IN3 j) (provision of electric vehicle charging infrastructure), and E12 (low carbon design) – both of which have synergies with an objective of offsetting development emissions on an 'all sources' basis.

Transport Assessment & Framework Travel Plan

The priority given to the shared pedestrian / cycle link South to link the development to

existing routes at Purbrook Way is agreed to be appropriate – this is considered to be a very important element to support sustainable modes of travel for short/frequent journeys (to local services, and commuter access to bus & rail)

I welcome the inclusion of a route north to link the development with the Dunsbury Hill Farm roundabout, but note that it is only proposed to bring this forward on condition of around 620m of additional footpath/cycleway being constructed by others to complete the link into the employment area. Traffic monitoring data for Hulbert Road indicates 85%ile vehicle speeds & levels of HGV traffic that are likely to be prohibitive to all but the most confident cyclist, so off-road routes are preferred if they can be secured.

I note that the parking provision is proposed to be in line with adopted SPD. Given the characteristics of the site, I would be reluctant to support a >SPD provision (as this would disincentivise car dependence). No reference is made to policy IN3, and as above, I would encourage the applicant to consider a design response at the reserved matters stage – this is considered material to all limbs of the definition of sustainable development, and is in line with NPPF policies 102 d) & 110 e), and on this basis may be material to the credentials of the scheme for an outline determination.

In respect of the accessibility assessment – assuming that good quality infrastructure is in place, sustainable journey's to the South to a range of local amenities will be feasible. Journeys to the North by sustainable modes be hampered by the need to traverse J3 of the A3(M) and the lack of infrastructure on the Hulbert Road to the West of J3, towards Waterlooville. It is considered that linking the development to the major employment area at Dunsbury Hill Farm is an appropriate and important measure for encouraging sustainable travel to work – where replacing short distance journeys has the greatest emissions-offsetting benefit.

I note that the travel plan objectives omit aiming to increase car-share or encourage sustainable private motor car use (e.g. supporting uptake of electric vehicles), or supporting use of delivery services (e.g. providing secure unattended parcel drops). Travel plan targets are deferred, and are proposed to be set in consultation with HCC. Indicative targets presented are considered to be unambitious, and basic – with the mode-shift target sought being so low as to likely fall within the standard deviation of the survey results (i.e. difficult to demonstrate success). A doubled mode shift target would be appropriate, alongside an expansion of the proposed measures – which in the draft plan comprise essentially the provision of route information only (no forums, lift-share matchmaking services to be signposted, no organised social groups, cycling equipment discounts, cycle proficiency training, or public transport 'try' incentives such as travel vouchers or negotiated ticketing discounts etc.).

Few active measures are proposed, and in addition, there are no 'back on track' measures if the unambitious targets missed.

Conclusion

Most issues raised above could be deferred to the reserved matters stage. This is particularly the case where the quantum sought 'could' be delivered sustainably, and the applicant will need to demonstrate that the detailed scheme brought forward at the reserved matters stage is sustainable. The detail of this response is intended to steer the evolution of the detailed scheme.

Where issues might affect the 'carrying capacity' of the site (i.e. the quantum sought-) these are regarded as being material to this application. This would apply in particular to noise mitigation, air quality (development as receptor-), ecology, landscapes, and parking – as all measures might be affected by the need to incorporate a minimum landscape buffer in the west of the site (which for air quality purposes, should not be

less than 30m from the kerbside of the A3(M)). These issues may require resolution prior to determination at outline.

Environmental Health raises a holding objection on this basis, pending the details referred to above (clarification of modelling and monitoring details, or a precautionary design response to limit exposures & mitigate the risk of a need for future regulatory intervention as a result of this development).

An alternative, more specific-, contamination condition is proposed in the event that the planning service is minded to make a positive determination.

Environmental Health – Noise

Final Comment – No Objection

I have studied the additional information now provided, in terms of the noise heat maps etc and can comment as below.

It is noted that the above maps have been set up with the apartment blocks at a two storey level as opposed to three storey, and as discussed in the meeting of 26 May this year. This will potentially be more acceptable to this office at this level, when the height of the proposed bund/fence are considered in conjunction with the apartments.

Furthermore, in relation to external amenity areas, as previously indicated the following excerpt is taken from the WYG noise assessment for this site:

*With regard to noise in private external amenity areas, Section 7.7.3.2 within BS 8233 specifies that it “is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,16hours which would be acceptable in noisier environments”. However, BS8233 recognises that these guidelines values “are not achievable in all circumstances where development may be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces but should not be prohibited”.

This approach has been applied within this assessment with the SOAEL for private external amenity spaces set at 60 dB LAeq,16hours.

In this regard it is not deemed necessary nor essential for the SOAEL for external amenity areas to be set at the proposed level, and we will be requesting this remains at 55 dB LAeq.

If the Local Planning Authority is minded to approve this application, I would ask that the following conditions be included in any consent granted, in order that the applicant / developer can address these at full application stage:-

Condition 1:

The applicant will need to confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00)

30 dB L Aeq,8 hour for bedrooms.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise.

Condition 2:

Where future residents will need to keep windows closed to mitigate noise from road traffic sources (especially overnight) the applicant will need to provide an Overheating assessment in accordance with CIBSE TM59 (2017), to demonstrate that indoor temperatures will be acceptable in the absence of open windows. Any scheme/s or measures to mitigate overheating should be included with the Acoustic Design Statement or in the approved plans for the development.

Reason: To ensure that the internal residential amenities are not impacted on by overheating, especially during periods where windows cannot be opened for any reasonable length of time due to external traffic noise levels in particular.

Condition 3:

Post validation testing of noise levels in and around specified dwellings, will be a requirement prior to occupation, if approval were to be granted for the construction of residential accommodation on this site at full application stage. Post validation testing will need to be undertaken by a competent person to determine compliance with the noise impact assessment as provided by WYG Noise assessment, dated December 2020, 4th issue. Such testing should be achieved using at least 3 sample dwellings, nearest to the measurement positions LT1 & LT2. This must include a top storey apartment adjacent the A3M and a dwelling adjacent the Hulbert Road. A report shall be produced which details the post validation testing that has taken place. This must be submitted to and agreed in writing by the Local Planning Authority.

This report is to confirm the expected noise levels within the proposed dwellings have been achieved, especially at bedroom and living room first floor level, and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. In addition to a windows closed scenario, levels should also be provided with windows in an open position. Similarly, external areas that are used for personal amenity space, such as gardens and patios, are also required to be tested upon completion of the development. Noise levels in these areas must not exceed 55 dB LAeq, 16 hour.

Reason: To ensure the residential amenity of the property will not be impacted upon by any external noise levels.

Should this outline application receive approval, any additional conditions or informatives that may be required at the reserved matters or full application stage, will be provided at that time. In relation to the above, please be aware that if the Acoustic design statement at that stage does not comprehensively show that residential accommodation on this site will be sustainable & suitable, there remains the possibility of us recommending refusal at that time.

Officer Comment: *If permission is granted the above three conditions are recommended.*

Forestry Commission

General Forestry information.

Hampshire Fire & Rescue - Objection to residential development proposed

Hampshire Fire and Rescue Service (HFRS) do not support the proposals submitted within this application for the development of up to 120 dwellings on the land west of Hulbert Road.

Following a review of our estate, HFRS have been actively seeking options to relocate resources within the Havant area. The land west of Hulbert Road was identified as a key strategic location which benefits from excellent access to the A3M, Havant and Waterlooville. As a result of this, the whole site was subsequently "ringfenced" for this purpose by Havant Borough Council in a jointly-signed Statement of Common Ground in October 2019 and included in the local plan.

Fire and rescue service response and the location of resources is determined by local and national risk profiling. This profiling is based on the physical location and assessment of risk (such as less mobile communities, high risk industries, road networks and density of urbanisation). As these factors change within a geographical area (such as Havant Borough) the location of suitable resources may also need to be adapted to ensure efficient response is maintained.

This land provided the only opportunity for a combined emergency services hub within the area. The site is close to the strategic road network, ideally located within the borough of Havant in the A3(M) corridor which optimises response times to incidents. A key action arising from the Council's Infrastructure Delivery Plan was that the HBLP 2036 should identify and allocate a site for a new fire station, including potential for combined facilities with the police and ambulance services of two acres (equivalent to 0.8 hectares), within the A3(M) corridor.

A number of exciting opportunities could have been unlocked had this site been developed by HFRS working with the Landowner, including possible co-location with other blue-light or public sector partners and therefore improving efficiencies of public-owned land in the area.

HFRS have worked collaboratively with other partner agencies who would have relocated to this site alongside the fire service and have proactively engaged with the Landowner with proposals to combine a joint emergency service hub at this site, alongside housing units. This would have achieved the critical infrastructure needed within the area and provided housing within the Borough. This combined proposal would also have seen the option for a commercial/retail unit on the land occupied by the fire service, supporting a community in this area.

Therefore, HFRS are unable to support this application which does not provide a location for critical emergency service facilities and is solely for housing provision. We feel a combined housing and emergency service proposal would present a preferred option for the site and for the communities within the vicinity

Officer comment: *Following the above objection a meeting was held with representatives from the Hampshire and Isle of Wight Fire and Rescue Service (HIWFRS) during which officers were advised that the emergency services are looking at numerous sites and it is questionable, for the foreseeable future, as to whether the use of this site as an emergency service hub would be taken forward.*

The applicant has also advised that previous attempts to move the site forward with the Emergency Services have not been productive. It was also clarified that communities in the Borough and beyond would continue to be adequately served by the emergency services without the use of this land for an emergency services hub.

Hampshire Fire & Rescue – other general comments

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access **to** the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads **to** the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Access for High-reach Appliances

High reach appliances currently operated by the HFRS exceed the maximum requirements given in Section 17 of the Approved Document B. When considering high rise buildings these variations should be considered as additions and incorporated as follows. Structures such as bridges, which a high-reach appliance may need to cross should have a maximum carrying capacity of 26 tonnes. Where the operation of a high reach vehicle is envisaged, a road or hard standing is required 6m wide. In addition, the road or hard standing needs to be positioned so that its nearer edge is not less than 3m from the face of the building.

Water Supplies

Additional water supplies for firefighting may be necessary. You should contact the Community Response Support, Hampshire Fire and Rescue Headquarters, Leigh Road, Eastleigh, SO50 9SJ (risk.information@hantsfire.gov.uk) to discuss your proposals.

Fire Protection

HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems (AWFSS) to promote life safety and property protection within the premises.

HFRS is fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Testing of Fire Safety Systems

HFRS strongly recommends that, upon commissioning, all fire safety systems are fully justified, fully tested and shown to be working as designed. Thereafter, their effectiveness should be reconfirmed periodically throughout their working lifecycles.

Fire-fighting and the Environment

Should a serious unsuppressed fire occur on the premises, the water environment may become polluted with 'fire water run-off' that may include foam. The Service will liaise with the Environment Agency at any incident where they are in attendance and under certain circumstances, where there is a serious risk to the environment, a 'controlled burn' may take place. This of course could lead to the total loss of the building and its contents.

Premises' occupiers have a duty to prevent and mitigate damage to the water

environment from 'fire water run off' and other spillages.

Timber-framed Buildings

These types of buildings are particularly vulnerable to severe fire damage and fire spread during the construction phase.

The UK Timber Frame Association publication '16 Steps to Fire Safety on Timber Frame Construction Sites' provides guidance on this issue and is available from: <https://tff.co.uk/download/16-steps-fire-safety-timber-frame-construction-sites/>

Hampshire Highways

Final Comments – No Objection

Following the Highway Authority's second response, the applicant has provided a new technical note, dated May 2021, to address the comments raised. Following a review of the latest technical note, the Highway Authority wish to make the following comments.

Purbrook Way/Hulbert Road Roundabout Safety Improvements

Within the Highway Authority's previous response, a contribution was sought to improve the safety of vulnerable road users at the Purbrook Way/Hulbert Road junction.

HCC's safety engineering team are currently reviewing safety improvement schemes at the roundabout; however, it has been noted that any safety changes are likely to be low cost improvements at this stage and are fully funded through our Safety Engineering Programme. For this reason, the Highway Authority will not require a contribution from this development towards safety improvements at the roundabout.

Pedestrian and Cycle Infrastructure

It is noted that the drawings indicate that the proposed northern footway works are to be constructed to a point south of the Dunsbury Roundabout, although the infrastructure would not connect into any existing/proposed facilities. Whilst there will be a new shared use path delivered from Dunsbury Park, this will not extend to the point at which the footway proposed through this development terminates. The applicant has therefore agreed to provide a crossing point and connecting infrastructure at the roundabout for pedestrians to access the facilities due to be provided as part of the Dunsbury Park scheme. The details of this arrangement can be agreed at the detailed design stage and will be secured through provision of an appropriate drawing to append to the S106 agreement.

