



HAVANT BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (APPEALS) (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000 SI 2000 No 1624**

**Appeal by Bargate Homes against the refusal by Havant Borough Council for the erection
of 50 dwellings together with access, landscaping and open space at Lower Road,
Bedhampton, PO3 3NB**

Planning Inspectorate Reference: APP/X1735/W/20/3259067

Havant Borough Council Reference: APP/19/00427

PROOF OF EVIDENCE OF SIMON WOOD

ON BEHALF OF HAVANT BOROUGH COUNCIL

1 Introduction

- 1.1 My name is Simon Wood and I am the Director of Planning and Building Control for Capita at Breckland Council.
- 1.2 I have a Honours Degree in Urban and Regional Planning and a Bachelors Degree in Town Planning. I have been a member of the Royal Town Planning Institute since 1989.
- 1.3 Whilst being currently employed in the private sector I have worked primarily in local government since 1986 specialising in development control. I have worked at all levels of management within a planning department.
- 1.4 This Proof of Evidence is provided on behalf of Havant Council in relation to the appeal against the refusal to grant planning permission for:

“The erection of 50 dwellings with new access, landscaping and Public Open Space”

on land south of Lower Road, Bedhampton, Havant.

- 1.5 The evidence which I have prepared and provide for this appeal (reference APP/X1735/W/20/3259067), in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions
- 1.6 The evidence I will present will cover the following areas:
- Relevant Planning Policy including
 - The Development Plan
 - Current position of the emerging Local Plan
 - Five year housing land supply
 - The benefits of the scheme
 - The Planning Balance having regard to the matters detailed above and the three roles of sustainable development set out at paragraph 8 of the National Planning Policy Framework and the wider guidance within the NPPF.
- 1.7 My evidence will have regard to the following evidence submitted on behalf of the Council:

Jack Hanson – Senior Heritage Consultant – Node Consulting

In accordance with the invitation issued by the Inspector at the pre-inquiry meeting, the Council will call further evidence on the 5 year housing land supply in an effort to narrow the issues in respect of any residual dispute about the amount of land that should be considered deliverable, and the weight that should be attached to any shortfall.

- 1.8 Planning permission was refused by Members of the Planning Committee by notice dated 26 March 2020 for the following reason(s):

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

Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

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

1. Affordable Housing

2. S106 monitoring fee

3. Open Space, orchard, children's allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner.

4. Solent Recreation Mitigation Strategy contribution currently £33,975.70

5. SUDS bond

6. A contribution towards Health of £8,000

7. Mitigation Payment to the SWBGS of £329,036.40 for loss of secondary support habitat

8. Permissive paths

9. A contribution towards a Community worker of £12,500

10 Delivery of site access works via a S278 agreement, prior to commencement of development.

11 Financial contribution of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling.

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

1.9 The proposal is a full application for a cul-de-sac development with dwellings of traditional design, ranging in size from 2 bed to 4 bed and in height from single to 2 storeys. 30% of the dwellings would be affordable. Vehicular access would be off Lower Road and would take the form of a single vehicular access. Pedestrian and cycle links would connect the site to Lower Road with proposed connection around the communal open space, which would provide a community orchard, and children's allotments, with opportunities for outdoor activity.

1.10 The development would provide a variety of dwellings ranging from 2 to 4 bedrooms in size comprising 22 x 2 bed, 18 x 3 bed and 10 x 4 bed. The majority of the development would consist of 2 storey houses, with some single storey bungalows (5) adjacent to the northern boundary with Old Manor Farm.

