

diversion of Havant Footpath 73, landscaping and surface water drainage. Felling and works to trees within Area A1, subject to TPO 2071. The application originally submitted was for 46 dwellings, however, further work to identify the extent of the flood zones resulted in a reduced area falling within flood zone 1 and hence a reduced site area proposed for development with housing and a decrease in the number of dwellings now proposed to 36.

- 3.2 An amended proposal including a comprehensive set of plans covering such matters as flood risk, drainage, parking strategy, storey heights, external enclosure, external finishes, bin and cycle store was submitted in January 2019, and includes the following documents:

Design and Access Statement;
Planning Statement,
Drainage Strategy and Flood Risk Assessment,
Community Involvement Statement,
Ground Investigation Report,
Tree survey and constraints
Archaeological Desk Based Assessment,
Transport statement,
Travel Plan,
Ecological Assessment,
Landscape and Visual Assessment.

Additionally, in response to the Pre-submission Havant Borough Local Plan 2036 the applicant has submitted a Compliance Conformity Check with the proposed policies.

- 3.3 The proposed dwellings would be contained within the site by housing to the west and the boundary of Flood Zone 1 to the east, comprising an area of approx 1.04 ha. The land beyond the flood zone boundary would provide for the diverted footpath, with the area beyond this retained as meadow grassland. The access road off Westwood Close would fall mainly within flood zone 1, except for the southern portion serving 6 dwellings, which falls within flood zone 2.
- 3.4 The scheme proposes 36 dwellings, of which 11 would be provided as affordable housing, in the form of affordable rented (7) and shared ownership intermediate housing (4). The proposed scheme would also include a mix of house types and sizes, comprising 1- bedroom flats and 2, 3 and 4 bedroom detached and semi-detached houses. All the proposed dwellings would be 2 storeys in height.
- 3.5 The proposed scheme, based on the net site area of 1.04ha would equate to a density of approx. 35 dwellings per hectare (dph). Based on the larger site area of 2.27 ha including the open space the density would be 16 dph.
- 3.6 For the most part, dwellings have been designed to address road frontages and important corner locations. The mix of dwellings would be spread throughout the site. The layout identifies where existing pedestrian gates to the backs of properties in Westbourne Avenue would be retained or relocated, and access maintained.
- 3.7 Car parking would be provided in accordance with the standards set out in the Council's Parking SPD. There would be 89 parking spaces, 74 of which would be allocated to the individual dwellings and 15 would be visitor spaces. Cycle parking in accordance with the adopted standards would be accommodated in the proposed garages or sheds.

- 3.8 The proposed development would result in the need to remove in whole or in part nine trees and prune two others. All the significant boundary tree cover would remain intact but 3 veteran field maples forming part of a mature hedgerow would be lost . New tree planting would be provided as part of a landscape scheme.
- 3.9 The London & South East region 1 :250 000 Series Agricultural Land Classification Map identifies the application site as being Grade 3 agricultural, although this has not been confirmed by on site investigation.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Havant Borough Townscape, Landscape and Seascape Character Assessment
Emsworth Neighbourhood Plan Pre-Submission Version November 2017
Chichester District Plan

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Planning Policy

Comments have been previously provided on this application. Given the change in policy status since that time, the comments below should be considered to replace those previously provided.

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough.

Of particular relevance to the principle of the development are:

- CS9 Housing
- CS17 concentration and distribution of development within the urban area
- AL1 Presumption in Favour of Sustainable Development
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

The Council consulted on a [Pre-Submission version of the Havant Borough Local Plan 2036 between 4 February and 18 March 2019](#). This followed unanimous approval by Full Council on 30 January 2019 including a recommendation to submit the Pre-Submission Local Plan to the Secretary of State for Housing, Communities and Local Planning following the consultation. As part of this meeting, a deputation was made by the agent for the site proposing its inclusion in the plan although the Council voted to proceed with the plan.

The Pre-Submission Local Plan can only be afforded limited weight at this stage but may be afforded greater weight as the Plan progresses towards examination. The following policies are of particular relevance in relation to the principle of development:

- DR1 | Delivery of Sustainable Development
- IN1 | Effective provision of infrastructure
 - Criterion O. Flood Alleviation Scheme for the River Ems at Westwood Close (IN1F)
- E3 | Landscape and settlement boundaries

Other more detailed policies would also apply however these are not commented on as the principle of development is in dispute.

History of policy status

As described above, the site is not allocated in the adopted development plan. In accepting that a review of the adopted local plan was needed, the Council prepared the Local Plan Housing Statement in 2016. This set out a series of sites that were considered as 'early release sites'.

The application site was not included as a site in the Local Plan Housing Statement. It was part of a site that was considered and rejected for inclusion in the Housing Statement through the July 2016 Strategic Housing Land Availability Assessment (SHLAA) as part of a larger site forming the western corridor of the River Ems.

The site was then included as a proposed development in the Draft Havant Borough Local Plan 2036. It should be noted that a Draft Local Plan, given that it is at an early stage in the preparation process, is only ever afforded very limited weight.

Following consultation on the draft local plan, it was highlighted that further consideration was needed regarding the principle of development on this site. In then

moving from the Draft Local Plan to the Pre-Submission Local Plan, detailed discussions continued, most pertinently with the Environment Agency regarding the potential need to use the site for a strategic flood alleviation scheme for the River Ems. This was highlighted through the Strategic Flood Risk Assessment of Local Plan sites and the Sustainability Appraisal.

The site is not allocated for development in the Pre-Submission Havant Borough Local Plan 2036. In responding to that consultation, the Environment Agency have set out that *“We support the inclusion of this policy and are especially pleased to see the sites at Westwood Close (IN1F) and Southleigh (IN1G) safeguarded for flood alleviation schemes on the River Ems and Nore Farm Stream respectively.”* The Agency continued to state *“The site at Westwood Close may potentially form part of an Environment Agency River Ems Flood Alleviation Scheme. As per the advisory note that we have previously given to Havant Borough Council and has been submitted as background evidence with this plan, we are currently looking at options to decrease flood risk in the Ems catchment. The project aims to reduce flood risk to approximately 300 houses in the area.*

Early conceptual work has identified the potential for flood storage on the land at Westwood Close. This would be facilitated by the construction of embankments to direct and hold floodwater in a safe and appropriate manner to reduce the risk of flooding to the existing community. We are therefore supportive of Havant’s decision to safeguard the site at this time to ensure that any outputs from this project are not prohibited.

We support paragraph 4.7 which we feel is especially relevant for this situation. We are not in a position to say that this site will definitely form part of the scheme but it recognises that this land may be needed to deliver this key flood risk scheme and therefore should be protected from loss to other uses, pending the outcome of the preferred way forward for the scheme. We are also satisfied that Havant have highlighted that if further work shows that all or part of the land is not needed then it may be released for other purposes. The scheme is not far enough progressed at this time for us to know whether the site will be needed. We are working closely with Havant Borough Council to ensure that they have the most up to date information in relation to the project.”

Moving forwards, the Local Development Scheme highlights the aim to submit the Havant Borough Local Plan 2036 to the Secretary of State by Q3 2019.

Principle of development

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 plans 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.

Given that there are clear constraints to development, the site was not taken forward for housing through the Sustainability Appraisal process in line with the Council’s [site](#)

[allocation methodology](#).

Five year housing land supply and housing need

Paragraph 2.49 and Table 2 of the Pre-Submission Plan (pages 18-19) confirm there is sufficient housing land supply (10,231 homes) to meet the borough's total objectively assessed housing need (9,260 homes) between 2016 and 2036 and provide a buffer of 971 homes.

For completeness, the Council also published a [Five Year Supply Update](#) (January 2019). This confirms that the Council is able to demonstrate a five year housing land supply. The proposed development is not part of the Council's five year supply.

This information will be updated shortly given that we are now entering the 2019/20 financial year and so new figures for housing completions and outstanding planning permissions will be available in due course.

Concluding remarks

The site is not allocated in the Adopted Local Plan. It is also not proposed for allocation in the emerging Havant Borough Local Plan 2036. Nonetheless it is safeguarded for an alternative use in the form of a flood alleviation scheme.

As such, there is an objection to the application and the principle of residential development on the site.

Arboriculturalist

Initial comments

The trees are protected by a group TPO but the trees/part of hedges to be removed are low quality and there is no objection to their removal. Off site trees have recently been made the subject of a TPO. Providing the work is carried out in strict accordance with the Barrell Tree Consultancy report and Tree Protection Plan, the development can be achieved without detriment to the trees on and off site. Drainage/service plans should be submitted prior to any decision on the application.

Further comments

Following on from my previous comments, now that the trees numbered T21, T22, T23, T24 within the Arboricultural Report have been officially listed as veteran by the Woodland Trust I object to the proposal to fell the two Field Maples (T21, T22).

The root protection area of the two Oaks (T23, T24) will also need amending to give more space as the guidance states that the RPA should be a minimum 15 times the stem diameter for veteran trees or 5 metres beyond the canopy, whichever is the greater. Until this revision has taken place I object to this element of the application also.

The Initial arboricultural consultation response raised no objection to the removal of some of the trees (Field Maples), following a site inspection and further liaison with the

applicants arboricultural consultants, thus providing a pragmatic approach to the retention of the most visually important trees on the site.

Subsequently these trees have now been recorded and listed as veteran trees via the Woodland Trust scheme. In light of this new classification the Council should be in tune with national policy and raise objection to the their removal as highlighted within the NPPF.

Standing advice from Natural England and Forestry Commission is that Local Authorities should consider:

- *Conserving and enhancing biodiversity*
- *Reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees*

It also states:

Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.

The NPPF 2019 para 175c states:-

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Building Control

Amended Plan

Nothing further to add.

original

- 1) Surface water and Foul water sewers cross the site of this development. Consultation with SWS should be undertaken
- 2) Location of solid bin storage should be indicated showing compliance with AD H and collection facilities
- 3) Construction and width of access roads should comply with Approved Document B5 requirements
- 4) Unable to check flue and glazing on boundaries due to details available

Chichester District Council

Amended Plan

Thank you for notifying Chichester District Council on the amended planning application, it is noted that there is a reduction in dwellings proposed. Notwithstanding these amendments, the comments provided by Chichester District Council dated 06/08/18 remain valid, these have been appended to this letter for your information.

It is noted that the separation distance between proposed development to the south of the site and the boundary with the Parish of Westbourne and Chichester District Council would be increased. Notwithstanding this, given the countryside location of the application site, it is recommended that a condition be imposed to secure the planting along the site boundary to minimise harm to visual amenity and landscape character.

Original

The application site lies in the Plan Area of Havant Borough Council however, the proposal is within 10m of the boundary of the Parish of Westbourne and Chichester District Council.

The proposal site is 245m west from the Settlement Boundary of Westbourne, a third tier settlement in the Chichester Local Plan. The proposal site is 1.2km from the South Downs National Park.

I have noted the following from CDC's own Mapping System:

- ☐ The application site lies adjacent to an Archaeological Priority Area
- ☐ Evidence of Water Vole network and habitat in close proximity to the site
- ☐ Evidence of Bat commuting network and habitat in close proximity to the site.
- ☐ The site lies within the 5.6km buffer for Chichester and Langstone Harbour SPA.
- ☐ The application site lies within the flood zones 2 and 3.

Whilst the application site lies outside the Chichester Local Plan area, consideration can be given to the following relevant policies of the Development Plan.

Chichester Local Plan

Policy 2: Settlement Hierarchy

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas.

The Draft Westbourne Neighbourhood Plan

The Draft Westbourne Neighbourhood Plan is currently at Examination stage having passed through the Regulation 16 consultation stage. The Examiner, Mr Jeremy Edge, conducted a Public Hearing on the 25 October 2017. The Inspectors report is now with CDC, further Habitat Regulations Assessment is now required following the European decision of *People Over Wind, Peter Sweetman v Coillte Teoranta*. Moderate weight can be attached to the Draft Westbourne Neighbourhood Plan. Policy:

Policy LD4: Local Gaps

Policy BD1: Biodiversity Opportunity Area and SNCi Policy

Policy BD2: Natural Environment Policy

Comments

This proposal is located within a river plain, where the land is characteristically flat.

