



BVA Planning
Town Planning Consultancy

Planning Statement

Land south of Saltmarsh Lane, Hayling Island

Prepared on behalf of:

Hayling Island Builders Ltd. (HIB Ltd.)

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Appendix 2 – Committee Report for Land north of Sinah Lane.

Appendix 3 – Bedhampton Appeal Decision dated 13 July 2021.

Appendix 4 – Summary of Policy/Guidance Tables.

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1.0 Introduction

- 1.1 This Statement has been prepared in support of a planning application seeking outline planning permission for the approval of the erection of up to 60 units and associated landscape and highway works on land south of Saltmarsh Lane, Hayling Island (**“the site”**). This Statement has been prepared by BVA Planning Ltd. on behalf of HIB Ltd (**“the applicant”**).
- 1.2 At this stage, the application seeks permission for the principle of development with access only to be determined with all other matters (i.e. layout, scale, appearance etc.) to be dealt with via the submission of subsequent reserved matters application. Notwithstanding this, illustrative material has been provided in the Design and Access Statement (DAS) to show how the scheme could look and be developed over time.
- 1.3 The purpose of this Planning Statement is to examine the merits of the development proposal in the context of the relevant planning policies of the Statutory Development Plan and to consider other material considerations of relevance.

Format of Planning Statement

- 1.4 This statement is structured as follows:
- **Section 2** describes the site and surrounding area including relevant planning history;
 - **Section 3** describes the proposed development in more detail;
 - **Section 4** sets out the relevant national and local planning policy context pertaining to the site and the proposed scheme;
 - **Section 5** appraises the proposed scheme against the relevant planning policies; and
 - **Section 6** provides an overall summary and the Planning Balance.
- 1.5 This application comes at a crucial time for Havant BC (HBC) as in the past few years there has been an under-delivery of much needed new market and affordable homes. Currently, the Council cannot demonstrate a 5-year housing land supply position and

it has failed to reach the prescribed 75% target as defined by the Government's Housing Delivery Test (HDT). This means that the Council must consider applications in light of the presumption in favour of sustainable development. The implications of these failures are discussed in greater detail in Section 2 with reference to the determination of a recent application and an appeal.

1.6 This application has been submitted together with another for land north of the Oysters, off Station Road, Hayling Island and combined would be able to deliver over xx of new homes within a short timeframe as there will be no requirement for any significant new or upgraded infrastructure. In addition, the applicant can deliver a significant mitigation package with regard to Brent Geese and Solent Wader.

1.7 This Planning Statement should be read in conjunction with the accompanying plans and technical reports prepared by other specialist consultants, submitted in support of the outline planning application, namely:

- Design and Access Statement (DAS) prepared Mosiac.
- Flood Risk and Drainage Strategy prepared by Patrick Parsons.
- Ecological Impact Assessment prepared by Tyler Grange
- Landscape and Visual Impact Assessment prepared by Tyler Grange.
- Transport Assessment prepared by Paul Basham Associates.
- Preliminary Arboricultural Impact Assessment prepared by Tyler Grange.
- Noise Assessment prepared by Patrick Parsons.
- Built Heritage and Archaeological Assessment prepared by Orion.
- Nitrogen Balancing Assessment prepared by Tetra Tech.
- European Site avoidance and mitigation checklist.
- Site Location Plan.
- Illustrative Masterplan.
- Parameter Plan.
- Detailed Site Access Plan.

Pre-application Advice

1.8 A pre-application package was submitted to the Council in July 2021 and a response was received on 2 September 2021 (**See Appendix 1**). Below, we summarise the salient points relevant to this application:

- Whilst it is acknowledged that the Submission Havant Borough Local Plan can only be afforded limited weight at this stage, it may be afforded greater weight as the Plan progresses towards and through its current examination.
- 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 plan seek to restrict development in these locations, except in exceptional circumstances.
- The Council's Five-Year Land Supply Further Update (June 2021) indicates the Council has 4.4 years supply with a 20% buffer applied. It is acknowledged that this is below the five-year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The scheme would contribute up to 0.09 years' supply of housing (rounded) and would therefore have the potential to increase the Borough's housing land supply to 4.49 years. This must be afforded weight in the overall planning balance.