2 Site and Surroundings

- 2.1 The site is located on Lower Road in Bedhampton to the west of Havant town centre and to the north of Langstone Harbour and comprises approximately 3.8ha of arable agricultural land (classification of Grades 1 and 2).
- 2.2 Bedhampton is predominantly a low rise residential area, of varying styles and materials. With the exception of the Old Manor Farm development, the development that has taken place is mostly north of the development site.
- 2.3 To the east of the site, beyond an existing mature line of conifer trees which enclose the eastern boundary, the area is designated as a Conservation Area (CA) – the Old Bedhampton Conservation Area. This area to the east comprises the main part of the Conservation Area.
- 2.4 The Conservation Area includes a number of listed buildings, including The Old Rectory, The Manor and Bidbury House. Part of the site (north facing) fronts onto Lower Road with the remaining northern boundary abutting the small development of farm buildings that have been converted into residential dwellings (Old Manor Farm). The western boundary is not defined and is part of the open field. The southern boundary faces the railway line with some landscaping whilst further to the south is the A27 (Havant Bypass).
- 2.5 The site boundary to Lower Road comprises mature hedging, broken by a gap in the north east corner to provide access. Along Lower Road, adjacent to the site are a number of dwellings which vary greatly in their vernacular style. Dwellings range from small period terraced cottages to large detached two storey houses, with a number of single storey and chalet style bungalows
- 2.6 To the east of the site is the Old Bedhampton Conservation Area, divided into two by the railway line which was constructed in 1847. Compared to the density of Bedhampton as a whole the density of the Conservation Area is relatively low and features a number of character buildings. The materials found in the Conservation Area are predominantly brick with tiled roofs, some with parapet detailing as with The Old Rectory and Bidbury House. Most buildings do not exceed 2.5 storeys and generally feature a pitched roof structure.

3 Planning History

3.1 There is no relevant planning history

4 Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 4.2 The Development Plan:
Havant Borough Local Plan (Core Strategy) 2006- 2026 adopted March 2011
Havant Borough Local Plan (Allocations) adopted July 2014
- 4.3 The relevant policies are set out in the appeal questionnaire and the Statement of Common Ground.

Other material considerations:

- 1 Five Year Housing Land Supply Update – December 2020.
- Based on the table at paragraph 2.8 of the above document the Council considers that it is unable to demonstrate a five year housing land supply at present. The following figures are relevant:
- Five year land supply excluding buffer – 5.1
Five year land supply with 5% buffer – 4.8
Five year land supply with 20% - 4.2
- It concludes at paragraph 2.9 that the Council is:
- “only able to demonstrate 4.8 years supply of housing taking into account accumulated shortfall since 2016/17 and the application of a 5% buffer.”*
- 2 The Old Bedhampton Conservation Area Appraisal (including Appendix 4 map showing proposed extensions to the Conservation Area) adopted September 2019.
- The boundary of the Conservation Area was reviewed in 2019 and now includes the Old Manor Farm site, which adjoins the northern boundary of the site. Consultation on the revised Old Bedhampton Conservation Area boundary took place concurrently with the 2019 Pre-Submission Plan consultation at the beginning of 2019. The allocation was re-evaluated pending the conclusion of both consultations, and the site’s proposed allocation reaffirmed by the 2020 Pre-Submission version of the emerging Local Plan.
- 3 Pre-submission Havant Borough Local Plan.
- The Council consulted on a full draft Pre-Submission Local Plan (Regulation 19) at the beginning of 2019. Policy H20 relates to the appeal site, and indicates a full application is expected due to the proximity of the Old Bedhampton Conservation Area. The ongoing Conservation Area review was also noted in a heading at the beginning of the policy.
- Whilst the Council had hoped to submit the Plan for Examination in Autumn 2019, there has been a near 18-month delay in submitting the Plan. This is primarily been due to the need to ensure that all new development can be nutrient neutral.

A further Regulation 19 version of the Pre-Submission Plan with proposed changes recently concluded. This took place between 3rd November 2020 and 17 December 2020. This focused on changes which were significant and needed to be subject of a further sustainability appraisal (in line with para 1.4 of the Local Plan Examination Procedure Guide).

The appeal site remains as a proposed allocation with a number of minor changes to improve the clarity for decision making or factual updates. However, none of the changes are considered to alter the effect of policy in SA terms, and were not therefore specifically identified for consultation purposes.

At the time of writing, the Council is processing representations received in response to the 2020 Pre-Submission Plan consultation and have yet to be analysed. Nevertheless, it is of relevance to consider the issues raised in response to the 2019 Pre-Submission consultation as set out in Pre-Submission Consultation Summary – November 2019.

I am of the view having regard to paragraph 48 of the NPPF that given the early stage of preparation of the Local Plan, yet to be submitted, together with the number of unresolved objections to the plan, and in particular policy H20, that very limited weight can be attributed to the emerging Local Plan and policy H20.

4 The Local Development Scheme – September 2020.

This shows that the Local Plan is programmed to be submitted for examination in the first quarter of 2021. The timetable indicates the Council anticipates adoption of the plan by the end of 2021.

5 The Town and Country Planning (Listed Building and Conservation Areas) Act 1990, specifically S72.

6 National Planning Guidance (NPG) – in particular sections referring to calculation of five year housing land supply, historic environment and planning obligations.