The latest technical note states that an arboricultural assessment is being undertaken to establish the level of tree loss necessary to implement the proposed footway/cycleway works. The Highway Authority notes that an arboricultural assessment and tree protection plan have subsequently been uploaded to the planning portal which demonstrates the trees that will need to be removed to facilitate the proposed improvements.

To implement both the northern footway and southern footway/cycleway will require a number of trees to be removed on the western side of Hulbert Road. The Highway Authority has cross-referenced these plans against the adopted highway boundary and

it appears that some of the trees sit within the adopted highway, meaning they will be subject to a CAVAT assessment and the Highway Authority will seek payment to this value to mitigate the loss of the asset and facilitate replacement tree planting as per TG15. The remaining trees to be removed are located within private land and therefore the applicant is required to confirm that they control all of the land necessary to undertake the tree removal.

A lighting specification document has also been supplied which provides further details on the ecological impacts of providing street lighting along Hulbert Road and also features suggested locations for the lighting columns. The lighting should be located suitably to avoid additional tree loss along Hulbert Road. It is considered that the exact location of the lighting can be agreed at the detailed design stage via discussions with HCC and the applicant's lighting engineer and ecologist which will help to manage unnecessary vegetation removal when implementing the lighting.

The work undertaken to date by the applicant demonstrates that a number of trees would need to be removed along Hulbert Road to facilitate the new footway and shared use path connections. The Local Planning Authority should therefore balance the proposed tree loss against the benefits provided by the proposed development to confirm whether the new footways should be provided. Should the LPA decide that the tree loss is not acceptable, the Highway Authority should be formally reconsulted for their updated recommendation on the application.

Site Access

Drawing number A096474 Rev P02 has now been provided which demonstrates the visibility available for right turning vehicles into the site. The plan indicates that 145m forward visibility is available which is considered acceptable against the measured speeds.

Therefore, the principal of the site access arrangement is considered acceptable will be secured through the S106 agreement.

Speed Reduction Measures

The applicant is proposing to condition the requirement to provide the details of the speed reduction measures along Hulbert Road. The technical note suggests that measures which could be provided includes additional signage, street lighting and gateway features.

Because the vehicle access is not contingent on the speed reduction measures to achieve the required visibility splays, nor is there an identified safety issue linked to speeding on Hulbert Road, the Highway Authority agrees that the details can be conditioned and agreed post planning.

Junction Modelling

A revised summary of the junction modelling outputs for the Purbrook Way/Hulbert Road roundabout has been provided. The modelling now includes a 2021 baseline scenario and a 2026 (future year) scenario which factors development traffic associated with the proposed development and the traffic flows associated with the Land East of College Road (planning reference APP/19/01101) application. The modelling demonstrates that the proposed development would not result in a severe impact on the roundabout. The highest observed Degree of Saturation (DoS) is 77.8% on the Purbrook Way (W) Entry under the 2026 PM peak + development +

committed development scenario. Across the AM and PM peak 2026 scenarios, the development traffic flows impact on the DoS cannot be considered severe when considered against NPPF.

Recommendation

The applicant has satisfactorily overcome the Highway Authority's outstanding concerns with the proposed development. The Highway Authority therefore recommend no objection to the application, subject to the following S106 obligations and conditions:

S106 Obligations

- Prior to commencement of development, to enter into a highways agreement for the site access works and footway/cycleway works (including the connection works into the Dunsbury Park facilities) shown in principle in drawing numbers A096474-SK01 Rev B, A096474-SK02 Rev C and A096474-SK03 Rev A.
- Prior to occupation of development, to construct the site access works and footway/cycleway works to the satisfaction of the Highway Authority.
- Payment (by developer) of HCC fees in respect of approval (£1,500) and monitoring (£15,000) of the Framework Travel Plan.
- Provision of a bond, or other form of financial surety, in respect of measures within the Travel Plan prior to occupation.

Conditions

- A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction access, construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Reason: In the interest of highway safety.

- Prior to commencement of development, to submit detailed designs for speed reduction measures on Hulbert Road to be agreed in consultation with the Highway Authority and to implement the agreed speed reduction measures on Hulbert Road prior to occupation to certificate of completion standard.

Reason: In the interest of highway safety.

Officer Comment: *If planning permission is agreed the highway provision would be secured via a Section 106 Agreement and the highway conditions imposed on the decision notice*

Housing Manager (Development)

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 Submission 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 a minimum of 30% affordable housing on sites resulting in a net gain of 10 or more dwellings.

This proposal is for a residential development of up to 100 units, however as this is an outline application there are no details yet for the dwelling mix other than it will consist of apartments and houses as shown in the Concept Master Plan.

I would expect up to 30 of the new homes to be provided as affordable with a tenure mix of approximately 66% rented /33% Shared Ownership; the rented element should consist of Social Rent or Affordable Rent, or a mixture of both.

The site should deliver a mix of dwelling sizes. The affordable provision would need to replicate this and comprise of both apartments and houses to help meet the social housing needs of the borough.

Demand for affordable housing remains consistently high in the Havant borough; currently there are 1673 households registered on Hampshire Home Choice seeking accommodation in our area and of these 777 are waiting for a one bedroom home, 527 for two bedrooms, 303 for 3 bedrooms, and 66 for 4 bedrooms plus.

Average waiting times as calculated for the period 1st April 2020 to the 31st March 2021, for a household in a reasonable priority group, remain a significant number of years for all dwelling sizes.

1 bed – 2 years
2 bed flat – 4 years 2 months
2 bed house - 3 years
3 bed - 5 years 2 months
4+ bed - 7 years 6 months
55+ properties – 1 year 6 months

Principle of Development: Housing would support the principle of this development pending future confirmation of the dwelling mix affordable provision.

Officer Comment: *If planning permission is agreed affordable housing provision would be secured via a Section 106 Agreement.*

Landscape Team

Final comments

From a landscape perspective we have the following comments:

- Our initial comments in relation to the impact the construction of the footway will have on the existing TPO trees along Hulbert Road have not been sufficiently addressed. The proposed footway drawing no. A096474-SK02 clearly shows the footway extending into the RPA of existing trees without providing an appropriate mitigation strategy to ensure the construction will not have adverse effects on the trees and the character of Hulbert Road. All construction must adhere to BS 5837:2012 and at present the applicant has failed to provide an arboricultural implications assessment (AIA) and subsequent tree protection plan.

- With regards to sustainable transportation, the provision of shared footpath and cycle links should be considered in relation to the following; HBC CIL funded Bushy Lease cycle route, which looks to connect Park House Farm Way to Fitzwygram Way this project is being undertaken by HBC Civil engineering and landscape team (CELT). Additionally, a feasibility study has been undertaken by HBC CELT on the behalf of PCC in relation to the provision of sustainable transportation from Hulbert Road in Waterloo to Dunsbury Park. Given the applicants proposals to provide a 3m wide shared footway south of the site and a 2m wide footway north of the site to the Dunsbury roundabout it would be beneficial to ensure all future cycle routes are designed in coordination. By providing a 3m wide shared cycle route north of the application site this would provide better connections to the current and future cycle network.

Officer Comments: *The impact on the trees is considered in detail in Section 7 below, which is balanced against the lack of a 5 year land supply for housing.*

As to a shared cycle/footpath to the north of the access, the Highway Authority did pursue this with the applicant. However, this was not found to be feasible due to constraints to the west of the carriageway.

Initial Comments (Note: these are provided for reference only)

We would want to see off road cycle provision on Hulbert Road to connect into the existing infrastructure. This would help to promote sustainable transportation inline with Policy CS1

Contributes effectively to the opportunities for increasing cycling for all types of trips, creating and improving linkages within the borough

- We do not support the principle of the central square, particularly with the road dissecting through this space. We are conscious that this will be overly hard landscape and the viability of a market for the scale of the site seems unlikely. The concept of a community events space however could be incorporated into the central open space.

- The SUDs provision in the south east corner cannot impact on the RPA of the TPO trees south of the site.

- We require a significant landscape buffer to the west of the site to; soften view of the development from the A3(M), reduce the impact of the noise from the A3(M), act as a green corridor for wildlife.

- A tree report is required to understand the extents of the RPAs and to ensure appropriate mitigation is taken to alleviate any impact on the trees.

- We are mindful of the site abutting the A3(M) and the potential tensions this could cause with residents and road users. The landscape scheme will need to assimilate the need for safety e.g. suitable boundary treatments to make the site secure and appropriate siting for areas of play etc.

- Can early building heights be demonstrated to understand the impact on the existing landscape character as this information will inform the landscape proposals?

Local Lead Flood Authority HCC

Final Comment - No Objection

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

- ☐ WYG Engineering Ltd Flood Risk & Drainage Assessment A096474
- ☐ WYG Engineering Ltd dated 26th October 2020 Ref A096474/LLFA

The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase. Therefore, we recommend the following condition:

1. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: WYG Flood Risk & Drainage Assessment (FRDA) (ref. A096474, dated April 2020), has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.*
- b) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.*
- c) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.*
- d) Evidence that urban creep has been included within the calculations.*
- e) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.*
- f) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.*
- g) Evidence that the existing highway ditch connects to the watercourse and confirmation of ownership and approval to discharge to the ditch or watercourse through third party land.*

2. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings.

The submitted details shall include;

- a) Maintenance schedules for each drainage feature type and ownership*
- b) Details of protection measure*

For guidance on providing the correct information, we recommend you use our Surface Water Management Pre-application service which provides clear guidance on what is required for us to recommend that planning permission is granted and consider the works as best practise. For full details, please visit: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/p>

lanning and click on [pre-application advice request form](#).

Officer Comment: *If permission is granted, the drainage conditions are recommended.*

Natural England Government Team – No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant. Provided that your authority is assured and satisfied that the budget calculations are suitably precautionary and accurately reflect the proposal, then Natural England raise no concerns with regard to the nutrient budget. We recommend a condition that secures the water use of 110 litres per person per day.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on Habitats Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the Habitats Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. However please note it is strongly advised you as competent authority seek your own legal opinion on whether to consult under these circumstances.

Nutrient Team

Policy EX1 (Water Quality impact on Solent European Sites) indicates that new dwellings and/or development resulting in a net gain in overnight accommodation which would likely cause a likely significant effect on designated sites will need to provide a

nutrient budget. This is reaffirmed by the Council's Position Statement which indicates that applicants will need to set out how any likely significant effects on Solent European Sites will be mitigated through the application, to include the submission of the updated European Sites Mitigation Checklist and a nutrient budget.

As the proposals are in a location where development is restricted, paragraph 3.8 of the Position Statement is of relevance:

“The Council actively encourages applicants to use Warblington Farm as mitigation where the principle of the development is accepted by the Council as Local Planning Authority. In any instances where the Council does not accept the principle of development, it will not be possible for applicants to use the Council's mitigation scheme. This is because Warblington Farm is needed to mitigate the development planned for through the Havant Borough Local Plan and Regeneration Strategy. The Local Plan HRA confirms that Warblington Farm is an acceptable mitigation option. This has been confirmed by the Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough report.”

In summary, it should be noted that the applicant will need to find an alternative (to the Council's mitigation scheme) in order to avoid and mitigate the impact on water quality arising out of the development proposed. Other schemes are likely to be published soon on the Partnership for South Hampshire's website. Nonetheless, these will need to be subject to a Habitats Regulations Assessment for this application.

Officer comment: *In order to avoid and mitigate the impact on water quality arising out of the proposed development an alternative site has been secured at Whitewool Farm, East Meon. This is basis on which the Habitat Regulations/Appropriate Assessment has been undertaken in respect of the application, which has been accepted by Natural England.*

Planning Policy

Policy Status

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

The following Adopted Local Plan policies are of particular relevance:

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

In the Submission Plan the following policies are of particular relevance:

- E3 | Landscape and settlement boundaries

- IN1 | Effective provision of infrastructure
- DR1 | Delivery of Sustainable Development
- DR2 | Regeneration
- IN3 | Transport and parking in new development
- IN4 | Future management and Management Plans
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- E1 | High quality design
- E2 | Health and wellbeing
- E9 | Provision of public open space in new development
- E12 | Low carbon design
- E16 | Recreational Impact on Solent European Sites
- EX1 | Water Quality impact on Solent European Sites
- E22 | Amenity and pollution

As set out above, the changes include a new Policy EX1 (Water Quality impact on the Solent European sites, which together with the [Position Statement and Mitigation Plan for Nutrient Neutral Development](#) sets out how developments should approach nutrient neutrality. This is considered in further detail below.