This is noted in the LVIA and therefore consideration should be given to the landscape impacts of such a proposal. It is also noted that the application site lies within an area of flood zone where residential development, as a vulnerable use, is normally restricted (zones 2 and 3). National policy indicates a sequential test should be undertaken.

Furthermore, it is noted that the public footpath would be forced to the east into the area most likely to flood, as would the open space which could prevent it from be available and usable.

Due to the water environment, CDC records show watervole habitat and network within the river floodplain. Bats are also known to be in close proximity to the site. Appropriate ecological mitigation and enhancement should be put in place, should planning permission be granted.

Community Infrastructure

Amended Plan

The CIL amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission were issued in 2019 the amount of indexation would be 39.73%.

Original

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission were issued in 2018 the amount of indexation would be 34.82% (this would increase if the permission were issued in 2019).

The applicant will need to submit CIL Form 2 to obtain mandatory social housing relief.

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
6. Education (HCC)
7. Travel Plan (HBC)
8. Highway Works (HCC)
9. Site Specific Transport Improvements (HCC)
10. Others?

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

<http://www.havant.gov.uk/planning-and-environment/planning-policy/communityinfrastructure-levy/developer-contributions-guide>

***Monitoring Fees:** It is customary with the S106 to charge an amount for monitoring, these are:

Countryside Access Team

Site context

Havant Footpath 73 runs through the proposed development site. The route also forms part of the Sussex Border Path, which is a long-distance promoted trail, administered by West Sussex County Council.

Comment

The proposals include the diversion of Havant Footpath 73. The proposed diverted route is not as convenient for users of the route and due to the proximity of the development the likely increase in footfall on the route is likely to have a significant adverse impact on the public amenity value of the route.

This proposal would require the diversion of Footpath 73 into Flood Zone 3. In addition, the length of the path would be slightly increased and additional footfall would be generated upon the route. We have met with the agents on-site to discuss this proposal, and have agreed a mitigation contribution from this development which would deal with any drainage issues and enhance the surface of the proposed route.

The proposal also includes vegetative screening, which would help conserve the route's rural character. We would also be supportive of additional pedestrian links from the right of way to the land to the west of the site.

The granting of planning permission does not confer the right to divert a public right of way. The diversion of the right of way should be processed by the Local Planning Authority under TCPA powers, and can be progressed alongside the planning application.

Subject to the following footpath contribution being secured by legal agreement, we raise no objection to this proposal. (If the developer wishes to complete the works to the public right of way themselves then a Highway Agreement should be secured through the s106.))

1. In the interest of supporting sustainable travel and public amenity, the applicant provides a contribution of £80,000 towards enhancing Havant Footpath 73.

This enhancement would break-down as follows:

- a. Resurfacing of the route (800m): £64,000
- b. Officer time to deliver this project (15%): £9,600
- c. Future maintenance of this enhancement (10%): £6,400
- d.

Additional comments

If HCC are carrying out the work it would broadly conform to our design standards and material specifications, as set out the document attached.

<http://documents.hants.gov.uk/countryside/designstandards-pathsurfacing.pdf> Until the work is commissioned and site surveys are undertaken and a detailed work methodology is established I cannot give you the exact details.

County Archaeologist

Thank you for your consultation. I would draw your attention to the file entitled ARCHAEOLOGICAL DESK BASED ASSESSMENT (DBA) that is included among the documentation attached to the above application on your website. This DBA concludes among other things that:

‘6.4 The study site is considered to have a low to moderate theoretical potential for archaeological evidence of the Palaeolithic and Mesolithic periods, and a low potential for all other periods of past human occupation.

6.5 Any archaeological features that may be present on the study site would most likely be of low/local significance.’

and that:

‘Given the low archaeological potential of the study site, the proposed development is considered unlikely to have a widespread or significant archaeological impact. Accordingly, any further archaeological mitigation measures are likely to be laid out in an appropriately worded condition attached to planning permission’

While I understand why the DBA has reached these conclusions, I feel I should point out that when the site is considered in a wider context, it is possible to see that the overall archaeological potential of the area is higher than the DBA suggests. The site is located just above the floodplain of the River Elms on the edge of the first river terrace, a prime location for later prehistoric settlement activity. Little in the way of heritage assets have been recorded in the immediate area of the site to date, although this is likely to be the result of a lack of past archaeological investigation, rather than a genuine absence of activity. Some traces of medieval activity have been recorded around 600 metres to the north of the site, while the projected route of the Roman road between Chichester and Bitterne is located around 950 metres to the south. A Late Bronze Age / Early Iron age settlement site was also recorded during excavations at Manor Farm, Denvilles c. 2km to the west of the Site.

It is therefore very possible that hitherto unrecorded archaeological features and/or deposits, particularly those dating from the later prehistoric and Roman periods, may be located within the site itself. Historic mapping evidence indicates that the site has not been impacted by any modern development and so any archaeological features that do exist here would be relatively well preserved. Therefore, while there is no indication that archaeology presents an overriding concern, I would advise that the assessment, recording and reporting of any archaeological deposits affected by construction be secured through the attachment of a suitable condition to any planning consent that might be granted. For instance:

‘That no development shall take place 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 Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist within the site. The assessment should take the form of trial trenching across the entirety of the site. If the results of the assessment are deemed significant enough by the Local planning Authority, then a programme of archaeological mitigation of impact, based on the results of the trial trenching, should be carried out in accordance with a further Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. Following completion of archaeological fieldwork 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.’

County Ecologist

The application is accompanied by a suite of ecological survey reports: an Ecological Appraisal, Dormouse report, Reptile report and Bat report (all WYG, June 2018). The bulk of the site comprises improved/semi-improved cattle-grazed pasture (the site was surveyed by HBIC botanists in 2011 and described as improved grassland), with associated species-poor hedgerows, tall herbaceous vegetation and occasional mature trees. A small concrete structure is present. A tributary of the river Ems lies to the east of the site. Overall, the site is not botanically rich.

Surveys for protected species have recorded no evidence of hazel dormouse, otter, water vole or common reptile species. Bat activity surveys carried out between July and October 2017 recorded a total of four species. Bat activity was dominated by common and soprano pipistrelle and concentrated mostly at boundary locations.

Overall, I am content that the site is of limited ecological value in terms of high-quality botanical communities and the presence of rare or legally-protected species. This is not to say that the site does not form an important part of the local semi-natural greenspace and is not important for widespread species.

Some broad outline recommendations are provided for ecological mitigation, compensation and enhancement, and I have reviewed the submitted soft landscaping proposals. Whilst there will be a net loss of grassland habitat, the establishment of a species-rich meadow grassland mix within the east of the site will provide a useful ecological enhancement and buffer the Ems from the developed area. The use of new native species hedging and trees will also be of benefit.

The recommended enhancement measures for protected species are sensible – I

would expect the new dwellings to incorporate a series of enhancement features such as bird and bat boxes.

Therefore, if you are minded to grant permission, can I suggest that a single, site-wide ecological mitigation strategy is secured through condition. This should include: measures to avoid impacts to the River Ems tributary (e.g. through lighting, pollution or human disturbance); a sensitive lighting strategy which is informed by recorded bat activity; measures for ecological enhancement within the developed area e.g. bat and bird boxes.

Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal, Dormouse Report, Bat Activity Report and Reptile Presence/Likely Absence Survey (all WYG, June 2018). Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

County Minerals

No comments to make

officers note The area to be developed is relatively small and hence the mineral yield would be limited, and it would not be appropriate to require prior extraction.

Crime Prevention -Major Apps

Amended Plan

Currently the footpath benefits from natural surveillance from the dwellings along Westbourne Avenue. The proposed route of the footpath, places it behind a dense hedgerow which will severely restrict natural surveillance from the proposed dwellings, this increases the vulnerability of this section of the footpath to crime. Planning guidance advises that development should promote safe routes. To reduce the vulnerability of the footpath to crime a level of natural surveillance from the proposed dwellings, similar to that which currently exists should be provided along the footpath.

Rear access footpaths are shown adjacent to the rear gardens of plot numbers 14 and 26, the purpose of these footpaths is to provide access for existing garden gates. These footpaths increase the opportunities for crime. Planning guidance advises, "Planning should promote appropriate security measures", it goes on, "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime these footpaths should be shortened to the absolute minimum length to provide access to facilitate this the existing gates should be moved to positions to enable the footpaths to be shortened.

Plot number 1, has rear garden access via a rear access footpath this increases the vulnerability of the dwelling to crime. Planning guidance advises, "Planning should promote appropriate security measures", it goes on, "Taking proportionate security measures should be a central consideration to the planning and delivery of new developments and substantive retrofits." To reduce the opportunities for crime in the first instance I would recommend that all rear garden access is in curtilage, if this is not

desirable, then I recommend that all rear garden gates are fitted with key operated locks that can be operated from both sides of the gate.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS5489:2013.

Original

Currently the footpath benefits from natural surveillance from the dwellings along Westbourne Avenue. The proposed route of the footpath, places it behind a dense hedgerow which will severely restrict natural surveillance from the proposed dwellings, this increases the vulnerability of this section of the footpath to crime. Planning guidance advises that development should promote safe routes. To reduce the vulnerability of the footpath to crime a level of natural surveillance from the proposed dwellings, similar to that which currently exists should be provided along the footpath.

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A small car park is shown to the rear of plot number 39, there is no natural surveillance of this car park from the nearby dwellings, which increases the vulnerability of the car park to crime. Planning guidance advises that "Natural surveillance of parked cars is an important consideration." To reduce the opportunities for crime greater natural surveillance of this car park from the nearby houses should be provided.

Parking for plot numbers 45 and 46 is at the end of the road with easy access from the public open space and the footpath. There is no natural surveillance of these parking spaces from the nearby dwellings, which increases the vulnerability of the parking spaces to crime. Planning guidance advises that "Natural surveillance of parked cars is an important consideration." To reduce the opportunities for crime greater natural surveillance of these parking spaces from the nearby houses should be provided.

To provide for the safety and security of residents and visitors lighting throughout the development should conform to the relevant sections of BS5489:2013.

Defra

No comments received

Developer Services, Southern Water Amended Plan

The amended plan shows that the proposed development would lie over or within a stand off distance of public foul and surface water sewer, would not be acceptable to Southern Water. We request that if this application is determined, the applicant should produce a suitable layout, confirming that the statutory clearance distance for public sewers is being maintained.

Our initial investigations indicate that Southern Water can facilitate foul sewage

disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Conditions and informative requested.

Original

The development lies over the approx. position of a public foul and service water sewer crossing the site which is not acceptable to SW. The exact position of the development must be determined before the layout is finalised.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. It might be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. If the applicant would prefer to advance these options, items (1) - (4) above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect and divert the public sewers, prior to the commencement of the development."

The impact of any works within highway I access road on public apparatus will need to be agreed and approved in consultation with Southern Water under NRSWA enquiry in order to protect public apparatus.

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Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (if any) and to design such works in the most economic manner to

satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

Initial feasibility, detail modelling and preliminary estimates.

Flow monitoring (If required)

Detail design, including land negotiations.

Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, 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 application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent 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 note

The SW plan show the approximate position of the public sewers and the location would need to be confirmed on site. Should the recommendation be to approve

measures to protect the sewers, which might include diversion, could be resolved by condition.

Development Engineer - Highways

Amended Plan

The Highway Authority has no objection to the principle of the development layout.

However as more than 5 residential units have to be serviced the means of highway layout needs to be designed to Highway Authority road adopted standards. I would suggest the applicants needs to talk to the Section 38 team of the Highway Authority at Winchester about the future suitability of the proposed road layout for its future adoption by means of a Section 38 Agreement and the need for a Section 278 Agreement to construct the new junction onto Westwood Close.

