



Havant
BOROUGH COUNCIL

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

Application Number: APP/17/00007

Site Address: Land at Rook Farm, St Marys Road, Hayling Island

Proposal: Outline planning application for the erection of up to 210 residential dwellings (including affordable housing) and 0.6ha for apartments with care (C2), structural planting and landscaping, informal public open space, children's play areas, sustainable drainage system (SuDS) vehicular access from St Mary's Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.

Further to your application received on 03 January 2017, which was valid from 13 January 2017, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

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

- 1 The proposal represents the unsustainable addition of residential development in a non-urban area for which there is no overriding justification. It is therefore contrary to policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014 Guiding Principle 2 of the Local Plan Housing Statement and the National Planning Policy Framework.
- 2 The proposed development has failed to demonstrate that it would constitute sustainable development as it does not adequately address the infrastructure requirements for the development by itself and in combination with other sites on Hayling Island. The suitability of the site for residential development has been assessed under the Local Plan Housing Statement and at this stage the site is classified as having uncertain potential for development due to sustainability concerns in particular in relation to Highway Capacity and the single access onto the Island, Flooding, Healthcare, Education and provision of Utilities. The consultation on the Draft Local Plan Housing Statement highlighted specific infrastructure issues on Hayling Island which will require further investigation before future development can be considered sustainable under the National Planning Policy Framework. The proposal therefore fails to meet the three dimensions of Sustainable Development: economic, social and environmental as set out in the National Planning Policy Framework and policies CS1, CS7, CS15, CS19, CS20, CS21, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL1 of the Havant Borough Local Plan (Allocations) 2014 together with the Local Plan Housing

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- 3 The proposal, without completion of the appropriate binding arrangements in relation to the Solent Recreation Mitigation Project, 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 2012.
- 4 The development would result in a direct loss of supporting habitat (listed as site H46B of the Solent Waders and Brent Goose Strategy) for the Chichester & Langstone Harbours Special Protection Area (SPA), in particular for dark-bellied brent geese which is one of the qualifying features of that SPA. A likely significant effect on the Chichester & Langstone Harbours SPA cannot be ruled out, insufficient information has been provided to determine the extent to which the proposals will adversely affect the integrity of the SPA and it cannot therefore be ruled out that this proposal would not have an adverse effect on site integrity. No measures have been proposed or approved that would counteract or avoid a likely significant effect, or to otherwise address any adverse impacts on site integrity. The proposed development is therefore contrary to Policies CS11 and CS21 of the Local Plan (Core Strategy) 2011 and DM23 of the Local Plan (Allocations) 2014, section 118 of the National Planning Policy Framework and the provisions of the Conservation of Habitats and Species Regulations (2010) (as amended).
- 5 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the significant movements generated could not be accommodated adequately on the existing transport network. This would result in a severe impact on road safety and the operation of the local transport network contrary to the NPPF and policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011.
- 6 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that the proposed access is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway contrary to the NPPF and of the Havant Borough Local Plan (Core Strategy) 2011 policies CS20 and DM11.
- 7 The proposal involves development that cannot be reconciled with the National Planning Policy Framework in that there is insufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and environment contrary to the NPPF and policies DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2014.
- 8 Insufficient information has been submitted to demonstrate that the proposals would not be likely to result in harm to protected species and their habitat, specifically in this instance, bats, reptiles and Great Crested Newts. As a result, there is insufficient information to either confirm absence, or if present, determine the extent that species would be affected taking into account appropriate and proportionate avoidance, mitigation and compensation measures. The proposed development is therefore contrary to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework along with Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

9 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:

- Affordable Housing
- Highway Works
- Sustainable Transport Requirements including footpath/cycle routes
- Travel Plan requirements
- SUDs provision, management and maintenance including SUDs bond
- Education Contribution
- Traffic Regulation Order
- Apartments with care requirements
- Design, Management and Maintenance of Common Parts
- Management Plan Common Parts
- Employment and Skills Plan
- Ecological requirements
- Appropriate legal fees and monitoring fees

Together with any further infrastructure requirements established through the Infrastructure Delivery Plan and emerging Havant Borough Local Plan 2036.

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.

10 Notwithstanding reasons for refusal Nos 1 and 2, the proposed development would not represent an efficient use of greenfield land. This would fail to make the best use of a finite land resource and constitute an unsustainable form of development failing to address housing need in an efficient manner. The development would therefore be contrary to policies CS9 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

11 The proposal would result in a less than substantial harm to the setting of St Marys Church a Grade II* listed building. In particular, in relation to the appreciation of the building in its rural setting and in terms of views across the wider landscape including from parts of the footpath network. The impact on an historic asset is irreversible. Whilst the impact on the setting of St Mary's Church is considered to represent less than substantial harm this should be weighed against the public benefits of the proposal. Given that the development is not considered to meet the requirements of sustainable development it is not considered that the benefits of the proposal would outweigh the impact to the setting of St Marys Church. The proposal 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.

12 The application site constitutes 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 land to agriculture is not justified. The development is therefore contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and

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

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs
- (3) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

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

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

13 April 2017