1.9 The remainder of the response refers to detailed technical matters that have been addressed in this application and/or will be further explored at the reserved matters stage.

2.0 Site and Surroundings

- 2.1 This application site is located to the south of Saltmarsh Lane. The site is classed as agricultural land and is 2.51ha in size as shown on the aerial map below.



Figure 2.1 – Aerial map of site edged in red

- 2.2 The site consists of two arable fields with development to the north and east. Residential development to the east consists of 1960's one and a half storey dwellings. The housing along Saltmarsh Lane which proceeds that along West Lane consists of one to two storey dwellings.
- 2.3 The southern and western edges of the site contain strips of hedgerow with occasional clusters of tree planting. A drainage ditch runs along the southern edge of the site and bisects the two fields in a north-south direction. A cluster of trees are located toward the centre of the site, alongside the drainage ditch.
- 2.4 The topography is relatively flat with open views across the countryside to the south. The site is located within a 10-minute walk of the town centre and sits adjacent to the Hayling Billy Coastal Path and National Cycle Route (NCR) 2, an 8km route between Havant train station and Hayling Island

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- 2.5 The land falls within Flood Zone 1 (low risk) as defined by the Environment Agency's Online Flood Mapping. There are no statutory or local listed heritage assets within the area that would be affected by this proposed scheme.

Relevant Planning History

- 2.6 Whilst there is no relevant planning history for the site, there are relevant entries for adjacent land including the Oysters development further to the South that was granted planning permission in 2015 (15/00919) for the erection of 79 houses and 1,000m² of Class B1 floorspace. This scheme has now been built out and is fully occupied.
- 2.7 The other relevant entry relates to land north of Sinah Lane (to the southeast of the site). The planning application is for the erection of 195no. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane and was granted planning permission in March 2021 (ref: APP/20/01093). Whilst this application is significantly larger than the one proposed here, it is relevant as it is also outside any recognised settlement boundary and was considered in the context of the Council's 5-year housing supply position. The salient points from the officer's report to members is set out below (see Appendix 2):
- The application site is located adjacent to, but outside of, the urban area. Policies in the adopted plans support appropriate residential development within the urban areas. Only "*Exception schemes*" are supported in the countryside. This is not an exception scheme.
 - The five-year housing land supply has been updated (February 2021) and indicates the Borough now has a housing supply position of 4.2 years with a 20% buffer applied. This is below the five-year supply threshold and reflects the 2020 Housing Delivery Test measurement of 72% which indicates that it is appropriate to apply a 20% buffer.
 - The development proposed is included within these five-year supply calculations and is equivalent to 0.36 of that supply. As such, without the proposed development at Sinah Lane, the Borough would have a 3.84-year housing land supply, further reducing the ability of the Borough to demonstrate its required housing land supply. This is a material

consideration of great weight, especially in the light of the acute need for affordable housing and the 30 per cent contribution of this scheme.

- To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. There are no evident barriers to the development coming forward within the current 5-year period, which weighs in support of the scheme.
- Introducing a housing estate to an undeveloped field would alter its character but it is concluded that owing to the enclosed nature of the housing site there would be a limited impact on the wider area, with any harmful visual impact of the development being localised.
- In accessibility terms, the site is in a sustainable location and has realistic alternatives to the use of the car, which weighs in support of the scheme.
- The application would result in benefits from construction employment/operations and Local Authority benefits such as the Community Infrastructure Levy. As with any new housing the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy.
- In respect of prematurity concerns and having previously taken the advice of experienced planning counsel on this matter, officers are satisfied that the emerging plan is not yet at such an advanced stage, nor is the development considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.