7 National Planning Policy Framework (NPPF) – February 2019, in particular Sections 2, 3, 4, 5 and 16.

8 The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition, 2017). This document will be considered in detail by Jack Hanson. My role is to assess public benefits for the purpose of determining whether the tilted balance applies.

5 Case for the Local Authority

5.1 Section 38(6) of the Planning and Compulsory Purchase Act indicates that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”

5.2 The relevant policy context is set out above. The policies cited within the decision notice are:

- Policy CS11 of the Havant Core Strategy
- Policy CS16 of the Havant Core Strategy
- Policy DM20 of the Havant Local Plan (Allocations)

It should also be noted that the site is a green field site that lies within open countryside and whilst not quoted within the Decision Notice by the Council I think the following policies are also of relevance:

- Policy CS17 – Core Strategy – Concentration and Distribution of Development within the Urban Areas
- Policy AL2 – Allocations Plan – Urban Areas Boundaries and Undeveloped Gaps between settlements.

5.3 Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough states:

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.

2. Protects and where possible enhances the borough’s statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.

3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):

(i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].

(ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].

(iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].

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

5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.

6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.

7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.

8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.

9. Maintains undeveloped gaps between the settlements of Emsworth/Havant;

Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.

10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.

11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

Of particular relevance in the context of this appeal is bullet point 4 relating to the protection of Heritage Assets.

5.4 Policy CS16 - High Quality Design states that:

Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

1. Responds to, draws inspiration from and respects local context and:

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

b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;

c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:

a) The layout of the development reduces opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;

b) New streets are not dominated by vehicular traffic;

c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.

3. Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.

4. Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration.

5. Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.

6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.

7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

It is considered bullet point 1 is of most relevance in this instance.

5.5 Policy DM20 Historic Assets states that:

Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.

Applications that affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

5.6 I also consider the following policies to be relevant.

Policy CS17 of the Core Strategy states:

“Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:

- 1. Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island, as shown on the Proposals Map.*
- 2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.*
- 3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).*

Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy”.

Policy AL2 of the Allocations Plan states:

“The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.

The Borough’s undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.

Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

- 1. Relates to small scale householder development.*
- 2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.*
- 3. Meets the policies for exceptional development in ‘rural areas’, set out in the NPPF.*

Land outside the defined urban area on Hayling Island is ‘non-urban’ rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.”

The Appellant has indicated that these policies are out of date and inconsistent with the NPPF.

5.7 I will discuss the appellants view as to whether or not the “tilted balance” applies in this appeal later in this evidence. I am of the view that the policies are broadly consistent with the NPPF and thus not out of date for the following reasons.

5.8 Paragraph 213 of the NPPF 2019 states that:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them,

according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

It should be noted that the Havant Local Plan (Allocations) document was adopted in 2014 and was examined against the 2012 NPPF. It was found to be compliant with the NPPF in order to be judged to be found sound. Local plan policies were specifically found to comply with Section 12 of the Framework – Conserving and enhancing the historic environment. The tenor of this advice has not significantly changed, the scale of harm references remain and the balancing of harm against public benefit also remains. I would submit that policy DM20 of the Havant Local Plan is broadly compliant with the NPPF and should be given full weight.

- 5.9 Policy CS11 seeks to protect areas, such as designated heritage assets, which are protected through advice within the NPPF. It follows the statutory test set out in the Planning (Listed Building and Conservation Areas) Act 1990 as well as continuing to reflect current advice in the NPPF. Whilst it does not specifically reference the balancing exercise or scale of harm set out in the NPPF, it broadly accords with the aims and objectives of the NPPF and should be given full weight in the consideration of this appeal.
- 5.10 Policy CS16 seeks to ensure the quality of development. The issues it addresses, seeking to create places where people want to work and live, are encompassed within the NPPF. In my view they go to the heart of the three strands of sustainable development against which development proposals are judged. I would also draw attention to paragraph 124 of the NPPF which seeks to ensure that development "*creates better places in which to live and work*" the same objective as policy CS16.
- 5.11 I am of the view that it accords with the NPPF and should be given full weight in the consideration of this appeal.
- 5.12 Policy CS17 seeks to direct development. For the reasons set out in relation to Policy CS17 I am of the view that this policy is broadly consistent with the NPPF and should be afforded full weight.
- 5.13 Policy AL2 also seeks to direct development. For the reasons set out in relation to Policy CS17 I am of the view that this policy is broadly consistent with the NPPF and should be afforded full weight.