If the road layout is not offered for adoption then a management company will need to be set up and the public will need to be given the legally right to pass and repass over the non adopted highway.

These Agreements will require a road safety audit.

Original

The layout meets highway design standards subject to the developer signing a legal agreement that ensure that the highway sight lines shown in the Transport Document are obtained by means of covenants.

County Highways

The Highways Authority's comments should be made by the District Council's own engineers due to the size of the application being below that of the Agency threshold and agreement.

Education Department

My original response to the pre-application to this development remains the same with the development likely to be yielding about 2 pupils per year group. With the recent completion of an expansion to Emsworth Primary School I will be able to accommodate this number of pupils from the proposed development. Consequently I will not be seeking a contribution towards educational facilities from this development.

Environment Agency

Amended Proposal

Through the submission of additional information that addresses the previous deficiencies in the Flood Risk Assessment (FRA), it has been demonstrated that this site can be delivered in line with national planning policy for the development proposed on the site. Therefore the Environment Agency is in a position to remove our objection to the planning application.

Advice to Applicant:

River Ems Flood Alleviation Scheme

As well as our involvement in the planning application for this site we have also been providing ongoing advice on the suitability, in flood risk and environmental terms, of

sites being considered for allocation within the draft Havant Borough Local Plan. This includes land adjacent to Westwood Close.

In addition, the Environment Agency is progressing the River Ems Flood Alleviation Scheme. This aims to reduce the flood risk to approximately 300 houses in the area. It is due to consideration of the wider flood risk issues in the area that we have continued to have discussion with the Planning Policy team at Havant Borough Council regarding this site. Flooding in the River Ems catchment, especially in the village of Westbourne, occurs frequently and the frequency is anticipated to increase in the future due to sea level rise and climate change. Early work looking at the potential options for the scheme has identified the potential for flood storage on land adjacent to and/or within the development site. Therefore, looking beyond the deliverability of the site itself in flood risk terms, we are supportive of the decision of Havant to safeguard this site through its Local Plan for a River Ems Flood Alleviation Scheme.

Original comments

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the planning application as submitted. This is a holding objection and request for further information.

Reason

The FRA submitted with this application does not currently comply with the requirements set out in NPPF and the Planning Practice Guidance to the NPPF for Flood Risk and Coastal Change.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Accurately assess the level of flood risk to the site
2. Adequately take the impacts of climate change into account
3. Demonstrate that flood risk will not increase as a result of the proposed development

This objection is also in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Core Strategy March 2011 and E12 Managing Flood Risk in New Development in Havant Borough Councils emerging Local Plan.

Overcoming our objection

The applicant can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. Our objection will be maintained until an adequate FRA has been submitted.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further

representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

Environmental Health Manager, Community Group Amended Plan

I have briefly reviewed the application, and note the reduction in quantum to a level broadly in line with the draft allocation. The comments of the LLFA are also noted, as is the omission of any specific reference to the design sustainability credentials of the scheme as regards Air Quality (development emissions) and/or Low Carbon design. It is accepted that the latter matters are of diminished relative-importance under the lower-density scheme now proposed.

According to the acoustic assessment, it would appear that the standards as recommended under BS8233:2014 can be met. With regard to glazing specifications, I would ask that as the A27 traffic noise would appear to be the main contributory noise source, that consideration also be given to the resonance issue caused by a predominant frequency from tyres on a wet road which matches a transmission performance dip in 4mm glass, and would request that the double glazing specification when finalized ensures this is not an issue in the future. Also that the 1.8 meter high fence, (albeit no specification is given as to whether it needs to be a standard close boarded fence or an acoustic fence), is installed around all gardens of those properties on the eastern boundary, as advised in Item 4.2.3 of the above assessment.

Request conditions and informatives be imposed.

Original

I have reviewed the supporting documents to this application, and would like to make some general comments regarding it's environmental credentials, and with respect to the SuDS drainage scheme proposed.

Geotechnical, groundwater monitoring, and SuDS;

I note that the groundwater monitoring report provides no technical interpretation, it simply presents monitoring data. Data presented show consistently 'climbing' groundwater levels over the period Nov '17 - April '18, recording GW levels in BH4 which are coincident with ground levels (April '18). It is unclear whether standing levels recorded are representative of 'strike' levels (i.e. the actual / natural level within the productive unit, were the well absent).

A basic conceptual model for the site might be characterised as a shallow permeable strata (comprising gravelly / sandy clay) overlying a stiff, low-permeability clay with topographic sloping generally to the SW &/or SE. It is likely that there is a hydraulic connection between the productive strata and surface water channel, though there is potential for the natural flow 'system' to be overwhelmed by pluvial inputs where infiltration rates exceed the hydraulic conductivity of gravelly/sandy clays (and therefore the groundwater flow capacity - resulting in waterlogging).

I note that poor soakage results correspond to locations where monitoring indicates shallowest groundwater. The hard-surface drainage system should improve local capacity within the productive strata by diverting volume of local inputs from the permeable unit - either by direct conveyance to the surface water, or to the proposed attenuation tanks. In this way, I am not overly concerned about the shallow

groundwater, and view this as a 'construction process constraint' - though there remains potential for occasional post-completion occurring during extreme weather events. Exceedance flow information presented shows that any local groundwater flows are likely to follow pluvial flows, directed away from dwellings.

I note that the SuDS strategy utilises trapped gulleys for impermeable areas, lined / tanked permeable paving off the spine road, and flow-controlled discharge via a bioretention swale, where the flow control ensures that the relatively short / small surface area of the swale has reasonable retention time as to serve a treatment function. These measures are considered to be sufficient to address the pollution risk posed by a development of this type.

In terms of the attenuation tanks proposed, I note that these are exclusively offline, and located at elevated positions - in some cases some distance from the flow control structure. The system is heavily reliant upon a significant 'backing up' in order to utilise capacity. This may mean that the system is prone to siltation blockages, and that surcharge problems may arise (storage levels relative to chamber cover levels is not explicit). I am not sure that the applicant has done enough to demonstrate that this strategy is feasible - if the storage volume proposed is not available in practice, the SuDS 'mitigated scenario' calculations will be invalid.

Whilst I have no significant pollution concerns, I would recommend that specialist advice from HBC's drainage engineers or the LLFA (whichever is appropriate) is sought with regards to the acceptability of the level of detail provided in support of this scheme - particularly in respect of levels relative to AOD for the sewer inverts / cellular storage tank tops, and chamber covers / cover types.

Air Quality;

No significant issues arise from the Transport Assessment - trip generation rates (AADT) for the development of ~213 (PCU), and ~79 pedestrian will be significant in terms of proportional impact at Westwood close (will change it's character), but do not represent material trip rates relative to transport emissions or pedestrian facilities. A shared surface cycleway available on the nearby Westbourne Avenue, and the closest Bus stops are within recommended distances.

In this way, there is no concern about the direct impact of the development on local ambient concentrations at any specific location. However, Para 181 of the 2018 NPPF requires (local policies) to aim to sustain compliance with and contribute towards EU limit values or national

objectives for pollutants taking into account (...) the cumulative impacts from individual sites in local areas". Whilst this provision is a direction to local planning authorities to guide local policy, it is reasonable to take this direction as a steer to the interpretation of existing local policy - i.e. that the cumulative impact of development should be taken into account, and that all development should be designed to sustain compliance with national objectives, and exploit opportunities to improve air quality.

Against these criteria, this development does not make a robust offering. The Design and Access statement refers (at 6.3) to '*potential for incorporation of energy efficiency measures*', but does not go on to outline any specific plans or proposals, and I note that the SuDS strategy does not include any harvesting to which the above statement could be taken to refer. In this way, it is unclear whether the development should be deemed to be compliant with- or contrary to policies CS14 & CS16.

The tone of the Design & Access statement is one which appears defensive of the

housing density, which represents a +30% quantum relative to the draft allocation for the site in the emerging local plan (UE27A), and which I would imagine is pushing the boundaries of acceptability given the character of the local area. I would regard the proposed density - and moreover, the increased density over that which the Council considers the site is capable of in line with its policy aspirations - as being reasonable justification for seeking a stronger sustainability offering, or at the very least, seeking clarification on sustainability proposals.

Sustainability elements relevant to air quality local to the site would include supporting infrastructure for electric vehicle / plug-in-hybrid vehicles; any space/water-heating or household appliances which are 'zero-emission at point of use' (i.e. electrical, where these replace a combustion appliance), the provision of on site renewables (direct solar, PV, or heat pump) or any technology which reduces the need for combustion or reduces combustion emissions - e.g. ultra-low NOx boilers, ventilation with heat recovery, or high quality design which makes efficient provision for solar gain for both heating and the avoidance of over-heating (minimising the need to cool). Many of these measures could also indirectly reduce offsite emissions, and thus contribute to incremental improvements in air quality.

Hampshire Fire & Rescue
Amended Plan

Standard guidance/comments provided.

Original

Please ensure the premises complies with the guidance contained in Part B5, Approved Document B, Volume 1, "Dwelling houses".
Standard guidance/comments provided.

Chichester Harbour Conservancy
Amended Plan

Object

Original

Recommendation - Objection.

Following a desktop analysis and having regard to the Policy framework* below, the proposed housing development would appear premature to the proper consideration of the Draft Havant Bough Local Plan H10 proposed site allocation.

It is also noted that no such allocation appears in the Draft Emsworth Neighbourhood Plan and that the statement made in the BJC Planning, Design and Access statement (June 2018) at paragraph 1.4 is not wholly accurate: the outline of the H10 allocation is considerably smaller than the submitted red line for this application.

It is noted from the Proposals Map of the Hampshire Minerals and Waste Local Plan (M & WLP - 2013) the site, which is likely to be underlain by 'Soft Sand', affected by Policy 15 of that plan. This Policy requires that -

"Policy 15: Safeguarding - mineral resources

Hampshire's sand and gravel (sharp sand and gravel and soft sand), silica sand and brick-making clay resources are safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place.

Safeguarded mineral resources are defined by a Mineral Safeguarding Area illustrated on the Policies Map.

Development without the prior extraction of mineral resources in the Mineral Safeguarding Area may be permitted if:

- a. it can be demonstrated that the sterilisation of mineral resources will not occur; or
- b. it would be inappropriate to extract mineral resources at that location, with regards to the other policies in the Plan; or
- c. the development would not pose a serious hindrance to mineral development in the vicinity; or
- d. the merits of the development outweigh the safeguarding of the mineral.

The soft sand / potential silica sand resources at Whitehill & Bordon (Inset Map 5), further illustrated on the Policies Map are included within the MSA and are specifically identified for safeguarding under this policy. "

A February 2016 Supplementary Planning Document produced by the Joint Minerals and Waste Partnership says at paragraph 2.5 that -

"Soft sand and silica sand resources are more scarce in Hampshire compared to sharp sand and gravel and this may be reflected in the approach the Hampshire Authorities take to proposals that may sterilise these resources. "

This soft sand allocation affecting the application site is in a minerals safeguarding area (according to paragraph 6.74 of the Havant Draft Borough Local Plan 2036), under Policy 15 of the M & WLP on-line does not detail the boundaries of such safeguarded sites.

Hampshire County Council should provide written clarification on this point, before the application is determined.

As another matter of principle, has the desirability of maintaining best and most versatile agricultural land been taken into account? I do however note paragraph 4.33 (page 15) of the submitted Design and Access Statement.

Whilst acknowledging that the proposals would not adversely affect the setting of the Chichester Harbour AONB, there are other fluvial surface water and foul drainage impacts, which could potentially impact water quality and thus ecology and maintaining the 'favourable conditions for nature conservation' in the Harbour and its Ramsar, SPA, SAC, 5.5.5.1. designations.

Under paragraphs 177 and 180 of the NPPF, it seems Natural England is satisfied that an appropriate assessment has been carried out which concludes the development "will not result in adverse effects on the integrity of any of the sites in question", under Regulation 63 of the Habitats Regulations.