2.8 In conclusion of the proposed scheme, the officer summarised the overall position as follows:

- (1) The scheme is contrary to the development plan.
- (2) National policy is a material consideration.
- (3) Housing supply at 4.2 years with a 20% buffer applied is below the five-year supply threshold.
- (4) The presumption in favour of sustainable development applies.
- (5) The proposals would constitute sustainable development in policy terms.
- (6) It is deliverable now.

(7) The scheme is not premature.

(8) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan.

2.9 A more recent appeal decision was for Land at Lower Road, Lower Road, Bedhampton dated 13 July 2021 (**See Appendix 3**).

2.10 The proposed appeal scheme is for 50 new dwellings together with access, landscaping and open space. The main findings are summarised below:

- The Council's five-year housing land supply (5YHLS) position is agreed to be between approximately 3 years (appellant) and no more than 4.1 years (Council). The Council and appellant agree the shortfall in the Council's 5YHLS is significant and that significant weight should be attached to the housing delivery of the appeal scheme.
- I have found that the proposal conflicts with the most relevant policies within the development plan, as set out in the SoCG, namely HBCS Policies CS11, CS16 and CS17, and ALP Policies AL2 and DM20. However, I have afforded very limited weight to the conflict with both HBCS Policy CS17 and ALP Policy AL2. This is due to their reliance on urban area boundaries predicated on out-dated levels of housing need.
- The emerging plan is at a stage where there is still potential for significant modifications and, as such, I can give only limited weight to the PHBLPC in my decision-making.
- I attribute great weight and importance to the conservation of designated heritage assets, understanding that heritage assets are an irreplaceable resource. As such, I give great weight to the harm to the setting and significance of the OBCA.
- By virtue of the agreed absence of a 5YHLS and the Council's most recent Housing Delivery Test result, the tilted balance under paragraph 11(d) of the Framework is engaged and the policies most important for determining the application are thereby deemed to be out-of-date.
- In view of my conclusions on the heritage balance, and taking account of my findings concerning the Appropriate Assessment under the Habitats Regulations, the relevant approach is to consider the balance in accordance with paragraph 11(d) ii).

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- Overall, I find that the delivery of the proposed housing would yield significant social, economic and environmental benefits. Furthermore, I find that the public benefits would be of sufficient importance to outweigh the harm that would arise to the significance of the OBCA.

2.11 What the above summaries reveal is that the Council/Inspector is taking a positive approach to approving applications for housing in the countryside given the need to deliver more homes quickly. Therefore, this application should be assessed in the same manner which should also lead to a grant of planning permission.

3.0 Proposed Development

3.1 The application site is well suited for residential use given its highly sustainable location and close proximity to a wide of range of local amenities within walking and cycling distance of the site. The proposed planning application seeks outline approval for:

“The erection of up to 60 units and associated landscape and highway works on land south of Saltmarsh Lane, Hayling Island.”

3.2 As outlined in section 1, and as shown in the DAS, the submitted illustrative scheme shows one way in which the site could be developed. The concept for this scheme is informed by:

- National and local planning policy and guidance;
- The need to ensure the interests of the local community through careful placing and orientation of the new units and landscape works;
- The need to deliver a scheme that is both viable and delivers significant new housing;
- The creation of a high-quality environment that retains important hedgerows and trees, views to the countryside and is sensitive to neighbouring residents;
- The desire to create permeable and attractive streets and spaces that encourage use of alternative modes of transport to the private car.

3.3 The only matter for consideration now is access to the site with all other matters (i.e. scale, layout, appearance etc.) to be determined through reserved matters application(s).

3.4 The proposed land budget is as follows:

Land use	Net Developable Area (ha)	%
Residential Area	1.87	74.5
Green Infrastructure	0.64	22.5%
TOTAL	2.51	100%

Indicative Mix of units

3.5 The proposed illustrative layout is based upon an indicative mix of units as follows:

Unit type	Number of homes	% of homes within tenure
Market housing		
2 bedroom apartment	4	9.5%
2 bedroom house	8	19%
3 bedroom house	22	52%
4 bedroom house	8	19.5%
Total market housing	42	70%
Affordable housing		
2 bedroom apartment	4	22.5%
2 bedroom house	6	33.5%
3 bedroom house	8	44%
Total affordable	18	30%

3.6 As an outline application, the mix of units is not fixed and will be developed further at the reserved matters stage. The proposed scheme looks to provide a total of 18 affordable homes, equating to 30%. The affordable homes will be spread throughout the site and be integrated with the private units.