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. It would remain outside of the settlement boundary as defined by policy E3 in the emerging Local Plan. The policies in the adopted and emerging local plan seek to restrict development in these locations, except in exceptional circumstances. It is not considered that any of the exceptions for housing would apply here.

It should be noted that the applicant is promoting the site as an 'omission site' as part of the Local Plan examination. The inspectors have indicated that they will consider the merits of omission sites as part of the stage 2 hearings in the Autumn of 2021. As such, the status of the site has the potential to change as the examination progresses.

Nevertheless, the site is identified in the Council's [Strategic Housing Land Availability Assessment](#) under site reference LP127. It is discounted in Appendix 2 for the following reason:

"Site is not suitable for residential development due to its isolated nature. It is better suited for other uses."

In terms of the matter of isolation, the site is located away from the existing built up area and would not relate to the existing community to the south or west of the site. Furthermore, the site could not accommodate development of a sufficient scale to constitute a community in its own right. Indeed, the application description does not include any community facilities or economic development reflecting the scale of housing development proposed.

It is noted that paragraph 7.22 of the Planning, Design and Access Statement contests the Council's assessment of the site. However, it is not for a planning application to

highlight concerns or an objection to this assessment. Similarly, the submitted PDAS highlight inconsistencies with regard to the assessment of sites through the Sustainability Appraisal process. Such objections will be considered by the Local Plan Inspector through the Examination process in due course.

Without prejudice to the omission of the site in the Local Plan, paragraph 103 of the NPPF indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in plan-making and decision-making.

Whilst the Council does not consider any part of the Borough to be 'rural' (in the context of justifying rural exceptions for commercial or housing development – see paragraph 5.35 of the Submission Local Plan), it should be noted that the Council's [Residential Density Evidence Paper](#) does assess the relative varying accessibility within the Borough, which is informed by the public transport options in Appendix 1.

Five year housing land supply

The Council's [Five Year Housing Land Supply Update \(September 2021\)](#) indicates the Council has 4.3 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF).

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

It is noted that the proposed scheme is not in the five year supply in whole or part. As such, there would be a gain of 100 units to address the five year housing supply requirement.

Five year requirement with 20% buffer = 3,376 dwellings / 5 years = 675.2 dwellings a year

Up to 100 dwellings / 675.2 dwellings = 0.148 years

In this case, the scheme would contribute up to 0.15 years' supply of housing (rounded) and would therefore have the potential to increase the Borough's housing land supply to at least 4.4 years. This must be afforded weight in the overall planning balance.

Nonetheless, it is noted that the current application is in outline form. With the significant headwinds noted in the Housing Delivery Action Plan now largely in the past and the Local Plan at examination, it is expected that the five year supply picture will improve. 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.

Combined emergency services hub

The Council's [Infrastructure Delivery Plan](#) identifies a need for "Local Plan Allocation or

Safeguarding for site for a new fire station, including combined facilities for the police and ambulance services of 0.4 hectares, within the A3(M) corridor". In order to serve the Havant area, with improved access to Petersfield and across to Portsmouth, a location close to the trunk road network is needed, with a site within the A3(M) corridor is favoured for a combined emergency services facility.

Policy IN1 of the Local Plan safeguards the application site for a Combined Emergency Services Hub at Hulbert Road (shown on the Policies Map as IN1D) accordingly. Paragraph 4.7 of the supporting text confirms the land is needed to deliver key infrastructure schemes and should be protected from loss to other uses, pending further study and investigation. It has been purposefully identified as safeguarded land as opposed to being allocated, reflecting the fact the land is cannot be considered to be 'available now' for these purposes.

Summary

As you are aware, there is an 'in principle' policy objection to the application proposals in the context of both the adopted and emerging local plans. The site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply to housing. In addition, the land is safeguarded in the emerging local plan for a combined emergency services hub. These should both be afforded weight in decision-making.

However, importantly, the Council is not currently able to demonstrate an up-to-date five year housing land supply position. In the context of the tilted balance, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the scheme would contribute up to 0.15 years' supply of housing (rounded) and would therefore have the potential to increase the Borough's housing land supply to at least 4.4 years. This must be afforded weight in the overall planning balance.

Notwithstanding the site's location outside of the urban area in the context of the Adopted and emerging Local Plans, there is clearly a need to significantly boost the supply of homes in Havant borough.

Officer Comment: *The site is not allocated for residential development in the adopted and Submission Local Plan and is safeguarded as an emergency service hub.*

The Council's publication of the 'Five Year Housing Land Supply Update' in December 2020', shows that the Council is unable to demonstrate a 5 year land. Therefore, in considering the proposal, it is necessary to balance the development against the lack of a 5 year land supply of housing which is set out in detail in Section 7 below.

Property Management - Hampshire County Council

No comment.

Public Health Team

We welcome the ambition to create 120 new homes to meet the needs of the growing population in Havant and Hampshire more widely.

Theme	Policy / Page	Comments
Public Realm	2. The Site and the Surroundings (pp.4)	We welcome the development being situated in an accessible, lively area near local amenities, schools and

		places of work. We are encouraged that due to this placement, the proposed site is well-connected by public transport and walking and cycling infrastructure. Active travel is important as it has co-benefits for health as well as air quality.
Sustainable modes of transport, promoting walking and cycling and reduced vehicle usage	4.1 The Proposal (pp. 6)	We welcome the proposal to include a new pedestrian footpath along the western site of Hulbert Road linking to existing walking, cycling and public transport networks which provides opportunity for physical activity through active travel.
Green, blue and open spaces	4.2	We welcome the design which incorporates communal areas of the central green and paved square. Green space is important for wellbeing, attractiveness as well as positively impacting the environment and air quality. The incorporation of a central square provides opportunities for social interaction.
Green, blue and open spaces		We welcome the provision of a green corridor in the western boundary, and would encourage the incorporation of the potential trail with natural play or exercise facilities. These will provide opportunities for residents to engage in easy to access physical activity. We would also welcome opportunities for formal and informal food growing such as a community orchard
Housing design	8. Design Approach (8.21) (pp. 32)	We welcome the proposal to provide mixed of dwelling types including at least 30% affordable housing.
Healthy housing	8.23	We encourage the developer to ensure housing units meet certain standards. Firstly, to ensure that these dwellings provide adequate internal storage and space with separate kitchen and living areas. We welcome plans to ensure noise between units is limited, and are adequately ventilated. We also welcome plans to ensure the units are accessible to older people, as well as disabled people, and that the housing is tenure blind.

Sustainable modes of transport, promoting walking and cycling and reduced vehicle usage		Whilst we welcome the appropriate vehicular access, we would encourage this access to include provision for cyclists and a safe environment for pedestrians to access to site. This will encourage active travel. At the appropriate planning stage, we would like to see plans for how behaviour change – from private vehicle to active travel/public transport - will be encouraged.
Air & noise pollution / Sustainability & Climate change	Air Quality & Noise (pp. 38)	We welcome any measures to mitigate the air and noise pollution during the pre, during and post-construction phase. When considering the impacts of noise pollution, as flagged as a concern by the Environmental Health consultees, the developer and planning authority should take into account the long- and short-term impacts on mental health, physical health, the environment and ecosystems. In terms of human health, there are no safe levels of air pollution and so any increase should be actively prevented. We welcome measures to ensure that the site constitutes sustainable development, and that any associated traffic, congestion, air and noise pollution, and biodiversity loss, is minimised and mitigated. We encourage a hierarchy of action which prioritises the <i>prevention</i> of such issues, with minimisation and mitigation where prevention is not possible.
Biodiversity	Ecology (pp. 41)	We are encouraged by the site being close to the peripheral areas of woodland. These contribute to the local natural scenery, are beneficial for mental health and help to mitigate against the effects of climate change and local air pollution.

Officer Comment: The above comments are noted.

Public Spaces

No comment received.

SE Hants Clinical Commissioning Group

The increased demand would be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development; however additional workforce and building capacity within the premises will be required.

The CCG considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard.

Please see below the NHS investment projection that the CCG will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings is: 120 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease)

This means that South Eastern Hampshire CCG will be looking for a **contribution of £19,200 of planning gain for health.**

South Eastern Hampshire CCG identifies multiple practices (Vine Medical Group, Park Lane Medical Centre and Crookhorn Lane Surgery) could be impacted by this development in both our CCG area and neighbouring Portsmouth CCG areas as all the following practice boundaries cover this area. However, it is likely that Vine Medical Group will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

Officer Comment: *Should permission be agreed the Health Contribution would be a requirement of the associated S106 Agreement.*

Southern Electric

No comment received.

Southern Gas Network

No comment received.

Traffic Management, East Hampshire District Council

Without detailed plans of the proposed development, ie: the amount of bedrooms each development has, the number of parking spaces available including visitor / disabled spaces and secure cycle storage availability, the traffic team cannot comment other than to advise that guidance is taken from the HBC Parking Supplementary Planning Document July 2016 (Partially updated Sept 2019).

Officer Comment: *With regard to on-site parking, this is not fixed at the outline stage as this is a reserved matter.*

Waste Services Manager

Would request that consideration be given to the fact that these properties will be serviced by a Refuse Collection Vehicle which has a maximum weight of 26t. Roadways should be constructed to withstand the weight of the vehicle and allow appropriate safe vehicular access to each property/waste collection point.

Officer Comment: With regard the layout of the development, this is not fixed at the outline stage as this is a reserved matter.

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: 1

Number of site notices: 1

Statutory advertisement: 14/08/2020

Number of representations received: 6

Comment	Officer Comment
Policy	
Contrary to current Local Plan/ Submission Plan – not appropriate to permit prior to public consultation.	See Section 7 below.
Site deliberately excluded from emerging plan as considered too remote.	
Surprised residential development is being considered on an oil well.	
Inappropriate sites for any type of residential or non-residential development.	
Climate change & environmental strategy adopted by Council - should adhere to this strategy.	
Green sites for housing should have Green credentials - government commitment to sustainable development – no such credentials shown.	
Highways	
Site remote and unconnected for anyone without a vehicle.	See Section 7 below
Right turn into site a highway hazard.	
Footpaths would be dangerous – B2150 narrow unlit road	
Ecology	
The proposed development site includes SINC Ref HV0035 known as Hulbert Road Meadow (2.83 hectares). Building on SINCs conflict with NPPF.	See Section 7 below

Building on site will impact on surrounding wildlife- green spaces need to be connected – lead to disconnection with woodland either side. Trend in recent years of development on SINC's - conflict the NPPF SINC's play an importance part in providing coherent ecological networks – disrupt wildlife – adverse impact Unlikely net bio-diversity will be achieved Bat corridor joining local and ancient woodland - number of species of bat, some uncommon/quite rare – national importance. Needs to be a wide undeveloped strip adjacent to the A3 (M). Environmental Impact Assessment (EIA) required.	The proposal has been assessed and an EIA is not considered necessary for the development.
Residential Amenity	
Light pollution and health issues resultant from the heavily used A3(M) - development will be affected by fumes	See Section 7 below.
Trees	
Advised at DCF in April 2019 that no trees would be felled – clear some trees and hedging along Hulbert Road would be removed to widen the road for a third lane for right turns into the site by southbound traffic. Sparse tree belt along the B2150 insufficient to shield the development. Unclear how many trees to be removed/retained to the other 3 sides. SUDs provision should not impact on RPA of the TPO trees south of the site.' British Standard guidance should be followed for impact on trees. Three trees should be replanted for each mature tree lost – controlled by condition.	See Section 7 below.
Flooding	
Flooding in area	The site lies in Flood Zone 1, which is the lowest flood risk.

Other matters	
Problems with downloading files from web-site.	Reported and not a problem at the Council's end.
Buildings should be recycled, before new builds	No buildings exist on the site.
Should be allocated for a Solar/Wind Farm	Not before the Committee to considered.
Portsmouth residents do not want the 400kv DC cable from France – problems with the French supply.	
Is there sufficient electricity for the development?	Southern Electric has been consulted on this application and has not responded.

7 **Planning Considerations**

Impacts on European Sites/Nutrient Neutrality

A Habitats Regulations Assessment including Appropriate Assessment has been undertaken in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England have been consulted in relation to the assessment and have concurred with the assessment conclusions, providing that all mitigation measures are appropriately secured. The Habitats Regulations Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Recreational Pressure

- 7.1 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Submission Havant Borough Local Plan and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water Quality

- 7.2 The Partnership for Urban South Hampshire (PUSH) (the partnership has since changed its name to the Partnership for South Hampshire) Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on

the designated sites within the Solent. Natural England have highlighted that there are high levels of nitrogen and phosphorous input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a Nutrient Budget and a report to inform the Local Planning Authority's Habitats Regulations Assessment Stage 1 and Stage 2.