I am unclear as to who has carried out this assessment, as it does not feature on the application on-line webpage and no reference is made to it in the submitted Design and Access Statement and the WYG ecological appraisal only seems to have considered on- site impacts.

Can the council please make this appropriate assessment available, as The Conservancy would like to scrutinise it, with a view to making further comments on this application and potential off-site impacts to the integrity of the Chichester Harbour

AONB.

I note the Council has agreed an extension of time to continue to process the application which runs until 3 January 2019.

This development will ultimately be draining into Chichester Harbour, via the River Ems and Policy WQI of the Chichester Harbour Management plan is a material planning consideration under the Council's Core Strategy Policy CS12.

I note Natural England's 18.10.18 comments but consider it too has not properly considered the above off-site impacts, where the Environment Agency has objected 21.8.18 on the grounds of there not being a satisfactory Flood Risk Assessment.

Looking at the submitted particulars, I do not consider the latter issue has been properly thought out. An increase in surface water run-off is inevitable and would only be heading in one direction - the River Ems. The adopted local plan Policy DM25 must surely be a strong material planning consideration here.

The views of Peter Hughes, the Conservancy's Ecologist are -

"Although the site in itself is of limited ecological value, it is a significant part of the green corridor alongside the River Ems, and the grassland and hedges are part of the floodplain habitat mosaic which will provide foraging and breeding opportunities for a wide range of wildlife.

The proposal is likely to result in increased run-off and diffuse pollution, and human disturbance, to the River Ems, and thus I would recommend buffering the River Ems from the development through range of mitigation measures. Additional native hedgerow planting alongside the proposal site, and a sensitive lighting plan should be secured through condition."

If the Council is ultimately minded to support this planning application, this should have regard to reduce recreational disturbance at the Solent SPA's under Policy DM24 through a developer contribution and a raft of safeguarding planning conditions relating to -

- The views of the Conservancy's ecologist above;
- on-going water quality monitoring and a mechanism for securing remediation from all those with an interest in the development site (to ensure no potentially contaminative run-off from the development compromises the Chichester Harbour SPA and SAC);
- safeguarding retained natural features of the site; and,
- securing sustainable urban drainage systems and securing new soft/tree planting and other ecological enhancements to the site.
-

YNPPF paragraphs (Generally) 1-3, 6-9, 15-16, 20, 23-24, 38-43, 54-56, 59-62, 65-67, 73-75, 96, 102-103, 105-106, 117-118, 122-123, 125, 149-150, 156, 162, 171, 174, 178-179, 181, 185, 203-204, 206-208 & 212-213, 215; and, (Specifically) 10-14, 28-29, 34, 45, 47-50, 64, 71, 77-79, 91, 94, 98, 104, 108-111, 124, 127-131, 148, 153, 155, 157-161, 163, 165, 170, 175, 177, 180, 189-190, 193 & 199;

NPPG: !D's 2a, 3, 4, 6-8, 9, 11-12, 18a, 20, 21a, 21b 23b, 26-27, 31, 33-34, 36-37, 41-42, 50, 56;

Havant Borough Local Plan (Core Strategy) 2011 - CS1, CS8-CS9, CS11-CS17, CS19-CS21, DM1, DM8, DM10-DM13;

Havant Borough Local Plan (Allocations) 2014 - ALI-AL2, DM17, DM20, DM24-DM25;
Hampshire Mineral and Waste Local Plan (2013) - Policy 15;
Draft Havant Borough Local Plan 2036 - IN1-IN3, EI-E3, E6-E13, E15-E16, E18-E21, HI-H4, HI0;
Draft Emsworth Neighbourhood Plan (2017) - C3, LI-L5, W5, M2-M4, H2, DI-D8;
Chichester Harbour AONB Management Plan 2014-2019: LS1-LS2, NC1, NC5, BD1-BD2, WW2, WQ1, EL5;
SPG/SPD - Borough Design Guide; Emsworth Design Statement.

South Downs National Park Authority

Amended Plan

we would wish to maintain the comments we previously provided on 22 October 2018.

Original

We note that the site is identified as a potential housing allocation for 35 dwellings as part of the consultation on the emerging Havant Borough Local Plan 2036, although we understand the Local Plan has not yet reached submission stage. We would also draw attention to the Westbourne Neighbourhood Plan, which is at an advanced stage and which seeks to retain the open gap between Emsworth and Southbourne, including the land to the immediate east of this application site, on the other side of the County boundary.

The proposals include diversion of the footpath running through the site. This forms part of the Sussex Border Path, linking into other public rights of way within the South Downs National Park as well as providing a connection between the SDNP and Chichester Harbour AONB. The SDNPA would have no objection to the principle of diversion of this route but (in order to encourage access into the National Park by means other than the private car) would encourage a replacement route to be of a higher quality of provision, including offside improvements if the LPA considers this appropriate.

Havant Area Disability Access Group

No comments received

Housing Manager (Development)

Amended Plan

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), and the governments Ministerial Statement published during the summer of 2016, mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; Havant Borough Council Draft Local Plan 2036 states that town centres should be able to include 20% affordable housing.

The demand for affordable housing remains high within Havant borough; as at 1st February 2019 there were 1691 households registered on Hampshire Home Choice seeking accommodation in our area and of these 837 are waiting for a one-bedroom home, 571 for a two bed, 219 for a 3 bed, and 64 for a 4+ bedroom home.

The applicants are proposing 11 (30.6) Affordable units comprising of a mixture of 1, 2, 3, and 4-bedroom homes. I am very pleased to see that the applicants have included a 4 bed Affordable Rent property within their proposals.

The applicants have provided details of the location, and house type, and tenure of the Affordable units, and I am satisfied that they are well distributed around the site, will be indistinguishable from the open market homes, and that the 64/36 tenure split, Affordable Rent/Shared Ownership, will help meet the affordable housing needs of the borough.

If possible, I would like to see at least one of the ground floor 1-bedroom flats made accessible for tenants with mobility issues, or wheelchair users.

The location of the development is close to Emsworth village centre with its services (bus transport

Original

The s106 proposed provision (the 14 units) looks ok initially and I am pleased that they have included a 4 bed in the mix.

Landscape Team

Amended Plan

The combined hard and soft landscape general arrangement plans do not clearly demonstrate drop kerbs and tactile paving to be a DDA compliant scheme. (condition required)

Original

From a landscape perspective we do not object to the principal of this development, however we have the following comments:

- The submitted boundary materials drawing no. 17017A-PL-2-06 indicates timber close board fencing around plot 02. This property frames the gateway to the development and we feel a higher quality detailing would improve the streetscape. Subsequently we feel that a brick wall boundary should be proposed to improve the streetscape. Additionally the boundary north and east of plot 01 forms part of the external boundary of the development and brick wall detailing to mirror plots 45 and 46 should be implemented to improve security and create a continuity when viewed from the PROW.

- We have concerns with the lack of internal trees to soften the landscape which internally is deemed to be too dominated with hard landscaping. One option is to incorporate additional trees along the main spine road running along the east of the site. This could be achieved by moving the carriageway further to the east towards the boundary hedge. The footway can be retained in the proposed location and this will create space for a verge. The verge could then be incorporated into the SUDs scheme by creating swales which in turn can be planted with appropriate trees to improve the attenuation, interception and soil permeability. Additionally we would like to see more trees proposed within the private driveways off the main access road to retain the suburban landscape character of New Brighton.

- The management of the existing field is proposed to be grazed by livestock, we need to see an appropriate intervention to deter animals from entering the site whilst the boundary hedge is establishing. At present the staggered rows is not sufficient and is deemed inadequate.

Local Lead Flood Authority HCC

Amended Plan

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: No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:

☐ **Maintenance regimes** of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. **Evidence** that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.

Original

Surface Water Drainage

We have reviewed the following information in relation to the planning application: 18/00672

- ☐ *RCP Flood Risk Assessment – June 2018*
- ☐ *Outline Surface Water Drainage Assessment dwg no. HAM/E4559/002C*
- ☐ *Outline Flood Assessment dwg no. HAM/E4559/SK001B*
- ☐ *Micro Drainage Calculation's*
- ☐ *Site Investigation Data*

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.

No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:

☐ **Maintenance regimes** of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. **Evidence** that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.

☐ Evidence that **Urban Creep** has been considered in the application and that a **10% increase** in impermeable area has been used in calculations to account for this.

Please see below for further general guidance for the application

It is important to ensure that the long-term maintenance and responsibility for Sustainable Drainage Systems is agreed between the Local Planning Authority and the applicant before planning permission is granted. This should involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies. For SuDS systems to be adopted by Hampshire Highways it is recommended that you visit the website at:

<https://www.hants.gov.uk/transport/developers/constructionstandards> for guidance on which drainage features would be suitable for adoption.

Where the proposals are connecting to an existing drainage system it is likely

that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.

Natural England Government Team

Amended plan

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, providing that all mitigation measures are appropriately secured in any permission given.

Original

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

This application is within 5.6km of Chichester Harbour Special Protection Area and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

In addition in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required or the following mitigation options should be secured:

- . A Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by a Hampshire County Council (HCC) ecologist that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The CEMP should address the following impacts:
 - . Storage of construction materials/chemicals and equipment;
 - . Dust suppression
 - . Chemical and/or fuel run-off from construction into nearby watercourse(s)
 - . Waste disposal
 - . Noise/visual/vibrational impacts

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

- . Details of the proposed Sustainable Urban Drainage System SuDS should be approved and secured by an appropriately worded planning condition(s) attached to any consent
- . A Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, should be submitted to approved in writing by a HCC ecologist and secured by condition.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's advice on other natural environment issues is set out below.

Chichester and Langstone Harbours SPA & Solent & Dorset Coast pSPA - Recreational Disturbance.

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Please note that, recent case law ('Sweetman II') outlines that mitigation measures should not be assessed through a Habitats Regulations Assessment (HRA) to 'screen out' impacts at the stage of considering Likely Significant Effects (LSE), rather avoidance & mitigation measures should be considered through an Appropriate Assessment. Therefore in this case, as mitigation measures are proposed to avoid a likely significant effect your authority's HRA will need to include an Appropriate Assessment under Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017. Please note Natural England are a statutory consultee for Appropriate Assessments and should be re-consulted once your authority has completed its HRA.

Solent Maritime SAC - Water Quality

The application site is bordered on the eastern side by a tributary of the River Ems which provides a direct pathway to the Solent Maritime SAC and Chichester Harbour SSSI.

The application is supported by Flood Risk Assessment and Flood Risk and SuDS Strategy Note (RCP Architecture & Civil Engineering June 2018 & February 2018). Natural England welcomes the proposed SuDS measures of swales, ditches, attenuation basins and cellular storage tanks.

It is Natural England's advice that provided these measures and the details of the proposed SuDS are approved and secured by an appropriately worded planning condition(s) attached to any consent, no further consultation with Natural England on this aspect of the proposal will be required.

In addition, Natural England would advise on the following issues:

Protected species

Please note we have not assessed the application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

Biodiversity Mitigation and Enhancement

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8,118,170,174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist.

Provided an HCC approved BMEP is received and secured by any permission then your authority may be satisfied that it will have met its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity', and in relation to European Protected Species Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

Natural England notes and welcomes the ecological appraisal, dormouse report and bat activity survey report submitted with the planning application. These reports include mitigation measures for reptiles, bats, badgers, dormice and birds as well as enhancement measures for biodiversity gain such as native tree planting and native hedging, bat boxes and bird nest boxes.

In addition the ecological appraisal notes that a site-wide ecological mitigation strategy will be set out in the future, this should be included in the BMEP as the footpath diversion in particular offers opportunities for site wide enhancement. Further opportunities for enhancement might include:

- . Providing a new footpath through the new development to link into existing rights of way.
- . Restoring a neglected hedgerow.
- . Creating a new pond as an attractive feature on the site.
- . Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- . Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- . Incorporating swift boxes or bat boxes into the design of new buildings.
- . Designing lighting to encourage wildlife.
- . Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- . Links to existing greenspace and/or opportunities to enhance and improve access.
- . Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- . Planting additional street trees.
- . Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- . Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

We would recommend that a BMEP is agreed with the HCC Ecologist to ensure that any measures identified within the report, and any further measures as necessary, are

secured and implemented with any planning approval. Consideration should be given to other developments proposed in the locality to ensure the biodiversity mitigation and enhancement measures are addressed strategically and consider the continued ecological function of the area.