I consider the proposal to conflict with these policies.

- 5.14 I consider, for the views set out above that, that the development plan is not out of date having regard to the test set out at paragraph 213 of the NPPF. I am of the view that they are closely aligned to the policies in the NPPF and should be afforded full weight.
- 5.15 The Local Authority will not seek to argue it possesses a five year housing land supply. This is plainly a material consideration that attracts significant weight. However, it is not determinative of the appeal; the starting point must be whether the scheme complies with the development plan. Great weight must also be attached to protecting and enhancing the Old Bedhampton Conservation Area. I am also of the view that housing policies are not the most important policies when determining this application.
- 5.16 The appellant is of the view that having regard to the fact that the Council cannot demonstrate a Five Year Housing Land Supply then the "tilted balance" set out at paragraph 11 of the NPPF applies.

5.17 I am of the view that having regard to footnote 6 and bullet point d) i of paragraph 11 of the NPPF, that the tilted balance is not applicable having regard to the key issue in this appeal, the protection of a designated heritage asset, namely the Old Bedhampton Conservation Area. The appeal should therefore be considered against the policies within the Development Plan having regard to Section 38 (6) of the Planning and Compulsory Purchase Act.

5.18 Havant Council is in the process of producing a new Local Plan. The emerging Local Plan has just completed a consultation process and is currently processing the responses. It is proposed, having regard to the Local Development Scheme to submit the plan for examination in the first quarter of 2021. I am mindful of the guidance in paragraph 216 of the NPPF which states:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

5.19 Proposed policy H20 in the emerging local plan seeks to allocate the appeal site for up to 50 dwellings. The emerging plan is still subject to objections, and this policy has its own objections. The proper place for these to be considered is through the plan-making process. I am of the view that very limited weight should be given to the emerging local plan.

5.20 If the Inspector does come to the view that it is appropriate to give weight to the emerging policy I would draw attention to the fact that it requires the decision maker to have regard to the need to respect the setting of the conservation area to the east. It is my view, having regard to the evidence of Jack Hanson that less than substantial harm would occur to the setting of the Conservation Area.

5.21 Jack Hanson finds in his evidence, which I adopt, that there is less than substantial harm to the setting of the Conservation Area. He grades that harm as moderate.

5.22 The NPPG states that heritage assets may be affected by direct physical change or by change in their setting. Mr Hanson addresses that issue in full within his evidence.

5.23 He provides an understanding of the significance of the heritage asset as required and identifies and clarifies the extent of harm to the setting of the conservation area.

5.24 Paragraph 196 of the NPPF states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

It is therefore necessary, in my view, for the appellant to set out clearly, as set out in paragraph 194 of the NPPF, “*clear and convincing justification*” to weigh against the harm to the setting of the designated heritage asset.

5.25 In looking at the application submission and the appellants statement of case I can find no clear clarification of the benefits the appellant considers the scheme will bring. Paragraph 8.2 of the Committee Report indicates that the scheme will deliver “*significant economic and social benefits*”. It does not quantify or identify those benefits.

5.26 The Appellant has indicated that it considers the public benefits associated with the proposed development are:-

- Provision of market housing
- Provision of policy compliant contribution of 30% affordable housing
- Provision of public open space (in excess of the policy requirement) to include allotments and a community orchard
- Removal of a conifer tree belt and replacement with natural species trees

5.27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area. Having regard to that statutory requirement I am of the view that the public benefits need to be significant and demonstrable to outweigh harm to a designated heritage asset or its setting.

5.28 I would give the benefits I have identified the following weight:

Provision of public open space (in excess of the requirement) to include allotments and a community orchard:

I attribute limited weight to this element of the scheme. The provision of public open space is required to mitigate the development and ensure compliance with the relevant policies in the development plan. The provision of community food growing provisions is an element of the draft policy (H20). I give it limited weight.

Removal of conifer tree belt and replacement with natural species trees (heritage benefit)

I note the provision of this and am advised that it is a heritage benefit. Whilst the development may facilitate this, it is not in itself of sufficient weight to justify the degree of harm caused by the development. That is not least because it is wholly unnecessary to build houses in the sensitive location of the appeal site in order to deliver the benefit of grubbing up the conifer belt and planting deciduous specimens. I attribute this factor limited weight.