- 7.3 Natural England has produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site.
- 7.4 Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific off-site mitigation measures. Appropriate planning and legal measures will be necessary to ensure the land will not change to alternative uses that affect nutrient inputs on the long term.
- 7.5 In this regard, the applicant has proposed a mitigation package. As the site is for more than 15 units of accommodation, it is not possible for the applicant to secure off-site mitigation at the Warblington Farm Mitigation Scheme. Instead, the Hampshire and Isle of Wight Wildlife Trust (Isle of Wight Schemes) is proposed as mitigation for the development site. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy EX1.

Appropriate Assessment conclusion

- 7.6 The Appropriate Assessment concluded that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.

Planning Considerations

- 7.7 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 upon residential amenity (for existing and future residents)
 - (v) Public open space
 - (vi) Archaeology
 - (vii) Highways, parking and accessibility issues
 - (viii) Flood Risk/Drainage
 - (ix) Ecology Impacts
 - (x) Impact on Trees
 - (xi) Education
 - (xii) Minerals

- (xiii) Contamination
- (xiv) Developer Contributions/CIL and S106 requirements
- (xv) Overall Conclusions and Planning Balance

7.8 The application is for Outline Planning Permission and the submitted application form confirms that all matters are reserved with the exception of the proposed access. This means that the following matters are for consideration at the Reserved Matters Stage:

Appearance; Landscaping; Layout; and Scale.

7.9 Notwithstanding this, in considering an outline planning application it is necessary to critically assess whether the quantum of development and its planning requirements can be successfully provided on the proposed application site. As such the applicants have undertaken pre-application discussions and obtained a Screening Opinion from the Local Planning Authority which confirmed that the proposal submitted was not considered EIA development. The application itself has been submitted with a detailed suite of supporting information seeking to demonstrate that the development could be appropriately provided. The supporting information includes the following:

Indicative Concept Masterplan Layout
 Design and Access Statement
 Flood Risk & Drainage Assessment
 Lighting Assessment
 Ecological Appraisal & Bat, Dormice & Reptile Surveys
 Nutrient Budget
 Noise Impact Assessment
 Phase 1 Geoenvironmental Desk Top Study
 Air Quality Assessment
 Tree Surveys
 Transport Assessment
 Framework Travel Plan
 Technical Notes

(i) Principle of development

7.10 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

7.11 The Development Plan consists of:

Havant Borough Local Plan (Core Strategy) (2011), the Havant Borough Local Plan (Allocations Plan) (2014), both of which cover the period until 2026. The development plan also includes the Hampshire Minerals and Waste Plan (2013) and the Emsworth Neighbourhood Plan 2019-2036. These plans continue to form the basis for determining planning applications in the Borough. The application site is located close to, but outside of, the urban area. Policies in the adopted plans support appropriate residential development within the urban areas. "Exception schemes" are only supported in the countryside. This is not an exception scheme and the site is located in a non-urban area. Therefore, this application does not accord with the development plan (it has been advertised as a departure from it). Planning permission should therefore be refused unless other material considerations indicate otherwise.

Submission Havant Borough Local Plan

- 7.12 The Submission Havant Borough Local Plan was submitted for examination by the Secretary of State for Housing Communities and Local Government (now called Department for Levelling Up, Housing and Communities) on 12 February 2021. Through initial questions, the matters and issues and during the Stage 1 Hearings in July 2021, the inspectors sought clarification about whether the Council had done all it could to try and boost supply of housing in the short term, given that it would be unable to demonstrate a five year supply housing on adoption of the Plan. On this basis, officers indicated that the Council would be willing to consider further allocations in addition to those included in the submitted Local Plan to increase its five year supply. At the time of publication, an Interim Findings Report, following the stage 1 hearings, is yet to be published. This is likely to change prior to the Committee date and an Update Report will be provided in this instance.
- 7.13 In the Submission Local Plan the application site is located outside of the settlement boundary as proposed to be defined by Policy E3. The application site is not one of those sites identified in the emerging plan as a proposed new housing allocation. The site is discounted in the Council's Strategic Housing Land Availability Assessment for the following reason:
- "Site is not suitable for residential development due to its isolated nature. It is better suited for other uses."*
- 7.14 This reflects the Council's Housing Constraints and Supply Analysis which highlights whilst there are a few areas within the A3(M) corridor which are not covered by high level constraints, most have limited access or are relatively remote from the services of existing areas.
- 7.15 The application site is promoted as an 'omission site' as part of the Local Plan examination. The Inspectors have indicated that they will consider the merits of omission sites as part of any stage 2 hearings. As such, the status of the site has the potential to change as the examination progresses. The site has however been safeguarded under Policy IN1 of the Submission Local Plan for a combined emergency services hub.
- 7.16 The site has been specifically identified as safeguarded land as opposed to being allocated, reflecting the fact the land cannot be considered to be 'available now' for this purpose. Through discussions with officers, Hampshire & Isle of Wight Fire and Rescue Service (HIWFRS) have advised that they are considering a number of options with regard to their existing estate, and that: *"For a fair (non-housing) valuation HIWFRS would pursue this option with more interest, subject to a full business case and Authority approval. Whilst this opportunity has benefits to HIWFRS and potential partners such as Police, if planning permission is granted for this development, communities would continue to be adequately served by the HIWFRS through its current estates provision."*

Should this development go ahead without a ringfenced parcel of land for the emergency services hub, HIWFRS would appreciate ongoing support from Havant Borough Council to find an alternative site close to the A3 corridor. "

The Council would continue to work with HIWFRS to find an alternative, appropriate site.

Consistency with the National Planning Policy Framework.

7.17 The Secretary of State's National Planning Policy Framework (July 2021) is a material consideration which should be placed in the s.38(6) planning balance. The NPPF's primary objective is to promote sustainable growth and development through a "planned" planning system. Paragraph 11 of the NPPF 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".

7.18 The Council published its latest 'Five Year Housing Land Supply Update in September 2021. This indicates that the Council cannot demonstrate a five -year supply of deliverable sites. The assessment found that the Council could only demonstrate a 4.3 year housing land supply, with a 20% buffer. In addition, the Housing Delivery Test (HDT) for Havant indicates that delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years.

7.19 In response to the December HDT results, the Council published the Housing Delivery Action Plan in January 2021, which sets out measures the Council is taking to prevent further under-delivery and improve delivery going forward. This document acknowledges that:

"The small, constrained and heavily urbanised local authority means site availability to meet housing need is extremely limited within Havant Borough."

It also highlights that substantively the lack of five year housing land supply is due to events outside of the Council's control. However, steps have been put in place to help rectify the situation and improve housing delivery.

7.20 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

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

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

7.22 As stated above, the Council's Five Year Land Supply Update September 2021 indicates the Council has 4.3 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such 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.

- 7.23 As previously mentioned, the proposed scheme is not included in the Council's five-year supply in whole or part. That said, the proposal, if granted, would add up to 100 units towards the five-year housing supply requirement. This would have the potential to increase the Borough's housing land supply by 0.15 years supply (rounded), and therefore would have the potential to increase the housing supply from 4.3 to 4.4 years. 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). As to the provision of housing on the site, the agent has confirmed this should be provided within 5 years of the grant of an outline permission.
- 7.24 Notwithstanding that the site is located outside of the urban area and is not allocated in the development plan or emerging local plan, it is accessible to facilities and services. The site is not within a habitat site identified in footnote 7 of the NPPF and there are no overriding environmental objections to its development. 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

- 7.25 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."
- 7.26 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

- 7.27 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 woodland to the north and south and the additional landscaping that is proposed would reduce, and mitigate, the landscape impact of the development. Overall, the development would not unduly affect the character and appearance of the wider area, which is considered in more detail in this report. Furthermore, the provision of open space, and a cycleway/footpath to the south linking into the footpath to Purbrook Way and a footpath to the north linking to Dunsbury Park would be of a benefit to this application and the local community.
- 7.28 In terms of the location of the site relative to services and facilities the closest such services offered are B & Q and Asda situated approximately 0.3km from the site's cycle and pedestrian entrance. There are employment opportunities at Dunsbury Park approximately 0.6km from the vehicular access. The nearest bus stops to the site are

located in Purbrook Way approximately 0.3m from the site's cycle and pedestrian entrance, serving bus routes 20 and 39. Route 20 runs every 30 minutes Monday to Friday, operating between Portsmouth and Havant via Leigh Park. Route 39 operates on average every 15 minutes Monday to Friday between Havant to Wecock Farm via Leigh Park.

- 7.29 In addition, Bedhampton railway station is approximately 1.6 km from the site, with the site approximately 3.2 km from Havant Station offering routes to London, Brighton, Southampton and Portsmouth. As such, the site is considered to lie in an accessible location.

Economic Sustainability

- 7.30 One of the core planning principles of the NPPF is proactively to drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.
- 7.31 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.
- 7.32 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

- 7.33 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. The applicant has been working with the LPA on a draft S106 and has agreed to the principle of the obligations sought.
- 7.32 The application proposes that a range of house types, sizes and tenures would be provided, including 30% affordable housing (shared ownership and affordable rented) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "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.
- 7.33 The proposal also proposes areas of open space which could be used by new residents and is considered to be a benefit in the overall planning balance. In addition, the proposal includes provision of new pedestrian/cycle links along Hulbert Road leading to wider sustainable routes which will be of benefit to local residents, by enabling safe and sustainable access to facilities in Havant and Waterlooville. A Community Officer contribution will be secured to help new residents in the development integrate into existing communities. 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.

Education and Health

- 7.34 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 Barncroft Primary School and Park Community School. A development of the size being proposed (which looks to be up to 100 dwellings) would generate approximately 36 primary age pupils and 25 secondary age pupils, about 5 per year group. Forecasts for the Havant area show that there will be a sufficient number of places to accommodate this number of pupils and a contribution towards educational facilities from this development is not sought.
- 7.35 The NHS Clinical Commissioning Group (CCG) has assessed the impact on local GP surgery and place additional pressure on existing NHS services in primary, community and secondary care settings and a financial contribution is to be secured in relation to this matter.
- 7.36 The contributions would be secured via the associated S106 agreement.

Prematurity

- 7.37 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.’

- 7.38 Officers are satisfied that whilst the emerging plan has been submitted for examination, 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

- 7.39 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2 – these are predicated on out-dated 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.

7.40 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

7.41 The proposal for up to 100 dwellings would produce a density of development of approximately 21 dph (dwellings per hectare), based on the developable area. Submission Local Plan policy H3 states that planning permission will be granted for dwellings (outside town centres and defined opportunity area) where it provides for a minimum of 40dph. However, due to site constraints 40 dph is not considered appropriate on this site. These constraints include the need to set any future housing development on the site 37m from the kerbside of the A3(M) (conditioned) and be set back from Hulbert Road, to manage noise exposure; to avoid canopy overhang and to provide root protection areas for trees sited on SINC land; provision of ecological areas within the boundary of the site; and a two storey limit on housing due to noise concerns from the A3(M) (conditioned). 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. It is not considered that the density of development proposed could be considered artificially low whereby an application should be refused.

7.42 Information of the housing mix is not provided in any detail, other than housing would be on the eastern side of the site, with apartments on the western side. Adopted Local Plan 2011 Policy CS9 requires provision of a mix of dwelling types, sizes and tenures. Submission Local Plan Policy H4 relates to housing mix and requires the provision of a range of dwelling types. The proposal does not include details of the housing types and sizes, which 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. Submission Local Plan policy H4 expects that 35% of the overall housing mix (both market and affordable) should be two-bedroom homes. If permission is granted a condition to this effect is recommended.

7.43 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 and emerging policies CS9 (30-40% required) and H2 (30% required). 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.