Please note that provided the HCC Ecologists are satisfied with the submitted BMEP and the full implementation of the plan is secured by any permission then no further consultation with Natural England on this aspect of the proposal is required. In the event that a BMEP cannot be agreed with the applicant then Natural England should be re-consulted on the proposals so that we can reconsider our advice.

Protected Landscapes - Chichester Harbour AONB & South Downs National Park

The proposed development is for a site close to nationally designated landscapes; namely the Chichester Harbour AONB and South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Regarding Chichester Harbour AONB we advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Regarding South Downs National Park the landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the

understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty. Further comments on original proposal -

Many thanks for confirming this for me. Natural England now have no objection to the appropriate assessment.

No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

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, providing that all mitigation measures are appropriately secured in any permission given.

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 European 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 European 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.

Officers note- These consultee comments pre-date recent advice from Natural England in respect to water quality and the Council has undertaken a further Appropriate Assessment in respect to the Habitats Regulations which is attached as Appendix A. The conclusion of the AA is provided in section 7 below.

Open Space Society

No comments received

Public Spaces

No comments received

Ramblers Association

Amended Plan

The comments and objections I made in my previous letter still remain.

I welcome the reduction in the number of dwellings and the consequent increase in

separation between the line of the diverted footpath and the new estate. However I still feel the diverted path would be better if further east to more nearly follow the County boundary rather than following the arbitrary plan boundary.

I welcome the extra planting within the 'grazing land' of the three new trees, however I think they, or extra planting, should be placed alongside the diverted path. In this location they would provide a 'reason' for the new path route. and better screen it from the housing.

The 'Amended Planning and Design Statement' mentions access for walkers and cyclists to the site. The 'Site Layout Plan' calls the gates from the proposed estate road into the remaining field '*Connection point to proposed footpath/grazing land*'. There is however no mention of the status of such access. I believe the estate roads should either be adopted as public roads or have public rights of way such that all local residents can use them to access these '*connection points*' to reach the footpath. I welcome the '*proposed footpath link*' from the gate at the southern end of the estate road linking to footpath 73. This link should be dedicated as a right of way. There should also be a matching link between the estate road and footpath through the northern gate.

Original

I object to this development for many of the reasons stated by the numerous other objectors but specifically because of the effect it will have on Footpath Havant 73.

This footpath is a popular and well used path. It is an important path being part of the long distance route named the 'Sussex Border Path'. Although it is in a suburban location it has open countryside to the east and, while adjacent to the back gardens of houses on the west, it is not significantly overlooked. The diversion suggested in the development plans would make only a minor change to the route of the path but would completely change the path's context. The path would become completely overlooked by both the houses in the new development and by the service road.

If the development is allowed I suggest the following changes be made to limit the impact on the footpath and its environment. I can see no reason why the south east limit of the site boundary has been drawn where it has been (see documents 19]u12018 - D2577 FAB xx GL DR L 0100 - COLOUR LANDSCAPE MASTERPLAN and 5]u12018 - 17017A-PL-2-08 REVB - FOOTPATH DIVERSION PLAN). This boundary neither follows the edge of the field nor the Hampshire/Sussex county boundary. The only reason I can see for its position is that it follows the proposed new position for the footpath. We should consider the whole field as part of the application, or at the least that part of the field that is within Hampshire.

The footpath diversion suggested in the application would leave the footpath running alongside the estate access road. The planned hedge and row of trees would provide little screening, as is shown by the CGI view of the development (see document 19]u12018 - CGI ILLUSTRATIVE VIEW). I believe it would be far better to relocate the footpath much further to the east as it passes the new houses. It should follow alongside the county boundary until it reaches the most northerly of the three access gates from the new estate. It is after all the 'Sussex Border Path'. I believe this would be a more pleasant location for the path and would allow further screening from the new housing.

I realise moving the path further east would place the path further into the flood zone but the floods are infrequent. Even when flooding does occur the path would be

unusable on the present alignment because the southern end of the path, outside the site boundary, is already in flood zone three. My impression from inspecting the site is that although the existing route of the path is very wet and muddy, the ground gets dryer the further east one goes, providing of course that a flood is not in progress. As part of the diversion of the footpath I would expect consideration to be given to any needed surface preparation to reduce mud and limit the effects of flood.

I would also like clarification on the intended use of that part of the field that is not to be built upon. There are access points from the new development into the remaining open space labelled variously on different plans as 'Gated access from new development' and 'connection points to open space'. I presume this means that this remaining part of the field is intended to be public open space in some sense. A suitable legal framework and management plan should be provided such that residents of the new development and other members of the public have access to this land. Such access would enable them to enjoy the open space. It would also allow them to join or leave the footpath where it passes the new estate. At the moment there is no official way for the residents of Westwood Close and beyond to gain direct access to the footpath. Such access would also allow people using the path to avoid any flooding by diverting onto the estate road.

Finally, the application shows a hedge and tree line alongside the estate road. This provides little screening for the footpath. I suggest that the addition of groups of small trees and shrubs scattered within the field between those alongside the road and my more easterly location of the path would be a more effective screen. It would make the path feel more part of the countryside rather than part of a housing estate. This would also better screen the new development from view for those looking west towards it from the countryside of West Sussex.

see section 7

Southern Electric

No comments received

Southern Gas Networks - stage 1

Amended Plan

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal. However, should your proposal change please contact us immediately and we will re-assess.

The pipeline is of prime importance to the gas supplies of this area. It is essential that you comply with the restrictions detailed below and in the document SGN/WI/SW2 in order to protect our plant and equipment and for the safety of your own operatives. A SGN representative must be contacted before any works commence.

1. No mechanical excavation is allowed within 3 metres either side of pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
4. All precautions stated in publication SGN/WI/SW/2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW/2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on

Tree Proximity’.

7. Before commencing work on site you must contact our Pipeline Maintenance Section on the number above at least seven days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to highpressure gas pipelines can then be discussed.

8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.

9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.

10. Intrusive construction methods will require an agreed method statement prior to work starting.

11. Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline

Traffic Management Team Amended Plan

Nothing further to add

original

I am concerned that if there is a covenant to stop trade vehicles parking on the developments these vehicles will park in nearby residential streets.

HBC Tree Wardens

The proposed development site forms part of a wildlife corridor that links Emsworth and Westbourne. To the north is Hampshire Farm Meadows and to the south is Brook Meadow nature reserve, a Site of Importance for Nature Conservation (SINC).

The proposed site is close to the River Ems which runs to the east of the site and is only slightly higher than land currently classified as Flood Zone 2. The Environment Agency is reviewing the classification. It would seem prudent to defer the application until the outcome of that review is known. The development is likely to have an impact on water flow and water quality in the River Ems.

We feel there are several areas being glossed over concerning trees to be felled, those for which pruning is proposed to allow for construction access and clearance between building plots and root protection areas.

The proposed site includes trees subject to Tree Preservation Orders, two oaks within the hedgerow (currently a group TPO) and three TPOs close to boundaries within gardens in Westbourne Avenue. The latter have recently been applied for by owners in two gardens due to proposed building almost up to their fences and there will resistance from owners to any pruning.

Excavation work appears to be planned within the root areas and the Arboricultural

Assessment suggests they are healthy trees well able to cope with the disturbance. If the trees are worthy of Tree Preservation Orders then they are worthy of protection and the root protection areas should be extended to minimise disturbance.

Approximately one-third of the central hedgerow which is subject to the group TPO is intended to be removed to make room for an access road, leaving the smaller of the two TPO oaks with an inadequate root protection area. The tree has an extended canopy of 6.5m on the southern side that gives a hint as to its root spread.

In his book 'Ancient and other veteran trees: further guidance on management' (The Tree Council / Ancient Tree Forum) David Lonsdale recommends providing increased root protection areas for veteran trees to 15 times the stem diameter at breast height or five metres beyond the tree's canopy, whichever is the greater. The white arrow at the extreme left in the attached illustration shows where ploughing has revealed the extent of roots.

The Arboricultural Assessment states that six trees and parts of three groups of trees are to be removed, all of low quality. We take issue with this classification. The trees include some ash which may succumb to ash dieback but currently appear healthy and two well established seven metre tall field maples with the potential for further growth. The trees may not be important to developers whose main motivation is to maximise profits. However, they make a contribution to the landscape and there would be a noticeable gap if they were to be removed. These trees are possibly veteran and should be considered appropriately during the planning process. Both have been entered on the Ancient Tree Inventory.

The revised National Planning Policy Framework now recognises the exceptional value of ancient and veteran trees for their cultural and heritage value and as irreplaceable habitat. Their loss or deterioration should only be permitted in wholly exceptional circumstances when deciding planning applications. This puts ancient and veteran trees on a par, in policy, with ancient woodland and other highly valued elements of the natural environment such as Sites of Special Scientific Interest and the built heritage. We are concerned that the supporting reasons for removing trees depend simply on their current (disputed) insignificance in terms of skyline features and contribution to local character. This ignores their contribution to thriving bird life (nests & foraging) plus bats flying along them to hunt insects above the River Ems. These considerations may not be relevant in terms of placing TPOs, but they are significant in terms of the local semi-rural character and as an important part of a major wildlife corridor linking the South Downs National Park to Chichester Harbour via Brook Meadow local nature reserve. The general connecting area is already under significant development pressure, e.g. Long Copse Lane.

We object to the felling of trees and destruction of hedges that support wildlife. It appears from the plan that, apart from trees within the residential development, few additional trees will be planted and it is not known what species or how large they will be. They are therefore unlikely to replace the trees lost in terms of contributing to the landscape or wildlife value.

The Sussex Border Path which runs through the site is a historic pedestrian route between two historic settlements. It is a consistent route shown in 1849 Ordnance Survey maps and since and is well used by local and visiting walkers. The proposed diversion would place the footpath in an area that is likely to be muddy and, at times, unusable in the winter. The proposed development will completely change the character of this part of the walk; instead of pleasant country views, the path will pass near to a housing estate which will be visible from the southern end of the field.

This is not a suitable site for the proposed development and we would urge the council to refuse this application. The strength of feeling towards this application is evident from the number of objections. This application should not be considered under Delegated Powers. The application must be carefully deliberated by our elected representatives.

Should the application be approved, we have the following additional comments. There is no instruction to avoid removal or disturbance of the hedges during the bird nesting season.

Root protection areas are indicated on the plan and we note there will be some disturbance to roots of trees offsite at the proposed entrance from Westwood Close and at the north-west boundary. Close monitoring of root protection areas and activities on site will be required to ensure that barriers are positioned correctly and no additional harm is caused to tree roots.

The plan indicates that trees and hedges will be planted. The Combined Landscape Visual Impact Assessment and Landscape Design Statement includes a Tree palette (section 6.5) for trees to be planted within the residential area and a Native Hedgerow Palette (section 6.6).

We note that all the hedgerow plants will be planted as bare root stock; at 900-1200mm height (and then cut back to a standard height); at 5 plants per linear metre on a double staggered row layout. This suggests the hedge will be a uniform height along its length. The 'standard height' is not stated and is expected to be two metres. While the new hedge will eventually partly screen the houses, the trees will not be allowed to grow to the size of the trees removed and make a significant contribution to the landscape. There is an opportunity for more screening of the houses by allowing some to grow as hedgerow trees.

The illustration for Guelder Rose in the Native Hedgerow Palette shows an ornamental variety and not the native species.

Waste Services Manager

Amended

Nothing further to add

Original We just need to ensure the service road is of a suitable standard width and strength, to accommodate a 26 refuse vehicle for waste collection.

Westbourne Parish Council

Amended Plan

Strongly object.