Provision of 30% affordable housing

I attribute limited weight to this consideration; a 30 per cent contribution is required to comply with the relevant policies within the development plan and the relevant sections of the NPPF.

Provision of market housing.

The Council is currently unable to demonstrate a five year housing land supply. The latest update (December 2020) shows a shortfall of 293 dwellings and the following supply position:

Five year land supply (expressed in years):

Excluding buffer 5.1

With 5% buffer 4.8

With 20% buffer 4.2

The Council has adopted a 5% buffer and therefore considers itself to have a 4.8 year supply. This is a small shortfall and, given the requirement, is a relatively small figure. It is not, in my view, sufficient to override the great weight placed on the protection of a designated asset.

- 5.29 The Council is currently producing a new Local Plan and is expected to submit it for examination in the first quarter of 2021. The Emerging Local Plan (ELP) identifies an OAN of 10,433. With the appeal site included it makes provision for a minimum of 10,773 dwellings. This is a buffer of 340 dwellings, 290 if the appeal site is discounted. This by itself makes up the shortfall notwithstanding that the figures are minimums. The figure does not include windfalls from April 2025 to the end of the plan period. The Council's Windfall and Unidentified Housing Development Analysis shows that there is likely to be a delivery of 1,188 windfall dwellings. It can be seen that the Council has proposed sufficient sites to ensure a five year housing land supply from adoption. I accept that the plan has yet to go through examination but consider that the Council has a realistic prospect of restoring the supply within a period of around 18 months through the adoption of the ELP.
- 5.30 I would also make the point that delivery has slowed down over the last 9 months due to the pandemic. This has had an unprecedented impact on the country's economy and the development industry. Havant Borough has experienced a slowdown in the built-out of a number of schemes as a result. This was highlighted in a report to the Council's Cabinet on 1 July 2020 which set out (para 4.13) that from 1 April 2020 to 10 June 2020 less than £20,000 of strategic CIL income had been received compared to over £700,000 in the previous year. I would make the point that given the small shortfall that the impact of the pandemic should be given weight in terms of the current five year position. Since the end of the first lockdown, there has been movement as development sites are able to operate in a COVID secure way. This includes preparations for the commencement of 'Forty Acres', a site for 320 homes and an 80 bed care home. It is not, in my experience, unreasonable to assume that the 293 unit shortfall, amounting to 33 a month over a 9 month period, would have been delivered.
- 5.31 Due to The Dutch Case, The Council was unable to lawfully permit all but a few planning applications for residential development between April 2019 and August 2020. Whilst the Council has no control over this issue as a constraint to development, it also recognised the need for a proactive approach to the issue and the need to fulfil its obligations under the Habitat Regulations. The Council subsequently developed its own bespoke solution to addressing nutrients and launched its own strategic mitigation package and launched this in August 2020. As of February 2020, 242 homes were directly held up by the need to be nutrient neutral whilst a further 409 were significantly or principally backlogged because of this. As such, nutrient neutrality is identified as having been a significant constraint to housing delivery over the last 12-18 months. It is not unreasonable to conclude that the development which was held in abeyance solely due to the impact of nutrient neutrality will now swiftly be granted planning permission and be built out. This will play a key role in increasing the supply

of housing in the Borough and addressing the Council's current shortfall in the five year supply.

5.32 The following table lists all the allocations within the ELP.

Table 1: Draft allocations in ELP.

