

Planning Application Response of Planning Policy

Application No:	APP/23/00488
Site Address:	Land East Of, College Road, Purbrook, Waterlooville
Development:	Application for mixed use residential development comprising 628 dwellings, community centre, allotments, public open space including play areas, new junction to College Road, related internal access road, footways and cycleways, pumping station and drainage basins
Case Officer:	Arleta Miszewska
Comments by:	Jade Ellis
Date of Comments:	21 st November 2023

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 Council has also adopted a [Housing Delivery Position Statement \(2022\)](#), which is a material consideration in the determination of applications.

The following policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS21 – Developer Requirements
- DM1 – Recreation and Open Space
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- DM23 – Sites for Brent Geese and Waders
- DM24 – Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
- AL1 – Presumption in Favour of Sustainable Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

Principle of Development:

In the adopted local plan, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development in these locations, except in exceptional circumstances. None of the exceptions in the policy apply here, the proposal being a major residential development on greenfield land.

The Housing Delivery Position Statement (HDPS) indicates that the Council will continue to support the principle of housing development on emerging site allocations that were included in the previous Local Plan, including that of Campdown reference WV6 (see table 1).

Decision Making Principle 2 sets out that proposals coming forward on table 1 sites will be:

- Required to meet the remaining requirements of the Development Plan; and
- Expected to comply with the Decision Making Principles (DMP) set out in the Position Statement.

Significantly however, Decision Making Principle 1 indicates there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects) in accordance with paragraph 182 of the NPPF. This is considered in detail under the Brent Geese and Waders section below.

Development requirements

Paragraph 2.19 of the HDPS indicates that it will be necessary for proposals to demonstrate they constitute sustainable development by demonstrating compliance with the remainder of the Development Plan and Decision Making Principles. It is recommended that the applicant familiarise themselves with the Site Opportunities and Constraints and the developer requirements associated with Policy H40 of the withdrawn Pre-Submission Local Plan.

The application proposals are expected to demonstrate compliance with the development quality standards set out under Decision Making Principle 5, there is currently no information submitted regarding this. A 'development quality standards checklist' will need to be prepared and submitted to set out how their application complies with the requirements of Decision Making Principle 5.

Given the scale of development proposed, it is important that a high quality form of development is achieved. This is reaffirmed by the NPPF's objectives in terms of achieving quality of places and the creation of sustainable places and buildings. At this stage, it is not possible to conclude that the development complies with Decision Making Principle 2 of the Housing Delivery Position Statement.

Inspectors' Interim Findings

In addition to the above, development proposals will need to demonstrate how any concerns raised in the Interim Findings Report of the Examination of the Havant Borough Local Plan which are material to the site in question have been assessed, and overcome as part of the development proposals.

Paragraphs 36 to 40 of the [Inspectors' Interim Findings report](#) specifically comments on the proposed allocation (H40) in the previous Local Plan:

"36. Campdown is proposed to be allocated for around 650 dwellings under Policy H40 and is subject to further site-specific guidance under Policy E17 in relation to Solent Waders and Brent Geese. A planning application (Ref APP/19/01101) was submitted in relation to this site in late 2019, although this has not yet been determined. The site is subject to outstanding objections from both Natural England and Historic England.

37. In relation to Solent Waders and Brent Geese, parts of the Campdown site are identified as a 'primary support area' and a 'secondary support area', and it comprises 'Functionally Linked Land'. It also has particular importance for Curlews, which are a difficult species to mitigate for. In this regard, Natural England has expressed significant concern as to whether its function is capable, in principle, of being adequately replaced elsewhere.

38. Whilst the site promoter stated at the hearings that they were at an advanced stage in securing a mitigation site, it is not in the public domain, nor have Natural England or the Council's ecologist had the chance to consider its merits. Moreover, the Council has suggested deleting the cross references to Warblington Farm providing mitigation for the site in Policies E17 and H40. In these circumstances, it is unclear whether Campdown is capable of being adequately mitigated with reference to Curlews. Accordingly, it is our view that the site does not currently meet the definition of 'deliverable' or 'developable' as set out at Annex

2 of the NPPF. On this basis, 650 dwellings should be removed from the Council's anticipated supply.