Although some modifications have been made to the current development proposal, the Parish Council considers that these minor changes do not in any way overcome the objections it has previously made to both the strategic principles and to the details of the scheme.

Original

Westbourne Parish Council strongly objects to the above named planning application. The Parish Council's objection to the proposed development has already been provided at a Development Consultation Forum at Havant Borough Council in January 2018 where it was invited to make a representation, as well as in its response to Havant Borough Council's Draft Local Plan Consultation in February 2018. Although

some modifications have been made to the development proposal since that time, the Parish Council considers that these minor changes do not in any way overcome the objections it has previously made to both the strategic principles and to the details of the scheme. A copy of these objections is included.

As a Parish located within West Sussex, but immediately adjacent to the county boundary with Hampshire and Havant Borough, Westbourne is directly affected by the proposed development.

The Parish Council accepts that the Borough is faced with delivering significant levels of new housing to meet its share of the Sub Regional and Government growth targets that have been agreed. It recognises that substantial work has been undertaken to identify potential housing development sites and that options for suitable new sites are becoming limited. This in turn is forcing the Borough Council to consider greenfield development sites that have been protected from development for many years. However, whilst such pressures are acknowledged it is increasingly important, as the urban population expands, to ensure that the countryside envelope surrounding the Borough and separating it from neighbouring communities is protected, especially where that countryside performs important strategic functions such as:

- ☐ maintaining the separate identities of communities
- ☐ protecting habitats for endangered species
- ☐ providing capacity for water management and the protection of urban areas from flooding
- ☐ providing space for recreation, access and enjoyment of the countryside.

The Parish Council would make a very strong case that the countryside between the urban fringe of Havant Borough and the village of Westbourne performs the functions listed above. This local gap has been protected from development by planning policy of the local authorities on both sides of the boundary for many years and should continue to be protected.

The Parish Council has prepared a Neighbourhood Plan which is now nearing its final stage of approval. It was examined at a public hearing in October 2017 and the examiner's report has recommended favourable outcomes for most provisions of this Plan, and as such, the Parish Council would suggest that the policies in the Neighbourhood Plan should be afforded significant weight by the Borough Council in its deliberations on this planning application.

The Neighbourhood Plan contains local distinctiveness and biodiversity policies to define and protect the local gaps around the village, maintain its character and identity and also to protect the heritage and biodiversity of the natural and built environment. Although these policies can only affect land within the Parish, they were prepared carefully from a sound evidence base that took into account the existing and long established policies of the Borough Council adjacent to the boundary, especially those that have similar objectives of protecting the open countryside and which perform the important strategic function mentioned above.

The Parish Council has given careful consideration to the evidence base that the Borough Council prepared to support Havant's Draft Local Plan, in particular The Landscape Character Appraisal which examined the value and function of the open landscape around the Borough. This critical document looked at various parcels of land, assessed the characteristics and functions of each parcel and made recommendations as to whether the land would be appropriate for development. The open countryside that stretches from Hollybank Woods around the north east boundary

of the Borough, alongside the village of Westbourne and then southwards to the rear of the existing houses in Westbourne Avenue up to the line of the A27, is identified as a single parcel of land - LCA21.4. The proposed site (H10) is included within this parcel of land.

In respect of this parcel of land the study concludes;

*“ it is recommended that **no part** of land parcel LCA21.4 is taken forward for potential growth as the open landscape remaining outside of the 'country park' is particularly sensitive as part of the pasture landscape to the Forest of Bere in the north and the riverine landscape of River Ems in the south.”*

This critical analysis demonstrates the sensitivity of the countryside gap between Westbourne and Emsworth. The Parish Council would urge the Borough Council to not permit development at this site as it is contrary to the long established principle of maintaining the separate identity of communities and protecting the essential character of the open land that defines the setting of Westbourne Village.

Apart from this overarching strategic objection, the Parish Council has more detailed objection to the planning application which is set out below:

- ☐ The Parish Council considers that the Borough Council should not take any decision on this site until the strategic revision of flood risk, which it is understood is currently being undertaken by the Environment Agency, is completed. The site and adjoining land within the Ems Valley are affected by flooding and drainage issues and the current assessment of flood risk is likely to worsen, taking into account the implications of climate change, widely forecast to increase flood risk in locations like this.
- ☐ It would reduce and erode the local gap between Emsworth and Westbourne.
- ☐ The appearance of the development would create a hard urban edge that strongly damages the rural character of the countryside gap. The development would be far too dense in comparison to the properties on the adjacent roads. The hard edge - that can be seen in the artist impression provided by the developer – would destroy the tranquil walk on the historic border path, where the long gardens of properties on Westbourne Avenue and surrounding roads soften the urban area.
- ☐ The position of the road with street lighting at the edge of the development would further add to this unwelcome urban appearance.
- ☐ The strategic footpath would be relocated into the most waterlogged area of the floodplain of the River Ems (which is designated as flood plain 3) making it unusable in winter.
- ☐ The use of road based SUDS systems for drainage is unsatisfactory especially with no anticipated public adoption of the roads or drainage systems, which would lead to longterm maintenance problems and potential failure with subsequent increased flooding and run off into the River Ems.
- ☐ The development would damage wildlife and the surveys already undertaken are considered to be insufficient and unreliable. The area is home to four species of bat, two of which are endangered, and which feed above the hedgerows that would be removed. There would be a risk of polluting the River Ems which is home to many species, including water voles and salmon. In one of the environmental reports, it even

suggests removal of habitat for these and other species to reduce the possibility of them entering the site, something the NPPF discourages and actually looks for a positive environmental benefit.

□ The development includes 116 car parking spaces and would increase the traffic in an already busy and congested area.

□ The local community would lose one of the few remaining open field country walks in Emsworth. It is a very popular area for dog walkers, cyclists, joggers, ramblers and families.

The Parish Council would like to draw to the attention of the Borough Council, the issues related to infrastructure. Any development of the type proposed would affect Westbourne Village Centre in the event that any permission is granted. Increased traffic through the village and increased parking from future residents using the Village service would be inevitable. The Parish Council would strongly argue that any Community Infrastructure Levy that may be secured in relation to the grant of planning permission at this site should be proportionately allocated to the Parish Council to contribute to its Village Square Improvement Scheme.

The Parish Council is aware of the need for the Borough Council to meet its targets for the identification of sufficient sites to accommodate new housing and population growth. Given that the Parish Council has suggested that two urban edge sites are deleted for the reasons outlined above it is appreciated that the number of anticipated units (295) from these sites must be made good elsewhere. It is suggested that this could be achieved in a more sustainable way by a combination of two methods. Firstly, the overall density of the strategic site at Southleigh KS5 could be increased.

Secondly, the overall density of other urban sites, especially those in or adjacent to town centres, should also be marginally increased. This would achieve the overall target for new housing units by marginal adjustment and it would also have the benefit of maximising the potential of existing and proposed investment in community infrastructure serving those sites. This is genuinely a more sustainable and strategic approach to achieving housing growth than using sensitive greenfield sites at the edge of the urban area, which are not well served by community infrastructure and services.

In conclusion the Parish Council would urge the Borough Council to give careful consideration to its objections and concerns in respect of the proposed planning application.

Officer note In respect to the Community Infrastructure Levy that may be secured in relation to the grant of planning permission at this site and proportionate allocation to the Parish Council to contribute to its Village Square Improvement Scheme, this has been noted, but is not something that can be required under the current application.

Partnership for Clinical Commissioning Groups

We have noted that the number of dwellings proposed in your letter dated 26 September has decreased from 46 dwellings to 36 dwellings. We have therefore made an adjustment to proposed contributions.

As a Clinical Commissioning Group we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built

to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

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.

The proposed contributions formula for developments under 200 dwellings is: 36 No. of dwellings x 2.4 persons, divided by 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 £5,775.00 for planning gain for health which would be associated for use by Emsworth Medical Practice.

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: 40

Number of site notices: 2

Statutory advertisement: 27/07/2018

Number of representations received: 279

273 objections and 1 support were received . The objections are summarised at Appendix B to this report, and the main issues raised, where not covered by the consultee responses are addressed in section 7 below.

7 Planning Considerations

- 7.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HRA) of the proposed development.

Recreational Pressure

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 Draft Havant Borough Local Plan 2036 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. However, this has not been secured by binding arrangements. .

Water Quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out. The applicant has not been able to provide enough information in order to undertake any assessment regarding the impact of the proposed development on water quality. As such, it is not possible to reasonably assess whether the application would achieve nutrient neutrality.

Overall conclusion

There remains a likely significant effect from the proposed development on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA. As such, it would not be lawful for the Local Planning Authority to grant planning permission for the proposed development.

7.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Nature of Development
- (iii) Impact on the Character and Appearance of the area and setting of footpath 73
- (iv) Residential and Neighbouring Amenity
- (v) Access and Highway Implications
- (vi) Flooding and Drainage
- (vii) Ecology
- (viii) Trees and Hedges
- (ix) Other Environmental Effects
- (x) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

- (i) Principle of development

7.3 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

- 7.4 The Development Plan consists of the Havant Local Plan (Core Strategy 2011) and the adopted Havant Allocations Plan 2014), both of which cover the period until 2026. These plans continue to form the basis for determining planning applications in the Borough. The application site is located adjacent to, but outside of, the urban area. Policies in the adopted plans support appropriate residential development within settlement boundaries. Outside settlement boundaries residential development will only be supported for "Exception schemes" . This is not an exception scheme and the site is not located in the urban area. Therefore, this application does not accord with the development plan (it having been advertised as a departure from it). Planning permission should therefore be refused unless other material considerations indicate otherwise.

Pre-Submission Havant Borough Local Plan 2036

- 7.5 The Council published the Pre-Submission Havant Borough Local Plan 2036 for public consultation between 4 February 2019 to 18 March 2019. The publication of this document followed a long period of public engagement between 2016-2018, including the now revoked Local Plan Housing Statement. The emerging plan includes the Council's preferred options for new housing allocations. The application site was part of a site that was considered and rejected for inclusion in the Housing Statement through the July 2016 Strategic Housing Land Availability Assessment (SHLAA). Part of that site was subsequently included as a proposed development in the Draft Havant Borough Local Plan 2036.
- 7.6 Following consultation on the draft local plan, it was highlighted that further consideration was needed regarding the principle of development on this site. In then moving from the Draft Local Plan to the Pre-Submission Local Plan, detailed discussions continued, most pertinently with the Environment Agency regarding the potential need to use the site for a strategic flood alleviation scheme for the River Ems. This was highlighted through the Strategic Flood Risk Assessment of Local Plan sites and the Sustainability Appraisal. Given that there are clear constraints to development, the site was not taken forward for housing through the Sustainability Appraisal and the site is not proposed for development in the Pre-Submission Havant Borough Local Plan 2036, and is proposed for safeguarding for flood alleviation for the River Ems under policy IN1 of the Pre-Submission Havant Borough Local Plan 2036 .

Consistency with the National Planning Policy Framework.

- 7.7 The Secretary of State's policy on the National Planning Policy Framework (February 2019) 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 "plan-led" planning system. Paragraph 11 of the NPPF advises that a presumption in favour of sustainable development is seen as the golden thread running through both plan-making and decision making, which 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"
- 7.8 A robust assessment has taken place of land in the Borough to inform the

Pre-Submission Havant Borough Local Plan 2036. This has shown that there are sufficient deliverable and developable sites upon which to meet the Borough's housing need. Given the clear constraints in respect to the application site it has not been allocated for development and is not included within the 5 year land supply for the Borough. Notwithstanding the above the applicant has in respect to the policies in the Pre-submission Havant Borough Local Plan 2036 completed a Compliance Conformity Check. Whilst at this stage the policies have limited weight, as the plan progresses this will change.