Policy no.	Site address	GF/PDL	No of Houses	Urban/Rural	Size
Emsworth					
H8	Land north of Long Copse Lane,	GF	c260	Urban Edge	16.9ha
H10	Land west of Coldharbour Farm	GF	c44	Urban Edge	1.7ha
H11	Gas Site Palmers Road	PDL	c25	Urban	0.48ha
H12	Emsworth Victoria Cottage Hospital	PDL	Community use – residential above ground floor	Urban	0.17
H13	Fowley Cottage	Mix	c20	Urban edge	1.1ha
Havant and Bedhampton					
H14	Forty Acres	Mix	c320 + care home (APP/18/00450 consent for 320 units plus 66 bed care home)	Urban	23.1ha
H15	Land East of Castle Avenue	GF	c255 (APP/18/01033 – approved subject to S106 for western part of site for 69 dwellings)	Urban edge	9.5ha
H17	Portsmouth Water Headquarters	PDL	c135	Urban	2.8ha
H18	Camp Field Bartons Road	GF	c72	Urban edge	2.56ha
H19	Havant Garden Centre	PDL	c85	Urban edge	2.4ha
H20	Land South of Lower Road	GF	c50 (Appeal site)	Urban edge	3.8ha
H22	Littlepark House	PDL	c50	Urban edge	1.2ha
H23	Southleigh Park House	PDL	c90 (APP/17/00863 approved in January 2019 for 90 dwellings)	Rural	3.2ha
H24	Land at Palk Road	PDL	c15	Urban	0.4ha
H25	Helmsley House	Mixed	c15	Urban edge	2.2ha
H26	9 East Street	PDL	c11	Urban	0.05ha
Hayling Island					
H27	Rook Farm	GF	c390 (PP refused for up to 210 dwellings in April 2017)	Rural	11.9ha
H28	Fathoms Reach	GF	c55	Urban edge	1.6ha
H29	Land North of Sinah Lane	GF	c195	Rural	12.8ha

H31	Manor Nurseries	Mix	c9	Rural	0.4ha
H32	Pullingers, Elm Grove	PDL	Mixed use – c43 dwellings. (APP/20/00015 for 3 storey building – 1 retail unit and 43 residential units approved)	Urban	0.4ha
H33	Land rear of 13-21 Mengham Road	PDL	c7	Urban	0.07ha
Legh Park					
H34	Cabbagefield Row	GF	c155	Urban edge	7.4ha
H35	Colt Site	PDL	c100 APP/18/00244 for up to 100 dwellings approved in January 2019	Urban	3.1ha
H36	Scottish and Southern Energy Offices	PDL	c80 (site cleared under prior approval APP/16/00940)	Urban	1.7ha
H37	Land at Dunsbury Way	PDL	c15	Urban	0.36ha
H38	Land at Riders Lane	GF	c70 + allotments	Urban edge	1.9ha
H39	Strouden Court	PDL	Mixed use – c75 dwellings + retail	Urban	1.5ha
Waterlooville					
H40	Campdown	GF	c650	Rural	21.4ha
H42	Blue Star	GF	c90	Urban	1.9ha
H43	Goodwillies Timber Yard	PDL	c120	Urban edge	3ha
H44	Padnell Grange	PDL	c80	Urban edge	2.7ha
H46	Land at Waterlooville Golf Club	GF	c45	Urban edge	1.3ha
H47	Land North of Highbank Avenue	GF	c25	Rural	0.6ha

5.33 There are a total of 34 draft allocations in the emerging local plan, including the appeal site which is highlighted within the table.

5.34 Of these they break down as follows:

14 greenfield sites (41%)
16 Previously Developed Land (47%)
4 mixed (12%)

>1ha = 9
<1ha>5ha = 18
<5ha>10ha = 2
<10ha>20ha = 3
<20ha = 2

- 5.35 Whilst I consider that very limited weight can be placed on the draft allocation given that the plan is not at an advanced stage, together with the fact that there are unresolved objections to the plan this still demonstrates that the plan provides a mix of sites which could be developed quickly.
- 5.36 The plan also proposes policies which seek to provide affordable housing (Policy H2), maximising densities (H3), providing a mix of homes, including 2-bed homes in certain location and ensuring they meet the Nationally Described Space Standards (H4).
- 5.37 I am of the view given this approach, together with the belief that there is at least a reasonable prospect of finding other windfall sites which do not impact on a sensitive environmental designation, that the small shortfall in the Council's Housing Supply position is not significant and should be afforded limited weight.

Planning Balance

- 5.38 It has been demonstrated within the Proof of Jack Hanson that there is less than substantial harm to the setting of the Old Bedhampton Conservation Area and that harm is moderate.
- 5.39 I have had regard to the great weight placed on the protection of a designated heritage asset and the public benefits detailed above and am of the view that these public benefits have limited weight and that they do not outweigh the less than substantial harm set out by Jack Hanson. The proposal is contrary to paragraph 196 of the NPPF and therefore the appeal should be dismissed, and planning permission refused.
- 5.40 Further, because the public benefits do not outweigh the harm caused by the scheme the tilted balance does not apply in this instance having regard to paragraph 11 of the NPPF.
- 5.41 I have set out above why I consider the Development Plan policies are up to date and should carry full weight. It is clear from this evidence and the evidence of Jack Hanson that the proposal does not comply with policies CS17, AL2, CS11 and CS16 of the Havant Local Plan 2011 and policy DM20 of the Allocations Plan 2014. The limited benefits identified above do not outweigh the level of harm identified by myself and Jack Hanson. Applying the s.38(6) balance, I therefore conclude the proposal is contrary to the Development Plan and there are no other material considerations which outweigh this conflict.
- 5.44 For the reasons set out above I am of the view that the appeal should be dismissed.