39. Separately, there are 3 Scheduled Monuments either within or in close proximity to Campdown. In this regard, the site largely surrounds a scheduled Roman villa on 3 sides and contains part of the alignment of a Roman road. In their representations, Historic England state that encroachment into the surrounding open area has the potential to impact on the understanding of the Villa and how it functioned, and the current appreciation of the site. Accordingly, Historic England advise that further work be undertaken to fully assess the contribution of the setting of the 3 Scheduled Monuments to their significance. The Council propose to address this concern by including a requirement in Policy H40 for a 'Setting Study' to be submitted at the planning application stage.

40. However, in the absence of this study, it is unclear how much land would need to be left open in order to satisfactorily address the settings of these Scheduled Monuments. In this regard, we note that despite ongoing discussions since the submission of application Ref APP/19/01101, and a downward revision in the yield of that proposal from 780 to 664 dwellings (a very similar figure to that proposed in the Local Plan), Historic England's objection remains extant. Accordingly, there is a real possibility that this capacity could be reduced further once the Setting Study has been produced. In these circumstances and even if our other concerns could be overcome, we also consider that the assumed contribution of 650 dwellings from this site is likely to be overly optimistic."

Brent Geese and Waders

As set out above, parts of the site are identified as a Primary Support Area and Secondary Support Areas for Solent Waders and Brent Geese (SWBG) within the [Brent Goose and Wader Strategy \(October 2018\)](#) (SWBGS), with particular importance for Curlews.

The Solent's Special Protection Areas are designated¹ in part due to the assemblages of Brent Geese. As such, a project level Habitat Regulations Assessment (HRA) will need to be carried out² and inform any package of avoidance and mitigation measures for Solent Waders and Brent Geese, to determine levels of impact, alone and in combination with other plans and projects.

Offsetting areas to fulfill the same special contribution and particular function of the areas lost or damaged for the same species of birds will be judged against the following criteria, ranked in order of importance:

- A. *Habitat Type* – the proposed off setting site must support habitats, or be suitable for recreating habitats that provide the same, or enhanced, ecological function as those that are to be lost or damaged.
- B. *Disturbance* – the ecological function of an off-setting site is likely to be seriously undermined if subject to regular disturbance from recreational use and unmanaged public access. The appropriateness of the location of the off-setting site and the proposed measures to prevent indirect effects will need to be fully assessed.
- C. *Area of habitat* – where the replacement habitat would be of equal ecological quality the area required should be of a similar extent to the site being lost or damaged. There may be situations however, where a greater area is required when habitat created may be of poorer quality to that lost or damaged, or there is a high level of risk involved. Similarly, if significant ecological enhancements are possible that increase the carrying capacity of the replacement site above that of the Primary

¹ Protected under Directive 2009/147/EC of the Conservation of Wild Birds

² Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017

Support Area affected then a smaller area of replacement habitat might be acceptable. This might include the partial loss of a Primary Support Area providing the remainder can be made significantly improved in habitat quality with long term management so as to provide for a greater capacity for the target species than the original site. In all such cases the test will be to ensure the replacement habitats provide a clear and permanent net gain for the target species.

- D. Timing and availability of habitat – operational at the time it is required. Essentially, ‘in time’ to offset the adverse effects which are being addressed, with evidence to show it is functioning and readily available to SPA birds prior to any loss or damage to the original site.*
- E. Geographic location – for ecological reasons of structure and function it is considered appropriate for the off-setting habitat to be provided as close to the original site as practicable. The solution should also be capable of being:*
- F. Validated in respect of achieving its ecological function / purpose; and*
- G. Monitored for effectiveness; and*
- H. Adapted to adjust to unfolding circumstances in future management; and*
- I. Resilient in the face of predictable future pressures such as natural population fluctuations and climate change*

The management of the land must be set out in an agreed costed management and monitoring plan and sufficient funds provided to the agreed manager of the site to cover full costs in perpetuity.