- 7.44 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

- 7.45 The site and its location have been described in detail in section 1 of this report. The current proposal is in outline form and therefore the detailed appearance of the proposed development cannot be considered 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 100 units of accommodation, which could be accommodated on the site, with a density of development of 21 units per hectare. Having regard to the location of the site, which is outside of the urban area and rural in nature, this density of development is considered to be appropriate.
- 7.46 The proposed indicative layout has a single point of vehicular access, a central spine road with spurs to the east and a pedestrian access in the south east corner, which would feed into the proposed cycle way/footpath to Asda roundabout. To the north a footpath would come off the bellmouth access finishing at the Dunsbury Park roundabout. A circular footpath is shown around the perimeter of the site.
- 7.47 The development would be set back from the Hulbert Road frontage by a minimum distance of 12m, with an existing tree belt to the front of the site retained along the eastern boundary. The building line to the west would be set back a minimum distance of 37m from the edge of the kerbside of the A3(M). The proposed lit 3m cycleway/footpath to the south would result in the loss of a protected Oak along the frontage onto Hulbert Road. As to the proposed 2m lit footpath to the north this would necessitate the loss of some trees on the highway, which are not protected, and protected trees on the edge of the woodland. Otherwise, the built development would not impinge into the woodland which forms the boundaries to the north and south with protected trees along the southern and eastern boundaries. The loss of the trees is discussed further below.
- 7.48 Alongside the road in the centre of the site, the indicative scheme shows a central open space, with tree planting to create a landscape link with the woodland to the north and south of the site. An area for SuDs is shown in this central area, with another such area shown on the indicative plan in the south east corner.
- 7.49 On the western boundary would be a 3m high bund with a 1.8m acoustic fence on top, which would be one of the mitigation measures for noise from the A3(M). There are existing trees on the motorway side along the western boundary, with native planting proposed in front of the bund/fencing looking into the site. The indicative plan shows three blocks of apartments along the western boundary set back 37m from the edge of the kerbside of the A3(M).
- 7.50 The proposal is low density, as set out Paragraph 7.41 above. That said, it is accepted that the development of the site would change the character and appearance of the site and the immediate locality. However, due to the woodland to the south and north, wider landscape views are limited. Also, along the west and eastern boundaries there are existing trees which would provide screening from both the A3(M) and Hulbert Road. Landscaping would also form part of the reserved matters application. Given the

height of the proposal, which is proposed to be limited to 2 storey, the impact would not be significant and would be acceptable.

- 7.51 The loss of trees along Hulbert Road to provide the cycling/pedestrian access to the site would have an impact on the tree character of the area. However, this loss would be set against the backdrop of woodland, thereby alleviating this loss and would be mitigated by new landscaping within the development, which would be a reserved matter. This impact is also balanced against the recognised need for housing in the Borough, which would include a minimum of 30% affordable units.
- 7.52 Overall, it is considered that a development of up to 100 units of accommodation could be designed to have an attractive layout with an acceptable impact on the surrounding landscape and from public vantage points. This would be subject to the final design and layout which would need to form part of the reserved matters application should outline permission be granted.

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

Existing Residents

- 7.53 The site is not surrounded by any residential properties. Therefore, the proposal would not impact on the residential amenity of existing occupiers.

Future Residents

Noise

- 7.54 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. Submission Local Plan policy E22 seeks to resist development that would have a likely significant negative effect on the amenity of existing and future users of the site. These policies are consistent with those of Paragraphs 174 and 184 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.
- 7.55 An amended noise assessment has been provided taking into account noise generated from traffic from the A3(M) and Hulbert Road. Noise monitoring locations included a site adjacent to the A3(M) and adjacent to the Hulbert Road.
- 7.56 The report concludes that *“Through the use of appropriate mitigation, it is considered that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life.”* Whilst the proposal is in outline only such mitigation measures are anticipated to include:
1. A 3m bund, with a 1.8m fence on top to provide substantial screening to the A3(M), as an acoustic design measure;
 2. Higher glazing specifications for some of the units;
 3. A scheme of ventilation to enable acceptable rates of ventilation when windows are closed e.g. acoustic trickle vents; and

4.Close boarded fencing for garden areas.

- 7.57 Such measures in their totality would be determined at the reserved matters application stage.
- 7.58 The Environmental Health Officer (EHO) has raised no objection based on the latest noise assessment and additional information and maps received. It is noted that whilst the site is highly sensitive to noise, the use of engineered solutions would provide an appropriate internal noise and ventilation environment, creating a satisfactory environment for future residents. The EHO has recommended three conditions at this stage, relating to acoustic mitigation measures for the building envelopes, an overheating assessment, and post validation testing of noise levels in and around specified dwellings prior to occupation. Further conditions to mitigation noise at the reserved matters application stage may be required by the EHO. The three conditions are recommended.

Air Quality

- 7.59 Emerging Policy E23 seeks to secure high quality developments which integrate measures to offset the emissions generated by the development, which are proportionate to the scale and nature of the proposal.
- 7.69 A revised Air Quality Assessment (AQA) has been submitted where modelling has been undertaken where the building plan shows the building line would be 37m from the A3(M) kerbside. This revised document has been assessed by an Environmental Health Officer (EHO) who has agreed that the ambient air quality monitored on the site should be acceptable for future residents when assessed against current standards. That said, it is recognised that health and wellbeing and air quality policy may still require examination at the reserved matters stage, depending on the date that the detailed scheme is brought forward, as revision of some air quality objectives is expected to bring regulation and policy in line with developing knowledge about health impacts of particulates (in particular).
- 7.70 The AQA also provides a response to policy E23 in that an estimate of the environmental damage costs from the development has been made, which is in the region of £100,000, excluding domestic emissions. The AQA suggests that this value should be allocated to measures such as sustainable travel and framework travel plan measures. Policy E23 however seeks additional measures to offset the impact of development, which as highlighted by EH's comments should complement sustainable travel, climate & energy, health and wellbeing, parking and landscaping policies and could address local emissions (e.g. domestic), non-local emissions (transport, and energy), or pollutant interception / absorption services provided by landscaping features or elements of the building fabric. However, these matters are deferred to the reserved matters stage.
- 7.71 The EHO raises no objection to the granting of outline consent, subject to the inclusion of the suggested amendments to the suite of contamination conditions required by the Environment Agency.
- 7.72 If permission is granted the changes to condition 1 suggested by the EHO is recommended (as are the reasons for the 4 conditions) to avoid condition discharge problems arising and the potential for the effects of the proposed conditions to be undermined.

7.73 Overall, it is considered that it has been demonstrated that subject to appropriate conditions the development can be designed to provide a good quality living environment for future residents in accordance with adopted Core Strategy policies CS16 and DM10 and emerging Local Plan policies E22 and E23 and the National Planning Policy Framework.

(v) Public open space

7.74 Public Open Space (POS) should be provided on the site to enhance the quality of the development. The applicant has advised and as shown on the indicative Masterplan there would be approximately 0.14 hectares of central POS, 0.1 hectares POS in the south east corner, plus a perimeter walk. Parts of these areas could also provide opportunities to incorporate ecological and SuDs features.

7.75 Submission Local Plan policy E9 states for residential development of 50 dwellings or more, that:

"a. High quality on-site public open space is provided to a standard of 1.5 ha per 1,000 population;

b. On development where the open space requirement exceeds 0.5ha, an element of play space is provided; and

c. On greenfield sites, part of this requirement is provided in the form of community food growing space, to a standard of at least 0.2ha per 1,000 population."

7.76 At this stage, as the population of the development is not yet known, it is not possible to confirm the precise amount of open space that will be required to be delivered by the development. Furthermore the emerging POS policy can only be afforded limited weight at this stage in the Plan preparation process. The exact size, nature and location of the POS would therefore be a reserved matter which would need to accord with the requirements set out in Policy E9 in the Submission Local Plan.

(vi) Archaeology

7.77 The County Archaeologist (CA) has been consulted over the application and noted that the potential of archaeological implications for the site was not explored in any detail in the application, notwithstanding pre-application advice given, and that the site may have archaeological potential that needs to be investigated as part of any further application. The CA whilst raising this concern, is of the view that "... archaeological issues are very unlikely to emerge as overriding and that these matters can be dealt with by use of a condition or conditions..." "to secure an appropriate level of archaeological consideration, survey and mitigation." Conditions to this effect are recommended to ensure an appropriate level of archaeological investigation of the site, should outline planning permission be forthcoming for the proposal.

(vii) Highways, parking and accessibility issues

7.78 The National Planning Policy Framework at Paragraph 110 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 users. Paragraph 111 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

7.79 Paragraph 112 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.

- 7.80 There have been detailed discussions with the Highway Authority at the pre-application and application stage in relation to the highways aspects of the proposal. There have also been discussions with Highways England. The application has been submitted with a Transport Assessment, Framework Travel Plan, Technical Notes and detailed plans in response to the Highway Authority's and Highways England's comments. The main issues in relation to the highway considerations are considered to relate to the following:

Strategic Road Network
Assessment of Existing Conditions
Background Traffic Growth
Personal Injury Accident Review (PIA)
Junction Capacity Assessment
Site Access Proposal
Site Accessibility
Cycle/Footpath Provision - Sustainable Travel Improvements
Vehicle and Cycle Parking Provision
On Site Layout
Trip Generation
Traffic Distribution
Speed Reduction Measures
Framework Travel Plan

Strategic Road Network

- 7.81 Highways England (HE) was consulted over the proposal due to the A3(M) running parallel to the west of the site, which forms part of the Strategic Road Network. Further information was required by HE concerning the proposal for a 3m high bund with a 1.8m high acoustic fence along the top adjacent to the A3(M) and its proposed proximity to the motorway. HE requires a separation distance equivalent to the height of the bund (i.e. 3m) at all times with the edge of the carriageway of the A3(M), including during construction. The slope should also be no steeper than 1 in 3. HE also advised that the carriageway of the A3(M) is drained via a system of road gulleys set into the kerb line at the back of the hard shoulder and that there should be no run-off from the bund into the system of road gulleys. Supporting information was required in the form of a Preliminary Sources Study Report to include ground investigation works, slope stability and drainage.
- 7.82 HE also had concerns regarding construction activities and required measures to prevent dust blowing across the motorway, creating a potential road hazard for drivers. A transport assessment detailing the routing to and from the site, and the daily trips throughout the construction period was required, together with any agreed mitigations as necessary.
- 7.83 Following a meeting with HE (and the Highway Authority (HA)), and the submission of additional information, HE has raised no objection to the proposal, subject to conditions (and an informative) regarding the geotechnical submission relevant to the construction of the bund and full details of drainage and its location to prevent run off from the development onto the Strategic Road Network. If permission is granted, the conditions and informative of HE is recommended, together with a Construction Management Plan.

Assessment of Existing Conditions

- 7.84 The proposed development is located to the west of Hulbert Road between the Purbrook Way/Hulbert Road roundabout to the south and the Dunsbury roundabout to the north. Hulbert Road is subject to a 40mph speed limit with no existing pedestrian provision.
- 7.85 Hulbert Road is lined by woodland to the east and west and does not benefit from street lighting.
- 7.86 The context for the proposed development is set by current road conditions surveys which were carried out by the applicant's Transport Consultants between 11 – 17 February 2019 to determine traffic flows and speeds over a seven-day period. The survey found that 85th percentile speeds to be 49.2 northbound and 49.2 southbound, with an average speed of 40.6 northbound and 42.2 southbound.
- 7.89 Vehicle flows in the peak hours AM were 567 northbound and 692 southbound. In the peak hours PM they were 565 northbound and 637 southbound.

Background Traffic Growth

- 7.90 To calculate the 2025 forecast traffic flows, growth factors have been calculated and applied to the 2020 surveyed flows. For the growth period 2020 to 2025, for all roads, for AM peak periods the growth factor is 4.84%. For PM peak periods the growth factor is 4.6%.

Personal Injury Accident Review (PIA)

- 7.91 PIA statistical data was obtained for the highway network in the vicinity of the proposal development for the most recent 5-year period. The data identified 25 accidents across the study period, 2 of which were on the Hulbert Road approach to the Hulbert Road/Purbrook Way roundabout whilst the remaining accidents were located along Hulbert Road and the rest at the roundabout.

Junction Capacity Assessment

- 7.92 The scope of junction testing has been agreed with the HA, which covered the capacity of the Purbrook Way/Hulbert Road signalised roundabout junction to the south.
- 7.93 The modelling demonstrates that the proposed development would not result in a severe impact on the roundabout. The highest observed Degree of Saturation (DoS) is 77.8% on the Purbrook Way (W) Entry under the 2026 PM peak + development + committed development scenario. Across the AM and PM peak 2026 scenarios, the development traffic flows impact on the DoS cannot be considered severe when considered against the NPPF.
- 7.94 Within the HA's earlier responses, a contribution was sought to improve the safety of vulnerable road users at this junction. However, following a review of the safety improvement schemes for the roundabout by HCC's safety engineering team, it was noted that any safety changes would be likely to be low cost improvements at this stage and would be fully funded through their Safety Engineering Programme. Therefore, the HA would not require a contribution from the development towards safety improvements at the roundabout.