(ii) Nature of Development

7.9 The current application is for full planning permission for 36 dwellings with a single vehicular access off Westwood Close. Regarding the nature of development the following factors are relevant;

- The density of residential development
- The mix of dwelling sizes and tenures
- The design and layout of the residential development including Public Open

Space

The density of residential development

7.10 The application seeks 36 No. dwellings which, based on the net site area of 1.04 ha equates to approximately 35 dph dwellings per hectare. Core Strategy policy CS9 states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

7.11 Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:

High Density – Minimum of 60 dwellings per hectare
Medium Density – Minimum of 45 dwellings per hectare
Low Density – Up to 45 dwellings per hectare

Under this assessment the density of development can be considered to be within the Low Density category.

7.12 Paragraph 6.23 makes it clear that 'It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents. This is therefore best assessed through individual planning proposals through the development management process'

7.13 The NPPF states that planning policies should promote the effective use of land. The proposed density of 35 dph whilst low reflects the site constraints including the flood zone restrictions, the relocation of footpath 73 and environmental consideration, and is considered to be an appropriate density for the site. However, it should be noted that

part of the development lies within flood zone 2 and the potential flooding of the access road and parking serving dwellings on this part of the site would impact the amenity for future occupiers.

The Mix of Dwelling Sizes and Tenures

- 7.14 With regard to the type and size of proposed accommodation and its potential to create a mixed and integrated community, regard is to be had to Core Strategy policy CS9 which states 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'. Paragraph 6.24 states that a mix of dwelling types is sought from one and two-bedroom flats to terraces and larger detached houses. In this case the proposal comprises a mix of detached, semi-detached and flatted development of two storey providing for 1, 2, 3 and 4 bed properties.
- 7.15 The proposed scheme includes 11 dwellings for affordable housing. There are a large number of households registered on Hampshire Home Choice seeking accommodation in the Borough. This development would therefore make a valuable contribution of 11 affordable properties towards the Council's shortfall of affordable housing and assist some of those households currently on the Council's housing waiting list.
- 7.16 The affordable housing provision will provide a comprehensive range of dwellings aimed at meeting the diverse requirements in the region, including 1 bed flats 2 and 3-bedroom houses and a 4 bed house, with a mixture of affordable rented and shared ownership properties. This will deliver a choice of homes.
- 7.17 The submitted details provide for 30% affordable units which would be distributed throughout the site in order to avoid a concentration of affordable housing. The provision of affordable housing would need to be the subject of a legal agreement. Whilst the applicant has indicated a willingness to enter into a S106 agreement, in the absence of such an agreement, this constitutes a refusal reason.

The Design and Layout of the Development including Public Open Space

- 7.18 As set out in the submitted Design and Access Statement the layout for the scheme has been informed by the position of the site adjoining the urban edge, existing access position, flood zoning, the topography, trees, hedges and boundary screening, the nature and form of existing surrounding development and drainage and ecology mitigation requirements over the whole site, together with the relocation of the definitive footpath. Detailed negotiations have taken place with the applicants in order to improve the urban design qualities of the originally submitted scheme, with particular regard to the character of the street scenes and highway layout, and key buildings. The revisions to the scheme in the northern part of the site have sought to improve the scheme's relationship with protected trees. The proposed tree and hedgerow planting to the east of the spine road would provide a landscaped setting to the diverted public right of way.
- 7.19 To facilitate the proposed development, part of Havant Footpath 73 will need to be diverted. The length of existing footpath requiring diversion is approximately 350m and the proposed diversion route would be 370m in length. The details of the diverted footpath including the surfacing have been negotiated with the Countryside Planning

Officer at Hampshire County Council, and HCC have raised no objection on this matter.

- 7.20 The layout seeks to reflect the form of the site, and the adjoining residential properties to the west and the proposed landscaping seeks to create a sensitive urban edge on the eastern boundary. Access into the site for the proposed residential development is via Westwood Close.

(iii) Impact on the Character and appearance of the area and the setting of footpath 73. -

- 7.21 The site currently has a rural and open character, providing a setting for the River Ems and public footpath and affording views of the surrounding landscape including the Westbourne church spire. It is relatively flat allowing for distant views and supports a number of trees and hedging including TPOed trees, ancient hedge row and veteran trees, which provide habitat for wildlife and are considered at 7(viii) below. The sensitivity of this countryside gap between Westbourne and Emsworth is recognised in the Landscape Character Assessment Sensitivity Report 2007 updated May 2015 which states:- *"Although the capacity of the land parcel is medium/low, it is recommended that no part of land parcel LCA 21.4 is taken forward for potential growth as the open landscape remaining outside of the country park is particularly sensitive as part of the pasture landscape to the Forest of Bere in the north and the riverine landscape of River Ems in the south"*. The proposed housing development whilst reducing the existing green gap would retain a large part of the meadow as open space and provide for new landscaping to integrate the development with the countryside beyond. As such whilst there is an impact on the wider landscape and strong public objection on this matter, were it to have been identified as a site for development through the local plan the impact is consistent with development on the urban edge.
- 7.22 The route of footpath 73 also forms part of the Sussex Border Path, which is a long-distance promoted trail, administered by West Sussex County Council. The Countryside Access Team have assessed the proposal and whilst they consider that the proposed diversion would not be as convenient for users and the increase in footfall from the proposed development would have an adverse impact to the public amenity value of the route, they have concluded that subject to vegetative screening and mitigation in the form of contribution of a £80,000 to deal with any drainage issues and enhance the surface of the proposed route, raise no objection.
- 7.23 Notwithstanding the above wider considerations, and the fact that the diverted footpath route retains views of the church spire, the submitted plans, whilst providing for replacement planting in the form of new hedging and tree planting to be located between the site and the route of the proposed diverted footpath, and maintaining the eastern part of the site as open space, will never the less have an impact on the character of the area including the present countryside setting of footpath 73 due to the proximity of the proposed housing development. It will also reduce the green gap and landscape setting of the stream corridor. As such the proposal is likely to have a material adverse impact on the public amenity value of the area and the route, which needs to be weighed against the benefits of the scheme.
- 7.24 In respect to the character of the existing built up area adjoining the site, the adjacent development is mainly low density with many of the adjoining properties having large mature gardens with a high level of vegetation. The proposed development, with a higher density and more restricted garden sizes, provides

limited opportunity for planting but given the need to make the best use of land, were it to have been identified as a site for development through the local plan the impact is consistent with a suburban form of development on the urban edge, and to achieve an acceptable form of development.

(iv) Residential and Neighbouring Amenity

7.25 With regard to existing residential amenity, the main impacts are considered to relate to the following areas:

- Whether the proposed houses would have an overbearing impact on existing properties in terms of mass/bulk and proximity to existing residential properties,
- Would the development be likely to lead to unacceptable overlooking?
- The likely impact from noise and disturbance from the use of gardens and open areas of the site,
- Traffic noise and disturbance from the cars entering/leaving the site and manoeuvring within it.

These potential impacts are addressed below:-

7.26 The houses have been set off the boundary with the adjoining properties, and either have side elevations adjacent to the boundary with no windows to habitable rooms facing the existing dwellings or are provided with minimum 10m deep rear gardens to provide separation to the boundary and in accordance with the Borough Design Guide. In particular plots 35 to 38 and 42 to 44 at the southern end of the site have first floor windows facing the rear boundary with properties in Westbourne Avenue and separation to windows in the existing dwellings, which have garden depths of 30m or more, is well in excess of the minimum 20m back to back distance set out in the Borough Design Guide. The proposal indicates a small increase in floor levels for the proposed dwellings in the region of 300mm for those properties at the southern end of the site, but given the separation distances this is not considered to result in an over bearing impact. As such privacy and outlook is maintained.

7.27 Whilst the development will result in additional traffic using the existing cul-de-sac of Westbourne Close and the surrounding roads, with associated noise and activity, the layout positions the access away from existing rear gardens so as to minimise this impact. In respect to noise from activities associated with the dwellings, the proposed garden sizes meet the minimum 10m deep requirement and car parking has been sited so as not to be intrusive to the existing dwellings. It is considered that an acceptable relationship with the existing dwellings would be achieved.

(v) Access and Highway Implications

7.28 Access to the proposed residential development would be via a new access off the head of the cul-de-sac in Westwood Close and would be a continuation of the existing road. A footpath would be provided to both sides of the road for approximately the first 30m, after which the footpath would be on one side only. The first part of the road would fall in flood zone 1, however, that part of the road serving plots 31 to 36 would be in zone 2 and for a 100-year event the predicted flood level would be 100mm. However, from plot 29 onwards the footpath to the road would be sited away from the road so as to fall within flood zone 1 and provide an emergency pedestrian dry route. Further consideration of flooding issues is provided below.

7.39 The representations refer to existing on road parking and associated highway issues.

In respect to the impact on the highway network a Transport Statement and Travel Plan assessing the existing conditions, local accessibility proposed development and the likely impacts on the local road network , has been submitted in support of the application. The proposed site would be accessed via Westwood Close which connects to the wider road network via a simple priority junction with Westbourne Avenue.

- 7.30 Westwood Close connects to Westbourne Avenue via a priority junction approximately 90m from the proposed site access. Westwood Close measures approximately 5.5m in width with a 1.8m wide footway flanking the western side of the carriageway. Westbourne Avenue measures 6m wide and is flanked by 2m wide footways on either side of the carriageway. In addition on street cycle lanes are provided along Westbourne Avenue. Westbourne Avenue is subject to a 30mph speed limit across the frontage of this junction and therefore visibility would need to be achievable to 2.4m x 43m in accordance with MfS design guidance. The achievable visibility splay to 43m in the secondary direction and to 39m in the primary direction (visibility to bend). Therefore visibility is slightly below 43m in the primary direction due to the bend in the road, however, Personal Injury Accident (PIA) data has been obtained for the latest available 5 year period between January 2013 and December 2017 in the vicinity of the site. The PIA investigation demonstrates that there have been no incidents recorded in the vicinity of the site during this period, with the closest incidents occurring on New Brighton Road, some 450m from the proposed site access. Additionally the anticipated additional traffic generated by the proposal is low and the local highway network including visibility at this junction is considered suitable to accommodate the proposed quantum of traffic generated by the proposed development. Using TRICS assessment the proposed development is anticipated to generate 20 trips in the AM peak period, 17 trips in the PM peak period and 166 trips across a 12 hour day. This equates to an additional trip onto the local road network approximately every 3 minutes in the AM peak period, 4 minutes in the PM peak period and 5 minutes across a 12 hour day.
- 7.31 In respect to parking the proposal provides for 74 allocated parking spaces and 15 visitor spaces, together with cycle parking , in accordance with the adopted Parking Standards, and is not anticipated to lead to overspill parking. However, funding for a Traffic Regulation Order to restrict on road parking in the vicinity of the site could be required by a S106 obligation should this prove necessary.
- 7.32 The site is well located in relation to existing facilities and amenities in the local area. Westbourne Village, which is situated 600m north of the site (10 minute walk), provides a small number of amenities including a convenience store, bakery and post office. In addition, the site is situated approximately 1km (15 minute walk/4 minute cycle) north of Emsworth Town Centre which provides a more comprehensive range of facilities and services including a bank, a pharmacy, supermarket, restaurants and pubs. In addition, the site is located approximately 1.5km north of National Cycle Network (NCN) Route 2 which provides a route between Dover to the east and St Austell to the west. The closest bus stops to the site are situated on Westbourne Road (350m north of the site). Additional bus services are available from New Brighton Road. These stops serve 4 bus routes although the frequency is very limited. However, Emsworth Railway Station, the nearest station to the site is readily accessible by bike or foot and provides links to local destinations including Portsmouth and Southampton, which operate at two per hour. The site is considered to be located in suitable walking distance of the local facilities and amenities in both Westbourne Village and Emsworth Town Centre.