The submitted Wintering Bird Strategy report identifies land at Northney Farm as a winter bird reserve. As part of the sea defence strategy, a separate planning application reference APP/23/00507 has been submitted to create an inner bund within the mitigation site, alongside a number of smaller bunds which are designed to maximise the enhancement of the existing habitat in the longer term. It is also noted that the long-term management and monitoring of the winter bird mitigation area will be secured via legal agreement in perpetuity.

Significantly however, Natural England object to the proposal on the basis that it will adversely affect the integrity of Chichester and Langstone Harbours SPA and Ramsar site. Specifically, the mitigation site forms part of the Chichester and Langstone Harbour SPA and Ramsar site and cannot be used as mitigation for development. In addition, the proposed offsetting site is significantly smaller than the area to be lost and is unlikely to be capable of replacing the ecological function of the existing supporting habitat. Furthermore, concerns are regard with regard to the impacts of sea level rise and the compatibility with the emerging Hayling Island Coastal Strategy.

Given the significant nature of this objection, land at Northney Farm cannot be concluded be represent an appropriate replacement mitigation site. As such, it would not be possible to rule out a likely significant effect on a habitats site through any appropriate assessment. On this basis, there is no presumption in favour of sustainable development in accordance with paragraph 182 of the NPPF in accordance with Decision Making Principle 1 of the Housing Delivery Position Statement.

For this reason, we consider the application proposals to be fundamentally undeliverable as it is not possible lawfully grant planning permission.

Quantum of development

The Housing Delivery Position Statement identifies the site as having an indicative capacity of 650 dwellings. The application is for 628 dwellings on the site, which results in a density of

26.6 dph based on a gross net developable area. Clarification is sought as to how the applicant has arrived at a density figure of 40.89 dph referenced at paragraph 5.7 of the Planning Statement in order to determine the net developable area. Figure 1 of the Council's Residential Density Analysis (<https://www.havant.gov.uk/planning-services/planning-policy/local-plan/related-studies-and-strategies>) indicates which elements of development should be included within any net area calculation, and should be referenced accordingly.

Whilst it is acknowledged that there is a need to ensure that development maximises the finite amount of land in a full and sustainable manner, site specific constraints are more than likely to merit a different approach having regard to the context of the site. In particular, the Scheduled Monuments and their settings will need to be appropriately addressed.

The submitted information does not include a Settings Study which will determine the quantum of development that may be achieved on the site. This matter is further considered in detail below.

Five year housing land supply

The Council's Five Year Housing Land Supply Update (March 2023) indicates the Council has 1.81 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is normally a presumption in favour of sustainable development (para 11d of the NPPF). The tilted balance means that permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, it should be noted there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects). This is considered in detail under the Brent Geese and Waders section below.

Furthermore, following the receipt of the Inspector's Interim Findings which raise concerns about the uncertainty of the site's delivery, the proposed scheme is not included in the Council's five year housing land supply either in whole or part. Whilst the proposed development has the potential to increase housing supply in the short term, this is subject to an appropriate replacement mitigation site being secured. Given the larger nature of the site, the scheme would not be delivered in its entirety within the first five years. Though it is acknowledged that it would be possible for completions to begin within this period, subject to the replacement habitat site being provided.

Even in the context of the 5 year supply position, a number of matters will have to be carefully addressed to support a departure from the development plan. These are set out in detail below.

Heritage

As set out above, a further key consideration is the presence of the Scheduled Monuments which are either within or in close proximity to Campdown and how their settings are appropriately addressed. The application submission does not contain a Settings Study, but instead submitted Heritage Impact Assessment and a Desk Based Archaeological Assessment. To inform the emerging Local Plan, in response to the Inspectors concerns regarding the withdrawn local plan, the Council has published Settings Study which was provided to the applicant prior to the submission of the application, but is not referenced within any of the application material.