Site Access Proposal

- 7.95 The site currently benefits from an access onto Hulbert Road, with a gate set back into the site. When the application was first submitted a right hand turn lane was proposed from Hulbert Road into the site. Following discussions with the HA this was deemed unnecessary, with changes proposed to the existing access instead. Further information was submitted and agreed with the HA which provides for a 10m wide access radii, supported by visibility splays of 2.4m x 160m.
- 7.96 A pedestrian access (indicative) is also proposed to the south east of the site which would link into the proposed cycle/footway along the western side of Hulbert Road, which is considered acceptable.
- 7.97 As to the visibility available for right turning vehicles into the site, these have been included on the submitted transport drawings. The submitted information indicates that 145m forward visibility is available which the HA considers would be acceptable against the measured speeds on the road. The principle of the site access arrangement is therefore considered acceptable to the HA and would be secured through the S106 agreement, if permission is forthcoming.
- 7.98 Tracking into and out of the new access was also provided for a family car, pantechnicon and refuse vehicle. The HA noted that the revised geometry improves the manoeuvring of these vehicles. However, there are minor changes to the design which could be made to provide further improvements, which the HA has advised can be made during the Section 278 design check process, if permission is forthcoming.
- 7.99 Therefore, the principle of the site access arrangement is considered acceptable to the HA, which would be secured through the S106 agreement.

Site Accessibility

- 7.100 In relation to Walking and Cycling the Transport Assessment has assessed the proximity of the development to local facilities.
- 7.101 Local facilities in the area and the approximate distance from the site to reach them are identified. These include B & Q and Asda Superstore to the south, approximately 0.7km and 0.9km respectively from the site and Barncroft Primary School approximately 1.4km. Taking 2km as the preferred maximum walking distance, it is noted that locations such as Crookhorn College (2.1km) and Bedhampton Rail Station (2.3km) sit outside of this distance and are therefore unlikely to be accessed by foot. However, these locations would be within the preferred maximum cycling distance of 6km.

Bus

- 7.102 In relation to Bus travel the nearest bus stops to the proposed site are located approximately 700m away on Purbrook Way, to the south of B&Q, serving routes 20 and 39. Accessibility to these stops from the site would be provided by the provision of a 3m shared cycleway/footpath to the west side of Hulbert Road. The stops on both sides of the road consist of a shelter and timetable, providing services to Havant, Waterlooville and Portsmouth.

Rail

- 7.103 As noted above, the nearest rail station to the site is located within Bedhampton

which is 2.3km away and is considered more conducive for cycle trips rather than walking trips. The station provides trains every 20 minutes into Havant and every hour to wider destinations such as Portsmouth and London Waterloo. The provision of the shared use facilities along the road to the west would help increase the accessibility of the station from pedestrian and cycle travel to the train.

Cycle/Footpath Provision - Sustainable Travel Improvements

- 7.104 As previously mentioned, there is currently no pedestrian or cycle infrastructure to the site. To ensure that there are sustainable travel improvements to the site, which would normally only be accessible by motor vehicles, it is proposed that a shared 3m wide footway/cycle way would be provided to the east of the site to connect into the existing provision at the Purbrook Way/Hulbert Road roundabout to the south. Due to design constraints of the proposed shared way and onsite limitations in terms of width capacity, the proposed route cannot be significantly altered. To achieve this provision an Oak tree, the subject of a Tree Preservation Order would have to be removed, which is undesirable. However, whilst this high quality tree is visible in the public realm it is set within the context of a densely treed wooded backdrop to the west, as well as there being a substantially treed woodland area to the east, beyond the existing Hulbert Road carriageway.
- 7.105 The removal of this protected tree, within a well treed woodland backdrop, is balanced against the sustainable travel improvements the shared access way would provide for the development, the provision of up to 100 units of accommodation which would contribute to the Council's 5 year land supply and the landscaping that would be provided for the development at the reserved matters stage. Having regard to these material planning considerations, and on balance, it is considered that the loss of the protected tree would not be so significant to the character and appearance of the area as to warrant a refusal of planning permission.
- 7.106 The implications of the loss of this protected tree are considered further below under the headings 'Trees' and 'Planning Balance'.
- 7.107 The application would also provide a 2m wide footway link to the north to connect into the Dunsbury Park roundabout. This footpath would not connect into any existing/proposed facilities. Whilst there will be a new shared use path delivered from Dunsbury Park, this will not extend to the point at which the footway proposed through this development terminates. The applicant has therefore agreed to provide a crossing point and connecting infrastructure at the roundabout for pedestrians to access the facilities due to be provided as part of the Dunsbury Park scheme. The details of this arrangement would be agreed at the detailed design stage and the HA has confirmed will be secured through provision of an appropriate drawing appended to the S106 agreement.
- 7.108 As to a shared way to the north, the HA requested this be investigated with a view to providing a continuous link from Dunsbury Park down to the Purbrook Way/Hulbert Road roundabout. This was subsequently found not to be feasible due to constraints to the west of the carriageway.
- 7.109 The provision of the footpath and lighting to the north would necessitate the loss/cutting back of trees on the highway which are not protected and woodland trees along the edge which are protected. The trees on the northern footpath requiring removal are all classified as categories 'C' or 'U' low quality trees, due either to their small size, poor structural form or limited scope for sustainable retention beyond the short term.

- 7.110 The felling of these low quality trees, which are set against a backdrop of a densely wooded area, is balanced against the benefits of providing new sustainable infrastructure to facilitate the proposed development, which would provide up to 100 units of accommodation, including 30% of them as much needed affordable properties for the Borough. The loss of these low quality trees and their localised impact on the character of the area, when assessed against the benefits the proposal would secure, is not considered to warrant a refusal of the development.
- 7.111 The implications of the loss of these trees (and the protected tree) are also considered below under the headings Trees and Planning Balance.
- 7.112 Lighting, with suggested locations, has been provided along the length of the footpath and shared way on the western side of Hulbert Road. The exact location of the lighting would be agreed at the detailed design stage via discussions with the HA and the applicant's lighting engineer and ecologist to help manage unnecessary vegetation removal when implementing the lighting. The location and design specifications would be conditioned.

Vehicle and Cycle Parking Provision

- 7.113 As mentioned above, it is not currently possible to comment on the layout of the proposed vehicle and cycle provision until the site proposals have been developed further at reserved matters. The quantum of vehicle parking and cycle provision would need to comply with Havant's Car Parking SPD.

On Site Layout

- 7.114 The indicative on site layout does not provide a great deal of information; the detailed reserved matters application will provide detailed layout proposals.

Trip Generation

- 7.115 Following further information for residential development of the site the two-way additional trip generation at AM peak would be 60, with 58 in the PM peak. The HA has advised that the trip rates are considered acceptable for the proposed development's impact on the network.

Traffic Distribution

- 7.116 Following a revised traffic distribution assessment and utilising the census data, 15% of the traffic is predicted to route northbound to the Dunsbury Park roundabout (equating to 9 trips in both peak periods) whilst the other 85% (equating to 51 and 49 trips in the respective peak periods) will head southbound to route via the Asda roundabout. The HA considers the updated assessment as more likely to be reflective of the distribution from the site and suitable for assessing the development's impact.

Speed Reduction Measures

- 7.117 The applicant's original TA identified 85th percentile speeds of 49.2mph northbound and southbound along Hulbert Road. To help address these excess speeds in the context of a new residential development proposed the applicant is proposing that conditions be imposed as regards the requirement to provide details of new speed reduction measures along Hulbert Road. The applicant's Technical Note suggests

that the measures which could be provided includes additional signage, street lighting and gateway features.

- 7.118 Because the vehicle access is not contingent on the speed reduction measures to achieve the required visibility splays, nor is there an identified safety issue linked to speeding on Hulbert Road, the HA agrees that the details can be conditioned and agreed post planning. A condition to this effect is recommended.

Framework Travel Plan

- 7.119 An amended Framework Travel Plan (FTP) has been provided to address issues raised by the HA, detailing how more sustainable modes of travel would be encouraged. The FTP is now considered to meet the requirement of the HA. The FTP will be secured through a legal agreement, which will include approval and monitoring fees and a bond.

Conclusion

- 7.120 Taking all the above highway factors together it is considered that the site is sustainable in transport terms, subject to the mitigation proposed, the S106 and conditional requirements. Car and cycle parking can be secured at the reserved matters stage to meet the Council's Parking Standards SPD requirement. Overall, the impacts on the highway network are not considered to be severely harmful to the safety or free flow of the highway network and as such the development should not be refused on highway grounds. 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.

(viii) Flood Risk/Drainage

- 7.121 The applicant's site is located within Flood Zone 1 (lowest flood risk) and within a Source Protection Zone. A Flood Risk and Drainage Assessment has been submitted as part of the application, which includes a preliminary drainage plan showing an indicative foul and surface water layout. The application has been considered in detail by the Local Lead Flood Authority (Hampshire County Council) and Southern Water. As to the Environment Agency they are only concerned with potential contaminates on the site.

Surface Water Drainage

- 7.122 There is no existing surface water (or foul) sewer on the site. The applicant's Flood Risk & Drainage Assessment states that the Environment Agency's Flood Risk Surface Water map indicates that there are no significant flow paths on the site. There are small areas of low risk around the existing attenuation ditch and in lower land in the centre-east of the site adjacent to Hulbert Road.
- 7.123 Overall, the Assessment found the risk of flooding from surface water and overland flow to be low.
- 7.124 In respect of surface water the intention would be to use Sustainable Drainage options and on the indicative Masterplan SuDs attenuation basins are shown within

the centre of the site and within the south east corner.

- 7.125 The Local Lead Flood Authority at HCC has confirmed that following the receipt of additional information they have no objections to the proposal. Appropriate conditions in relation to Surface Water Drainage are recommended and subject to these and a requirement that the SuDs system is suitably managed and maintained through the associated S106 Agreement, it is considered that acceptable and appropriate surface water drainage can be provided.

Foul Water Drainage

- 7.126 In relation to Foul Drainage, the proposal is to link the site with the existing Foul Drainage that runs parallel with the site in Hulbert Road, for which an application would be required by Southern Water, who are the statutory undertaker in relation to foul sewerage.
- 7.127 Southern Water has confirmed that their initial investigations indicates that they can provide foul sewage disposal to service the proposed development. A pre-commencement condition is recommended in relation to details of the proposed means of foul and surface water sewerage to the development.

(ix) Ecology Impacts

- 7.128 The application is accompanied by an Ecological Appraisal and amended Bat and Dormice Surveys, on which the Council's Ecologist has been consulted, and who raises no objection subject to a site wide ecological mitigation compensation and enhancement strategy and a construction Environment Management Plan being secured by conditions.

Dormice

- 7.129 The revised dormice surveys carried out in 2020 recorded dormice nests and several live dormice within nest tubes places at the site's boundaries. The dormouse report quantifies the extent of habitat to be affected as 200m². Therefore, the surveys confirm that hazel dormice are present on the site, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect European Protected Species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England (NE) to allow the development to proceed under a derogation from the law.
- 7.130 It is therefore necessary to consider whether the development is likely to be licensed by NE.
- 7.131 An EPS licence can only be granted if the development proposal is able to meet three tests:

"1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b))."

- 7.132 With regard to the first test, the development would be of economic benefit through construction and through additional spend generated by the new residents, which could help sustain local services, and which would have a social benefit for the community. The proposal would also provide much needed housing, including affordable housing within the Borough which would also be a social benefit for the community. With regard to the second test, it is considered there is no satisfactory alternative for the development as the site is being proposed for residential development in recognition of the Council's absence of a 5-year housing land supply at present and notwithstanding other sites in the emerging Local Plan coming forward at this time.
- 7.133 With regard to the third test, the applicant has provided Dormice surveys, which have carried out assessments of the impacts to dormice and the measures to ensure that any impacts to dormice are avoided or compensated for, which includes the erection of 10 dormice nest boxes within the surrounding woodland to provide increased nesting opportunities. These boxes would be monitored by a licensed hazel dormouse survey twice a year for five years after completion of the scheme.
- 7.134 The Council's Ecologist has raised no objection to the proposal, subject to the following conditions being added to the decision notice:

"Prior to the commencement of development activities, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with those detailed within the Ecological Appraisal (WYG, December 2019, the Dormouse Survey report (WYG, March 2021) and the Bat Survey report (WYG, March 2021) unless otherwise agreed in writing by the local planning authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes; details of lighting. All ecological compensation/enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP .
Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011."

