

To:
Mr Knappett
Bryan Jezeph Consultancy
The Gallery
3 South Street
Titchfield
Fareham
PO14 4DL

For: Hampshire Land Ltd

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Refusal of Planning Permission**

Application Number: APP/18/00672

Site Address: Land off Westwood Close, Emsworth

Proposal: **Erection of 36no. dwellings with associated parking, access from Westwood Close, diversion of Havant Footpath 73, landscaping and surface water drainage. Felling and works to trees within Area A1, subject to TPO 2071.**

Further to your application received on 30 June 2018 (which was valid from 17 July 2018) Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The proposal represents the unsustainable addition of residential development in a non-urban area for which there is no overriding justification. It is therefore contrary to policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 2 The proposal, in the absence of an assessment on nutrient discharge and without completion of the appropriate binding arrangements in relation to off setting any increase is likely to have an adverse impact on internationally designated ecological sites (Special Protection Areas, Special Area of Conservation and potential SPA designations). The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework .
- 3 The proposal, without completion of the appropriate binding arrangements in relation to the Solent Recreation Mitigation Strategy, is contrary to the Council's Policy on securing the necessary measures required and adopted by the Local Planning Authority. These measures seek to ensure that the provision is made from new development to counteract increasing recreational pressure on the Chichester & Langstone Harbours Special Protection Area. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the

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- 4 The proposal would result in harm to the setting of footpath 73 and the landscape corridor through which it flows. Given that the development would make only a modest contribution to meeting the Boroughs housing need it is not considered that the benefits of the proposal would outweigh the impact to the setting of Footpath 73 and the landscape corridor. The proposal is therefore contrary to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.
- 5 T21, T22, T23, T24 within the Arboricultural Report have been officially listed as veteran by the Woodland Trust. The trees are significant features in the local landscape and appear to be in adequately sound and healthy condition. The proposal does not provide for adequate root protection area of the two Oaks (T23, T24) and proposes the felling of T1 and T2, resulting in undue loss and potential adverse impacts on the health of established trees to the detriment to the visual amenities of the locality. It is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 That part of the access road serving plots 31 to 36 would fall within flood zone 2 where flooding of the access road would adversely impact the ability of emergency vehicles to access these properties, resulting in potential risk to future occupants and emergency services. As such, the proposal would be contrary to the provisions of the National Planning Policy Framework and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.
- 7 It has not been demonstrated that the application site constitutes low grade agricultural land and therefore it cannot be ruled out that the site does not constitute primarily Grade 2 and 3a land which is classed as best and most versatile agricultural land. Such land represents a valuable resource for local food production with associated economic benefits. The proposed development would result in the loss of a significant area of such land. Given that the development is not considered to meet the requirements of sustainable development the loss of this agriculture land is not justified. The development is therefore contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 The development in the absence of an associated S106 Agreement fails to address financial and other requirements necessary to secure a sustainable development. In particular the following matters have not been suitably addressed at this stage:
 1. Affordable Housing
 2. Management Company in respect to surface water drainage and landscape requirements of the communal areas.
 3. Management Plan
 4. Solent Recreation Mitigation Strategy contribution
 5. Footpath diversion contribution
 6. Traffic Regulation Order contribution
 - 7 South Eastern Hampshire Clinical Commissioning Group contribution
 8. Water quality mitigation package.
 - 9 Appropriate legal fees and monitoring fees

In the absence of such provisions the proposed development would be contrary to

policies of the Havant Borough Local Plan (Core Strategy) 2011 policies CS1, CS3, CS7, CS11, CS13, CS16, CS19, CS20, CS21, DM7, DM8, DM11 and DM12 Havant Borough (Allocations) Plan 2014 policy DM23 and the National Planning Policy Framework.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- () In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
 - You were updated about issues,
 - The application is considered unacceptable for the reasons set out in this decision notice.
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- () The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 1st August 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

Simon Jenkins

Simon Jenkins
Interim Director of Regeneration and Place

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13 May 2019