- 7.33 The proposals have been considered in detail by the Highways Authority, and it is considered that the Transport Statement demonstrates that the proposed development would not have a material impact on the operation, capacity or safety of the local road network. Additionally the Countryside Section of the County Council have considered the proposed diversion to footpath 73. Whilst this would be moved further into flood zone 3, it would be surfaced in accordance with the requirements of the Countryside Section improving its accessibility and they raise no objection to the diversion subject to a contribution for the works which would be carried out by the Countryside Section. A legal agreement would be required in respect to the footpath diversion together with funding for a Traffic Regulation Order should this be required.
- 7.34 To conclude the local road network is considered suitable to accommodate this level of traffic, and a refusal on highway safety grounds cannot be substantiated. However, whilst the consultees have not raised objection subject to S106 requirements to reflect the footpath diversion and contribution to a TRO if required, in the absence of a legally binding agreement then the required mitigation has not been secured. As refusal of planning permission is recommended the requirement would form part of the reason for refusal based on S106 requirements.

(vi) Flooding and Drainage

- 7.35 The Environment Agency Flood Risk Map shows the development site is located in Flood Zones 1, 2 and 3. In accordance with the Technical Guidance in the NPPF, a Flood Risk Assessment has been submitted together with a drainage strategy. Technical Guidance states that developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems. The surface water strategy mimics and improves on the existing run-off regime.
- 7.36 During the course of the application the flood zone information was reviewed and as a result of the review the boundary between flood zones 1 and 2 has moved to the west and further from the River Ems, such that under the original layout a number of the proposed dwellings fell within the revised flood zone 2 area. In response to this reduction in the part of the site falling within flood zone 1 the amended plans reduced the proposed number of dwelling from 46 to 36 and redesigned the layout. However, whilst the dwellings themselves are shown to be within flood zone 1, the southern part of the site comprising that part of the access road which serves 6 of the dwellings and parking lies within flood zone 2.
- 7.37 The NPPF requires that Local Planning Authorities steer new development to areas with the lowest probability of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be undertaken by the LPA in this regard to decision making. The advice contained within the EA's *Demonstrating the flood risk Sequential Test for Planning applications*, has been followed to this regard to test the planning application the subject of this report.
- 7.38 The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development, (for example extension to existing dwellings), or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). The site does not comprise such development and the LPA is required to apply the Sequential Test taking into account reasonably

available sites, historic windfall rates and their distribution across the district relative to Flood Zones. To this regard the LPA can demonstrate a 5 year housing supply within the current Strategic Housing Land Availability Assessment (SHLAA) and has an Adopted Allocations plan. There are sequentially better sites available, which are deliverable and provide the Borough's 5 year housing supply requirement. An exception test is not required as set out in table 1 and 3 of the technical guidance of the NPPF.

- 7.39 A preliminary surface water drainage strategy has been prepared and hydraulically modelled which demonstrates that the development proposals can be successfully implemented and designed to withstand the impact of a 1:100-year rainfall event (including climate change), in accordance with the NPPF. The submitted information demonstrates that the proposed development's surface water discharge is to be attenuated to the pre-development annual average Greenfield run-off rate. This would represent a betterment to the site's existing 1 in 30 year and 1 in 100-year Greenfield run-off rates through the use of SuDS techniques and re-use of existing resources. A number of the representations raise concerns regarding the suitability of the proposed SUDS scheme, however, the LLFA has assessed the application and subject to conditions do not raise objection.
- 7.40 The foul drainage has been assessed in the submitted Drainage Strategy Report and Flood Risk Assessment. Whilst the representations identify concerns regarding the foul sewer capacity, a capacity check has been carried out by Southern Water which advises that initial investigations indicate that Southern Water can facilitate foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer and recommends conditions and informative requested.
- 7.41 The Environment Agency have confirmed that they are in the process of undertaking flood modelling for the River Ems Climate Change scenario, as part of a desire to deliver a River Ems Flood Alleviation Scheme. At this stage it cannot be ruled out that land in this location would be needed for this scheme. Looking beyond the deliverability of this site for development, it is considered that there are overriding reasons not to allocate the land for development, but instead to safeguard it for a River Ems Flood Alleviation Scheme.

(vii) Ecology

- 7.42 The majority of the site is dominated by semi-improved, grazed grassland and utilised as cattle pasture. A tributary of the River Ems runs along a small stretch of the northern section of the eastern boundary of the site. Large areas of the site support nettles and thistles. The application is supported by an Ecological Appraisal which identifies that the application site lies within 2km of 16 designated sites, including Chichester Harbour SSSI, SPA, SAC and SINC. The appraisal identifies that:

the site has negligible potential for Greater crested Newts, high potential for reptiles, low potential suitability for both foraging and commuting bats, area, moderate potential to support hazel dormouse.

Records indicate the presence of water vole within 2km of the site. The majority of records were returned from the River Ems, which runs along the eastern boundary of the site. No records of otter were returned by either HBIC or SxBRC.

Several birds have been observed entering and exiting the central tree line during the survey. As such, this area of the site is considered highly likely to support nesting birds. Several other trees and hedgerows around the site have the potential to support nesting birds although at the time of the survey no nests were recorded. The site is therefore considered to have high potential to support nesting birds.

The habitats recorded on site are diverse and are therefore likely to support a range of common invertebrates. Despite this, no habitats suitable for specialist invertebrate species were recorded and as such it is considered unlikely that notable or protected invertebrates will be present on the site. As no records of notable invertebrates potentially associated with the River Ems were returned from the data search, the site is considered to have low suitability for notable and protected invertebrates.

The habitats identified on the site were common and of limited floristic value. Botanical surveys of the site are not considered necessary. The hedgerows forming the site boundaries are Priority Habitat under 541 of the NERC Act, 2006 and offer foraging opportunity and shelter for wildlife. It is recommended that, all hedgerows are retained around the external boundaries of the site as a key element of the landscape scheme.

The tributary of the River Ems, running alongside the eastern boundary of the site is a particularly sensitive receptor, and there is the potential for this habitat feature to be impacted directly during the construction phase through the run-off of materials, which could, in turn lead to impacts on the river system through increased siltation. Steps should be taken to avoid impacting the watercourse through the establishment of SUDS with suitable forms of filtration.

Several trees along the western boundary of the site are potentially suitable for nesting birds and as such, retention of these features is considered the most preferable option.

The proposed development has limited opportunities for ecological enhancement. It is recommended that retained hedgerows are managed so as to optimise their biodiversity value including planting of any gaps with native species. In addition to this, species rich planting is recommended as a part of the landscaping scheme in order to increase the suitable post-construction habitat for wildlife.

7.43 The report concludes that as a result of the findings of the Ecological Appraisal some broad outline recommendations are provided for ecological mitigation, compensation and enhancement, which have been assessed by the Councils Ecologist together with submitted soft landscaping proposals. Whilst there will be a net loss of grassland habitat, the establishment of a species-rich meadow grassland mix within the open space to the east of the site will provide a useful ecological enhancement and buffer the Ems from the developed area. The use of new native species hedging, and trees will also be of benefit. The Council's Ecologist concludes that the recommended enhancement measures for protected species are sensible.

7.44 The site provides a wildlife corridor however, the proposal maintains a corridor and provides for enhancement of the retained meadow area. The Councils Ecologist having assessed the proposal does not raise objection and advised that if permission is granted a single, site-wide ecological mitigation strategy is secured through

condition. This should include: measures to avoid impacts to the River Ems tributary (e.g. through lighting, pollution or human disturbance); a sensitive lighting strategy which is informed by recorded bat activity and measures for ecological enhancement within the developed area e.g. bat and bird boxes.

(viii) Trees and Hedges

7.45 The trees on the site are covered by an area tree preservation order.

7.46 The Initial arboricultural consultation response identified that the most visually important trees were to be retained, and the trees proposed for removal were of low quality and no arboricultural objection was raised to the proposal. Subsequently a number of trees (Field Maple within the hedgerow) assessed as not visually important have now been recorded and listed as veteran trees via the Woodland Trust scheme. In light of this new classification the Council's Arboriculturalist in tune with national policy raises objection to their removal. This is based on Standing advice from Natural England and Forestry Commission is that Local Authorities should consider:

- *Conserving and enhancing biodiversity*
- *Reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees*

and

- *Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.*

7.47 Additionally the NPPF 2019 para 175c states:- "*Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*" Given the concerns in relation to other matters outlined in this report, it is not considered that the loss of veteran trees is justified, and the development would be contrary to the advice set out in the NPPF.

(ix) Other Environmental Effects

Archaeology

7.48 The County Archaeologist advises that the proposed development site has the potential to contain previously unidentified archaeological sites and features relating to prehistoric and Roman occupation that may be disturbed by the ground works associated with the development. Although archaeology does not represent an overriding constraint to the development of the site, he advises, in the event that permission is granted the assessment and recording of any archaeological deposits should be secured through the attachment of suitable conditions to any planning consent that might be granted.

Land Quality

7.49 The site is not currently developed, nor is it understood to have been subject to processes that may lead to a risk of land contamination. The Council's Environmental Health Officer has been consulted on the application and has raised no objection but has requested that in the event that permission is granted conditions are imposed that build upon the submitted Land Contamination Assessment.

Agricultural Land

- 7.50 The applicant has identified that the London & South East region 1 :250 000 Series Agricultural Land Classification Map identifies the application site as being Grade 3 agricultural. This has not been confirmed by on site investigation and therefore it cannot be established from the information provided that the proposal will not result in loss of best and most versatile agricultural land. The site potentially represents a finite resource which is valuable for food production. Given the concerns in relation to other matters outlined in this report, it is not considered that the loss of productive farming land is justified, and the development would be contrary to the advice set out in the NPPF.

(x) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement

- 7.51 The proposed development is liable for CIL; additionally, if the development was to be recommended for approval a S106 (with associated monitoring fees) would be required to secure the following matters discussed above: -

1. Affordable Housing
3. Management Company in respect to surface water drainage and landscape requirements of the communal areas.
4. Management Plan
5. Solent Recreation Mitigation Strategy contribution
6. Footpath diversion contribution
7. Traffic Regulation Order contribution
- 8 South Eastern Hampshire CCG contribution
9. Water quality mitigation package.
(With associated monitoring fees)

No such agreement is in place, therefore the application fails to deliver key items of infrastructure to mitigate the impacts of the proposed development, resulting in a further reason for refusal.

8 Conclusion

- 8.1 In conclusion, the proposal represents a residential development in a non-urban area contrary to the adopted policies of the development plan. Furthermore under the Pre-Submission Havant Borough Local Plan 2036 the site is proposed to be safeguarded for an alternative use in the form of a flood alleviation scheme. Hence the development has failed to demonstrate that it would constitute sustainable development .
- 8.2 The proposal fails to suitably address the impacts on the Chichester and Langstone Harbours SPA/Ramsar sites and has a likely significant effect on the habitats and protected species using these sites. A Habitats Regulations Assessment has been carried out and determined that in the absence of suitable mitigation a significant adverse effect on Chichester & Langstone Harbours SPA/Ramsar site cannot be ruled out; as such it would be unlawful for the Council to grant planning permission for the proposed development under the Habitats Regulations and the proposed development would be contrary to Policy DM24 of the Local Plan (Allocations) .
- 8.3 The proposal would involve a new housing development in proximity to footpath 73 (as

diverted) which would impact the setting of this rural footpath to the detriment of its rural character and amenities of users.

- 8.4 Part of the proposed access road serving 6 dwellings would fall within flood zone 2 and whilst the dwellings and footpath to the 6 properties would lie within flood zone 1, the flooding of the road leading to these 6 properties could adversely impact the ability of emergency vehicles to access the properties, with associated risk to safety and life.
- 8.5 The development would result in the loss of agricultural land, the grade of which has not been confirmed by on site investigation. The loss of agricultural land has not been demonstrated to be necessary given the unsustainable nature of the development and would result in an inefficient use of land for residential development.
- 8.6 The development fails to secure S106 requirements which are required to address sustainability issues.
- 8.7 The proposal would result in the loss or potential adverse impact of irreplaceable veteran trees for which there is no exceptional justification.
- 8.8 Overall the proposed development is considered inappropriate and cannot be considered to represent sustainable development as defined in the NPPF; the recommendation is therefore to refuse permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00672

for the following reasons

- 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 National Planning Policy Framework .

- 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.