7.135 As to a EPS licence, the Supreme Court in *R. (Morge) v Hampshire CC* [2011] UKSC 2; [2011] Env. L.R. 19 held that the duty of the local planning authority is limited to that set out in reg. 9(5) of the Regulations (i.e. Conservation (Natural Habitats etc.) Regulations 1994), namely: *"to have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions."*

7.136 In paragraph 28 of his judgment Lord Brown of Eaton-under-Heywood referred to what Ward L.J. had said in the Court of Appeal (in para.61 of his judgment) (part set out below):

"The planning committee must grant or refuse planning permission in such a way that will 'establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range ...' If in this case the committee is satisfied that the development will not offend art. 12(1)(b) or (d) it may grant permission. " " If the planning committee conclude that Natural England will not grant a licence it must refuse planning permission. If on the other hand it is likely that it will grant the licence then the planning committee may grant conditional planning permission. If it is uncertain whether or not a licence will be granted, then it must refuse planning".

7.137 The Dormice and Bat surveys include mitigation strategies, to both mitigate and protect the existing features of value from potential impacts from the development and provide enhancements post development.

7.138 To conclude, having assessed the proposal, the Local Planning Authority is satisfied that there is a need for the development and there is no satisfactory alternative and that tests 1 and 2 above are satisfied. As to the third test, (the favourable conservation status of the species) this is met by the Mitigation & Recommendations set out in the Dormice Surveys which has characterised the status of the dormice habitats and set out measures that ensure favourable conservation status of the species can be maintained. In light of this, the Local Planning Authority considers it likely that Natural England will grant a licence and therefore conditional planning permission may be granted for the proposal.

Bats

7.139 As with the dormice report, the outline nature of the application means that firm details on proposed landscaping are not provided. However, the mitigation principles as detailed in the bat report are considered to be sensible by the Council's Ecologist, which includes: a lighting scheme, Type 1F bitumen and hessian under-felt to enable bats to exit roofs; the planting of specific native tree species that are preferred by tree roosting bats; and boundary landscape buffer distancing residential development from the boundary habitats. As to enhancing biodiversity in accordance with emerging policy E14 and the advice in the NPPF, native habitat enhancements are proposed, together with 10 bat boxes for the site.

7.140 Overall, it is considered that the impacts on protected species on site or nearby and in particular in relation to dormice and bats can be appropriately mitigated and addressed in the development proposal subject to appropriate conditions.

(x) Impact on Trees

7.141 The application site is mainly open agricultural land. The woodland to the north is the subject of a Woodland TPO, with protected trees along the southern and part of the eastern boundaries of the woodland to the south.

- 7.142 Tree Surveys and an Arboricultural Assessment & Method Statement have been submitted in support of the proposal.
- 7.143 The Council's Arboricultural Officer (AO) has been consulted over the information provided and has raised an objection to the removal of a TPO'd Oak tree sited on the eastern boundary of the woodland to the south. The removal of this protected tree is required to facilitate the shared access link to the south, as are other unprotected trees.
- 7.144 The AO has also sought further information on level details (provided), drainage provision (ie SuDs) and details of the HCC adopted no dig footway.
- 7.145 The AO has confirmed that there is no objection to the loss of the trees to the north of the access, a number of which are of a poor quality, but would not support any further felling of trees on the information available. A number of trees to be felled to the north of the site are in a poor condition and have been assessed as needing to be removed for management reasons. This is irrespective of any proposal relating to the footpath construction.
- 7.146 The quality trees to be felled as a direct result of the proposal would be 1 x Ash to the north, with 3x Ash, 1x Oak, 1x Plum: total 5x trees to the south.
- 7.147 The AO agrees that lighting along Hulbert Road should be suitably located to avoid further tree loss, which has been the aim of the Highway Authority when agreeing the shared access and footway.
- 7.148 The loss of the protected Oak is undesirable. However, the removal of this quality tree would be set against the backdrop of a dense woodland, limiting the impact of its loss on the character and appearance of the area. The landscaping of the site, as a reserved matter, should mitigate the loss of this tree and other trees required to be removed as a result of the development.
- 7.149 The removal of the Oak and the other trees to the north and south is balanced against the sustainable infrastructure that the shared facility and footpath would provide for the site and the provision of housing – up to 100 units - which would contribute to the Borough's 5 year land supply, which the Council cannot currently demonstrate. Therefore, the removal of the protected Oak tree and the other trees is considered to be necessary and acceptable in planning terms.
- 7.150 The location of the SuDs provision in the south east corner of the site is indicative only at this stage and further details in relation to its provision for the site would be forthcoming as a reserved matter. Therefore, further information is not deemed necessary at this stage, to determine the application.
- 7.151 As to the details of the HCC adopted no dig footway, these were received, and the AO considers them acceptable.
- 7.152 Overall, the loss of a protected Oak to the south is considered proportionate and necessary for the development to proceed, as is the felling of the limited number of other trees required to accommodate the sustainable transport infrastructure needed in connection with the development. Such loss would also be compensated by the new landscaping details required at the reserved matters stage. A condition is however recommended in respect of tree protection of other trees in the vicinity of the development if permission is granted.

(xi) Education

- 7.153 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority has been consulted and have confirmed that they will not be seeking a contribution towards education facilities from this development.

(xii) Minerals

- 7.156 Hampshire County Council as the Mineral and Waste Planning Authority (MWPA) has been consulted over the proposal and raised no objection to the outline application.
- 7.157 The land is a safeguarded site under the adopted Hampshire Minerals and Waste Plan 2013 for oil and gas development under the name Havant Exploration Site. However, the MWPA has advised that following a review of the earlier permissions which have not been pursued, it has been determined that the oil exploration applicant no longer has an interest in progressing the site as an oil/gas development. Therefore, the intention of the MWPA is to remove the site's status as a safeguarded site for oil and gas development.

(xiii) Contamination

- 7.158 As to potential contamination on the site the Environment Agency (EA) and the Council's Environmental Health Team (EHT) have been consulted. No objection has been raised by either party with a recommendation from the EHT, that the EA's recommended condition 1 is refined, with the reasons for the three conditions amended. The reason for this is to avoid duplication of information already submitted and that the reasons for the conditions only refer to water protection; not all receptors, which is required for residential development.
- 7.159 The conditions are concerned with a remediation strategy, unidentified contamination, and a verification report. A condition concerning piling or other deep foundation is also recommended by the EA. If permission is granted, such conditions are recommended.

(xiv) Developer Contributions/CIL and S106 requirements

Infrastructure/S106 requirements

- 7.160 Consultations have been carried out in relation to infrastructure requirements and these will be addressed in relation to the following areas:

Community Infrastructure Levy (CIL)
Affordable Housing
Ecology
Highways Requirements
Heath (SE Hants Clinical Commissioning Group)
Community Officer

Community Infrastructure Levy

- 7.161 With regard to CIL, this outline application is not CIL liable. However, any subsequent reserved matters or full planning application would be. The current CIL rate in

relation to residential development in Havant would be £80 per square metre plus indexation.

Affordable Housing

- 7.162 Affordable housing would be provided on site at a rate of 30% of the total units and secured through the associated S106 Agreement.

Ecology

- 7.163 The Solent Recreation Mitigation Strategy and nutrient neutral development would be secured via the associated S106 agreement. The final quantum of the contribution would be based on the reserved matters applications which would set the final mix of the development.

Health Contributions

- 7.164 The South Eastern Hampshire Clinical Commissioning Groups (CCG) has confirmed that the growth in local population from the development would result in additional registration with local GP surgeries and primary care services. Whilst the additional demand is not considered to warrant the commissioning of an additional GP surgery, such demand will be accommodated within existing surgeries open to new registration from people living in the area of the proposed development, where additional capacity within the premises will be required. The CCG considers that the application should be required to make a financial contribution to the capital and revenue investments that the NHS will make in this regard. A contribution of £19,200 has been calculated for the development and this would be secured through the S106 Agreement.

Highways Requirements

- 7.165 The following requirements have been identified by Hampshire County Council:

Site Access Works – S278 Agreement

Delivery of shared use path between the site access and the Hulbert Road/Purbook Way Roundabout and a footpath between the site access and the Dunsbury Park Roundabout via a S278 Agreement

Framework Travel Plan approval and monitoring (£1,500 and £15,000 respectively)

Provision of bond or form of financial surety, in respect of measures within the Travel Plan.

Community Officer

- 7.166 Submission Havant Borough Local Plan policy DR1 relates to regeneration. This states in part f:

“Developments of 20 or more new homes will contribute towards a community officer, to help new residents in the development integrate into existing communities.”

This would require a contribution of £25,000 based on the 100 units of accommodation proposed, to be secured through the S106 Agreement.

- 7.167 The following matters would therefore be secured via the Section 106 Agreement:

Affordable Housing

Nutrient Mitigation Requirements

Solent Recreation Mitigation Strategy Contribution (based on Reserved Matters

bedroom numbers)
 SUDs – including SUDs Bond, Management and Maintenance
 Children's Play Area
 Common Parts Management and Maintenance
 Health Contribution £19,200
 Community Officer £25,000
 Provision of Public Open Space
 Permissive Paths and Roads
 Highway Works
 Travel Plan Requirements
 Monitoring Fee

(xv) Overall Conclusions and Planning Balance

- 7.168 The proposal conflicts with the most relevant policies within the development plan, namely HBLPCS Policies CS11, CS16 and CS17 and Policies AL2 and DM20 in the ALP in that the site is not allocated for residential development. However, due to the lack of a 5 year housing land supply, the policies which are most important for determining the application are out-of-date. This triggers the 'tilted balance' which means it is necessary to determine whether the proposal would cause significant and demonstrable harm, which outweighs the benefits.
- 7.169 The development would provide 30% affordable homes in an area with a significant waiting list for such homes. As such, significant weight to the delivery of affordable homes is given in accordance with HBLPCS Policy CS9, criterion (2).
- 7.170 The proposal would be on a greenfield site outside the urban area boundary for Havant and, in this respect, delivery of homes on the site would not accord with the spatial strategy within the development plan. However, very limited weight is afforded to the conflict with both HBLPCS policy CS17 and ALP Policy AL2, and the NPPF. This is due to their reliance on these urban area boundaries predicated on out-dated levels of housing need.
- 7.171 The site is not allocated for housing in the Submission Local Plan. Due to the status of the Submission Local Plan, only limited weight can be given to the policies and housing allocations in this plan, albeit these policies indicate the direction of travel for such developments. However, the site is being promoted as an omission site as part of the Local Plan examination and as such, the status of the site has the potential to change as the examination progresses. Nonetheless, refusal of the application of the grounds of prematurity in terms of the local plan examination would not be legitimate in light of the provisions of paragraph 49 of the NPPF.
- 7.172 The landscape is of local value and there would be harm arising both to landscape character and to visual amenity. The landscape character and visual impact of the proposal would be harmful in the short term. However, the landscape character and visual impact of the proposal would be visually contained and localised, due to existing tree planting and woodland to the south and north; plus the development of the site would provide landscape planting, 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.
- 7.173 The proposal would result in the loss of protected and unprotected trees along the west side of Hulbert Road. This tree loss would be set against the backdrop of woodland with further tree planting forming part of the reserved matters application

for the site. As such limited weight is given to this harm and the conflict with HBLPCS Policy CS11.

- 7.174 The provision of net bio-diversity gains through habitat creation on the site is given moderate weight to the development's promotion of wildlife and biodiversity in accordance with HBLPCS Policy CS 16 criterion (1b).
- 7.175 The proposal would not offend other development plan policies, including relating to air quality, designated European Habitats, accessibility, transport and highway safety.
- 7.176 Overall, the resulting policy conflicts, are such that the proposal cannot be regarded as to accord with the development plan, when taken as a whole.
- 7.177 It is therefore necessary to consider whether there are material considerations that would determine the proposal otherwise in accordance with the development plan.

Public Benefits

- 7.178 The Planning Practice Guidance advises that, 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework.
- 7.179 Amongst the benefits of the proposal would be the provision of a significant number of homes in a Borough which does not have a 5 year supply of deliverable housing sites by a considerable margin.
- 7.180 It is clear that the Council will not be able to significantly boost its supply of homes and meet its housing needs without the development of currently unallocated greenfield sites beyond existing development boundaries. The Housing Delivery Test results for 2021 are significantly below the expectation in the Framework and the Borough's housing needs continue to not be met. The proposal would help to rectify this situation.
- 7.181 The Framework is clear that the Government's objective is to significantly boost the supply of homes to meet peoples' housing needs. The scheme would provide up to 100 units of much-needed housing, with a minimum of 30% of these comprising affordable housing. As to the latter, there is a significant waiting list for affordable housing within the Borough. 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.
- 7.182 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.
- 7.183 Proposed enhancements to biodiversity include new native trees preferred by roosting bats, a lighting scheme to reduce the impacts on bats and bat and dormice boxes. The provision of public open space will also benefit the habitats of the nearby woodlands. The net biodiversity gain resulting from the proposal is supported by Framework paragraph 174(d) and affords this benefit moderate weight.