Historic England's consultee response welcomes certain aspects of the site layout, locating new housing away and to the south of the villa site. However, it is noted the visual interrelationship between the villa site and the barrow, post development, has still not been

clearly demonstrated. As such, further information is requested to demonstrate, how the proposals will align with the recommendations of the Council's Setting Study, in terms of establishing a generous viewing corridor and achieving meaningful visual relationship between the villa and the barrow. There are also further detailed comments on specific elements of the application proposals including the open space and landscaping.

Both Historic England and the Council's Conservation Officer highlight the proposal would result in harm to the significance to the Roman Villa due to the impact on its setting. However, it is not possible to determine the significance of this harm in the absence of further information or amendments. It is recommended that the application documents are updated to clearly reference the Council's Setting Study, and to clearly show how its recommendations have been followed in the design and layout of the proposals. On this basis there remains an objection on heritage grounds.

Housing mix

Core Strategy Policy CS9 indicates that development should provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities. Criterion n. of the Housing Delivery Position Statement indicates that 35% of the overall housing mix should be provided as two bedroom homes unless locally identified need evidence indicates otherwise.

The housing mix set out in Tables 1 and 2 of the submitted Planning Statement indicates that 29.5% of market housing would be provided as two bedrooms, and that 52.1% of the affordable housing would be provided as two bedrooms. This would equate to 36.3% of the overall housing mix being two bedrooms. The Council's Housing Manager will be able to provide further advice in terms of the overall type of affordable housing that should be provided.

Affordable housing

Policy CS9 of the Adopted Local Plan seeks to deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more. The submitted Affordable Housing Statement indicates that the proposed development would provide up to 30% affordable housing on site (188 affordable homes). It should be confirmed that this will be at least the minimum amount of affordable housing to be provided in order to comply with Policy CS9. As set out above, the Council's Housing Manager may wish to comment further in terms of the type and tenure of housing that should be provided.

Open space

Policies CS1, CS13 and DM1 of the Core Strategy seek to secure new open spaces that are located within or close to housing developments, that are safe and accessible for children to play, and permit development that creates new green infrastructure either through on site provision or financial contributions.

It is noted that there is a difference between the open space standards in the Housing Delivery Position Statement and the Open Space Strategy 2018. However, as highlighted in the consultation response from the Landscape Team, the Council generally seeks new open space provision in accordance with the standards in the latter.

The submitted Planning Statement indicates that total provision of 9.39 ha of public open space would be provided across the site, which exceed the requirements of the Open Space Strategy. However, given that it has not yet been fully established how much open space should be left around the Scheduled Monuments and their settings, it is not possible to

determine how much open space should be left. Nevertheless, it is envisaged that the development would include more than average amounts of open space reflecting the site constraints and local character.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

In addition, electric vehicle charging infrastructure for each new residential unit with private off-street parking should be provided in accordance with criterion f. of Decision Making Principle 5 of the Housing Delivery Position Statement.

Conclusion

The principle of the development of this site is supported by Decision Making Principle 2 of the HDPS. However, there is no presumption in favour of sustainable development where the application proposals will be likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects) in accordance with paragraph 182 of the NPPF and Decision Making Principle 1 of the Housing Delivery Position Statement.

The application proposals are fundamentally undeliverable in the absence of an appropriate replacement habitat for Curlews can be provided in line with Policy E17 and SWBGS to offset the loss of Functionally Linked Land for Solent Waders and Brent Geese. At this stage, substantial concerns have been raised by Natural England and the Council's Ecologist and it would not be possible to lawfully grant planning permission.

Furthermore, additional work/information set out in Historic England's response is undertaken to establish the viewing corridors between the Roman villa and the barrow Scheduled Monuments to fully assess the harm to these designated assets. The applicant's Heritage Impact Assessment and Archaeological Desk Based Assessment should be updated to reflect the findings of the Council's Setting Study. This will be key in determining how much space should be left around the Scheduled Monuments, and their settings and the extent of the net developable area remaining.

In addition to the above, the applicant should complete submit a developer quality standards checklist in order to demonstrate they constitute sustainable development by demonstrating compliance with the remainder of the Development Plan and the Decision making Principles set out in the HDPS.