6 Summary

- 6.1 My name is Simon Wood and I am the Director of Planning and Building Control for Capital at Breckland Council.
- 6.2 I have a Honours Degree in Urban and Regional Planning and a Bachelors Degree in Town Planning. I have been a member of the Royal Town Planning Institute since 1989.
- 6.3 Whilst being currently employed in the private sector I have worked primarily in local government since 1986 specialising in development control. I have worked at all levels of management within a planning department.

I am of the view that the relevant policies in relation to this appeal are policies:

- Policy CS11 of the Havant Core Strategy
- Policy CS16 of the Havant Core Strategy
- Policy DM20 of the Havant Local Plan (Allocations)

- 6.4 Whilst not quoted within the Decision Notice by the Council I think the following policies are also of relevance:

- Policy CS17 – Core Strategy – Concentration and Distribution of Development within the Urban Areas
- Policy AL2 – Allocations Plan – Urban Areas Boundaries and Undeveloped Gaps between settlements.

- 6.5 I consider that these policies are broadly compliant with the NPPF and should be afforded full weight in the decision making process for the following reasons.

- 6.6 It should be noted that the Havant Local Plan (Allocations) document was adopted in 2014 and was examined against the 2012 NPPF. It was found to be compliant with the NPPF in order to be judged to be found sound. Local plan policies were specifically found to comply with Section 12 of the Framework – Conserving and enhancing the historic environment. The tenor of this advice has not significantly changed, the scale of harm references remain and the balancing of harm against public benefit also remains. I would submit that policy DM20 of the Havant Local Plan is broadly compliant with the NPPF and should be given full weight.

- 6.7 Policy CS11 seeks to protect areas, such as designated heritage assets, which are protected through advice within the NPPF. It follows the statutory test set out in the Planning (Listed Building and Conservation Areas) Act 1990 as well as continuing to reflect current advice in the NPPF. Whilst it does not specifically reference the balancing exercise or scale of harm set out in the NPPF, it broadly accords with the aims and objectives of the NPPF and should be given full weight in the consideration of this appeal.

- 6.8 Policy CS16 seeks to ensure the quality of development. The issues it addresses, seeking to create places where people want to work and live, are encompassed within the NPPF. In my view they go to the heart of the three strands of sustainable development against which development proposals are judged. I would also draw attention to paragraph 124 of the NPPF which seeks to ensure that development “creates better places in which to live and work” the same objective as policy CS16.

- 6.9 I am of the view that it accords with the NPPF and should be given full weight in the consideration of this appeal.
- 6.10 Policy CS17 seeks to direct development. For the reasons set out in relation to Policy CS17 I am of the view that this policy is broadly consistent with the NPPF and should be afforded full weight.
- 6.11 Policy AL2 also seeks to direct development. For the reasons set out in relation to Policy CS17 I am of the view that this policy is broadly consistent with the NPPF and should be afforded full weight.
- 6.12 The Local Authority accepts it does not have a five year housing land supply. I am of the view that the tilted balance is not applicable in this instance having regard to the fact that the key issue in this appeal relates to the protection of a designated heritage asset.
- 6.13 The appeal should therefore be considered against the policies within the Development Plan having regard to Section 38 (6) of the Planning and Compulsory Purchase Act.
- 6.14 The evidence of the Local Authority is that there is less than substantial harm to the setting of the Conservation Area. That harm is considered to be “moderate”.
- 6.15 I have considered the benefits associated with the proposed development together with the need to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. Having regard to that I am of the view that the public benefits need to be significant and demonstrable to outweigh harm to a designated heritage asset or its setting.
- 6.16 I am of the view that the public benefits do not outweigh the harm caused by the scheme and that the proposal is contrary to policies CS17, AL2, CS11, CS16 and DM20 of the Development Plan. I am of the view that the proposal is contrary to the Development Plan and there are no other material considerations which outweigh this conflict.
- 6.17 I am, therefore, of the view that the appeal should be dismissed.