- 7.184 The development would result in supporting direct and indirect jobs during construction, with additional contributions to the economy generally through the activity and spending of future occupiers. Although the economic benefits may be ones that would result from any residential development, they are nonetheless important and are ones to which moderate weight is attached.
- 7.185 The development, at the reserved matters stage, would include a significant number of electric vehicle charging points and water efficiency measures, both of which would be secured by condition. Some weight is given to these measures given their support within paragraph 152 of the Framework which requires the planning system to support the transition to a low carbon future.
- 7.186 Overall, the delivery of the proposed housing would yield significant social, economic and environmental benefits. Furthermore, it is considered that the public benefits would be of sufficient importance to outweigh the harm that would arise to the impact in this location outside of the Borough's settlements.

Tilted Balance

- 7.187 By virtue of the absence of a 5 year housing land supply and the Council's most recent Housing Delivery Test result (i.e. 4.3 year housing land supply), the tilted balance under paragraph 11 d) of the Framework is engaged. Therefore the policies most important for determining the application are out-of-date. Therefore, the relevant approach is to consider the balance in accordance with paragraph 11d)ii). This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.188 Framework paragraph 174(b) requires planning decisions to recognise the intrinsic character of the countryside, trees and woodland. Given that the landscape harm would be localised, limited weight is given to this harm.
- 7.189 Weighing against this negative impact, there is 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.
- 7.190 Overall, it is considered that the conflict with the development plan as a whole is outweighed by other material considerations and the public benefits listed above. In particular the delivery of housing to contribute towards the Council's 5 year housing land supply, which must be given substantial weight.
- 7.191 To conclude, having regard to all material planning considerations, it is considered that the adverse impacts of granting planning permission in this instance would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Final Planning Balance

- 7.192 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.

- 7.193 The need to significantly boost the supply of housing in Havant Borough is a substantial material planning consideration, particularly in the absence of a five year supply of deliverable housing sites. The various economic, social and environmental benefits of the proposal set out above also weigh in favour of the proposal. In the balancing exercise, it is considered that the harm resulting from the impact of the development on landscape and the loss of protected and unprotected trees is limited. Furthermore, these adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal as set out at paragraph 11d)ii) of the Framework. As a result, there is a clear presumption in favour of planning permission being granted.
- 7.194 Overall, it is considered that the conflict with the development plan as a whole is outweighed by other material considerations and it is recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT OUTLINE CONSENT** for application APP/20/00441 subject to the following:

- (A) The completion of a Section 106 Agreement under the Town and Country Planning Acts, to secure the matters as set out in paragraph 7.167 above; and
- (B) The following conditions (subject to such changes and /or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

General

- 1 Application for approval of reserved matters must be made not later than the expiration of two years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of two years from the date of this permission; or
 - (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The approval of the Local Planning Authority shall be obtained in respect of the following reserved matters before the development first takes place - the appearance; landscaping; layout; and scale.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Plans

Site Location Plan 03/02/20
Proposed Site Access Drawing No. A096474-SK01 Rev C
Proposed footway Drawing No. A096474-SK02 Rev C
Proposed Site Access Drawing No. A096474-SK01 Rev B
Swept Path Analysis Drawing No. A096474-SK04 Rev A
Forward visibility Drawing No. A096474-SK05 Rev A
Tree Protection Plan 16030-4

Reason: - To ensure provision of a satisfactory development.

NB The decision also took account of the following documents and plans:

*Concept Masterplan Drawing No. CMP-01 Rev E
Application Form
Planning Design & Access Statement May 2020
Barrell's Manual for managing trees on development sites.
Residential/Dwelling Units – Supplementary information template
European Site avoidance and mitigation checklist, email dated 27/5/21 from jamie@meonsprings.com
EIA Screening Request Letter 18/5/20
Utilities Plan 25/03/2
Sewer records
Southern Water Sewer Map
Preliminary Tree Survey Plan 2019
Flood Risk Assessment and Preliminary Drainage Strategy April 2020
Lighting Assessment April 2020
Constraints Plan 26/03/20
Topographical Survey Drawing No. WYG001 A
Topographical Survey Drawing No. WYG001-003
Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2 July 2020*

Documents

*Barrell's Arboricultural assessment & method statement dated 27/5/21 and tree plans.
Noise Assessment DEC 2020
Noise response from applicant dated 18/3/21, addendum received June 2021
Air Quality Assessment Oct 2020
Phase 1 Geoenvironmental Assessment Desk Top Study A096474 July 2020
Action Plan
Ecological Appraisal Dec 2019
Reptile Report Dec 2019
Bat Activity Surveys Dec 2019 & March 2021
Dormouse Reports Jan 2020 & March 2021
Transport Assessment April 2020
Framework Travel Plan May 2021*

- 4 The building line of the housing development to the west of the site shall be no closer than 37m from the A3(M) kerbside.

Reason: In the interests of the air quality and amenity of future residents having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local (Allocations) 2014,

Policy E23 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 5 No housing shall exceed two storey in height across the entire site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of housing will not be impacted upon by any external noise levels, having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local (Allocations) 2014, Policy E22 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 6 Any reserved matters application shall have regard to the Crime Prevention Through Environmental Design principles, with particular reference to:

The design and layout;
The presence of good natural surveillance of the public realm and defensible spaces (especially about the dwellings);
Appropriate level of lighting; and
Appropriate connectivity and permeability within the development.

Reason: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with Policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 7 The development of the site shall provide a range of dwelling types and sizes to meet an identified local housing need, with 35% of the overall housing mix (both market and affordable) to be two bedroom homes, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To meet an identified local housing need having regard to Policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011, Policy H4 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

Pre-commencement

- 8 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the character and amenities of the area having due regard to Policy CS16 of the Havant Borough Local Plan 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 9 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Barrell's Arboricultural Assessment & Method Statement dated 27/5/21 and the Tree Protection Plans shall be installed and agreed at a pre-commencement meeting with the Council's Arboricultural Officer and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted

details.

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E18 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 10 Prior to the commencement of development activities, a detailed Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. Ecological mitigation, compensation and enhancement measures shall be in accordance with those detailed within the Ecological Appraisal (WYG, December 2019, the Dormouse Survey report (WYG, March 2021) and the Bat Survey report (WYG, March 2021) unless otherwise agreed in writing by the Local Planning Authority. The Strategy shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; details of the location, composition and ongoing management of all compensatory or enhancement habitat and; location, type and number of all bat/bird boxes; details of any lighting used during construction. All ecological compensation/enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.
Reason: To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 11 Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP.
Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 12 Prior to commencement of development, detailed designs of speed reduction measures on Hulbert Road shall be submitted to, and approved in writing, by the Local Planning Authority. The agreed reduction measures on Hulbert Road shall be implemented to certificate of completion standard prior to occupation of any part of the development hereby approved.
Reason: In the interest of highway safety and having regard to Policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.
- 13 Prior to the commencement of construction of the proposed bund, geotechnical submissions (in accordance with DMRB Standard CD622) relevant to the construction of the earth bund (as set out in principle in the drawing number SK02 included in the Noise Assessment document dated December 2020) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England).
Reason: To mitigate any adverse impact from the development on the A3(M);

to ensure that the A3(M) continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980; to satisfy the reasonable requirements of road safety and in accordance with Policy DM15 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 14 No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: WYG Flood Risk & Drainage Assessment (FRDA) (ref. A096474, dated April 2020), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b) Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
 - c) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
 - d) Evidence that urban creep has been included within the calculations.
 - e) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - f) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
 - g) Evidence that the existing highway ditch connects to the watercourse and confirmation of ownership and approval to discharge to the ditch or watercourse through third party land.

The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies IN1 and E20 of the Submission Havant Borough Local Plan and the National Planning Policy Framework; and

To mitigate any adverse impact from the development on the A3(M) and to ensure that the A3(M) continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980; to satisfy the reasonable requirements of road safety; and in accordance with Policy DM15 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 15 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby

permitted shall not be brought into use until the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E20 and IN1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 16 Prior to development commencing, in the event of piling or other deep foundations for the site using penetrative methods, full details of such piling or penetrative methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling or other deep foundation in soils affected by contamination does not harm groundwater resources. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, Policy E21 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 17 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons, and unless specifically excluded in writing by the Local Planning Authority shall include;

1) An intrusive site investigation based on the proposals outlined within the WYG Phase 1 Geoenvironmental Desk Study Report Ref: A096474; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes:

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future occupants, controlled waters or ecological receptors. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, Policy E24 of the Submission Havant Borough Local Plan and paragraphs 183 - 185 of the National Planning Policy Framework.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: Contamination may be present at the site that has not been or will not be identified by the site investigations required by the above condition which may be encountered during construction. If allowed to remain at the site, contamination could pose an unacceptable risk to future occupants, controlled waters, &/or to ecological receptors. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, Policy E24 of the Submission Havant Borough Local Plan and paragraphs 174, 183-185 of the National Planning Policy Framework.

- 19 No development or any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E22 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 20 A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction access, construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E1 and E22 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 21 No development shall commence unless and until the applicant has secured

the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should initially take the form of trial trenches that are within the footprints of the proposed houses, garages, access roads and service trenches.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, Policy E13 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

Above ground

- 22 Prior to any above ground works details of the lighting proposed to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The design of the lighting scheme shall comply with BS 5489-1:2020 and discharge any liabilities attached to that standard. The lighting shall, prior to occupation of any of the residential units hereby approved, be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with Policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 23 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

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

Reason: To ensure the energy efficiency of the residential development in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and Policy E12 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

Pre-occupation

- 25 Prior to occupation of any residential unit hereby approved, confirmation in writing shall be submitted to the Local Planning Authority that:

- (a) the acoustic mitigation measures employed with regard to the building envelope, including fenestration and ventilation, for all residential units meets BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms; and
- (b) in respect of external areas that are used for personal amenity space, such as gardens and patios, noise levels in these areas must not exceed 55 dB LAeq, 16 hour.

Note: To secure compliance with this condition, post validation testing would need to be undertaken by a competent person to determine compliance with the noise impact assessment as provided by WYG Noise assessment, dated December 2020, 4th issue. Such testing shall be achieved using at least 3 sample dwellings, nearest to the measurement positions LT1 & LT2. This must include a top storey apartment or house adjacent the A3M and an apartment or dwelling adjacent the Hulbert Road.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local (Allocations) 2014, Policy E22 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 26 Prior to occupation, an Overheating Assessment in accordance with CIBSE TM59 (2017) shall be submitted to and approved in writing by the Local Planning Authority in respect of any residential properties required to keep windows closed to mitigate noise from road traffic sources (especially overnight), to demonstrate that indoor temperatures would be acceptable in the absence of open windows. Any scheme/s or measures to mitigate overheating shall be included with the Acoustic Design Statement or in the approved plans for the development. The Overheating Assessment shall be implemented strictly in accordance with the approved details, prior to the occupation of any of the properties the subject of the scheme.

Reason: To ensure that the internal residential amenities are not impacted on by overheating, especially during periods where windows cannot be opened for any reasonable length of time due to external traffic noise levels, and having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local (Allocations) 2014, Policy E22 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 27 Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use and thereafter all features are to be permanently retained, details of which shall be submitted to the Local Planning Authority.

Reason: To ensure safe and secure development and contribute to reducing crime and disorder, in accordance with Policy CS8 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 28 No part of the development shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy IN3 of the Submission Havant Borough Local Plan and

the National Planning Policy Framework.

- 29 Prior to the occupation of the development full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 30 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a) Maintenance schedules for each drainage feature type and ownership
 - b) Details of protection measure

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policies E20 and IN1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 31 Prior to any phase of development being occupied, and pursuant to Condition 17, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and verified in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, Policy E24 of the Submission Havant Borough Local Plan and paragraphs 174, 183-185 of the National Planning Policy Framework.

- 32 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and future occupiers of the development having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

- 33 Following completion of archaeological fieldwork pursuant to Condition 21 a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis

and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, Policy E13 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

34 The development hereby permitted shall not be occupied until:

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

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

Post occupancy

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

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have

had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policies E14, EX1 and E12 of the Submission Havant Borough Local Plan.

Appendices:

- (A) Location Plan
- (B) Concept Masterplan
- (C) Proposed Site Access Plan
- (D) Proposed Shared Cycleway/Footway Plan
- (E) Proposed Footway Plan
- (F) Proposed Tree Removals
- (G) Response to requests made by Site Viewing Working Party