Layout

3.7 The illustrative masterplan provides the overall layout of the site, including block structure, individual plots, streets and spaces. The site will be accessed via Saltmarsh Lane. The road will then branch left and right taking you into the heart of the development creating a distinctive core to the site and set a clear street hierarchy.

3.8 Private drive zones are informal streets often shared surface and facing onto public open spaces or courtyards to provide natural surveillance. They create a softer environment more suited to the edges of the site.

Having regard to the surrounding residential areas, it is proposed that the style of the properties would be traditional in appearance and would look to pick up on the local vernacular.

Building heights

- 3.9 All the units are houses and will vary between 1.5, 2 and 2.5 storeys to reflect the existing character of properties in the immediate area. The 1.5 storey properties are used to create relief in the ridgelines, breaks in streetscenes and also to create a mews environment within the perimeter blocks.

Density

- 3.10 The gross density of the site is 24dph, with the density of the scheme designed to complement that of the surrounding neighbourhoods. Taking into account the landscaping and public open space, this has resulted in a scheme of 60 homes.

Movement and Parking

- 3.11 The proposed scheme would be accessed off Saltmarsh Lane. In addition, new and enhanced pedestrian and cycle routes would help to provide choice to future residents to use sustainable forms of transport.
- 3.12 In respect of parking provision, this would be delivered in accordance with the Council's current standards and form part of the detailed discussions at the reserved matters stage.

Landscaping, Open Space and biodiversity

- 3.13 Whilst the site is relatively clear of any vegetation, it is proposed to retain as much as possible and to enhance that which exists around the boundaries. In addition, new structure planting would be introduced within the site at key points and within the private gardens of the new homes. A dedicated central open space based around the mature tree is envisaged for the enjoyment of all residents and equates to xxm2.
- 3.14 As part of the scheme, it is proposed to mitigate any potential impact upon Brent Geese by way of a financial contribution.
- 3.15 A comprehensive landscaping scheme would be developed at the reserved matters stage.

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- 3.16 The biodiversity value of the site is currently low, given its current use as arable land. The detailed landscaping scheme will set out how the planting choices would improve biodiversity and fit in to the wider biodiversity initiative.

Sustainability

- 3.17 The site is located in a sustainable location with good access to already established public transport routes and pedestrian and cycle routes.
- 3.18 In respect of sustainable drainage, it is proposed the parking/access area would use permeable paving to aid drainage and additional measures considered at the detailed reserved matters stage.
- 3.19 The dwellings will be constructed with high levels of fabric insulation and low air permeability to an overall standard that will meet current UK Building Regulations to ensure that dwellings provide long term, low cost living. Any additional measures (ie solar panels, rainwater harvesting etc.) will need to be considered at the reserved matters stage once the illustrative scheme is developed further.

Delivery Timetable

- 3.20 The need to deliver homes in Havant is critical and it is envisaged that on outline approval, reserved matters application(s) would be submitted in early 2022. Once all the necessary consents are in order it is envisaged that works on site would commence in mid-2022 and the scheme built out ready for occupation by mid-2023. We can confirm that there are no landownership or technical constraints that would prohibit the site being developed as envisaged above.

S106 Obligations and Conditions

- 3.21 The Applicant is willing to pay the Council's reasonable costs to produce a legal agreement to deal with the provision of affordable housing and other related items. The extent to which obligations including planning conditions are required will be a matter of detailed discussions with officers during the application process.

4.0 Planning Policy

- 4.1 This section outlines the key planning policy considerations relevant to the proposed development at both the local and national level.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that local planning authorities should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 At the national level, relevant policy and guidance is set out within the National Planning Policy Framework (“**NPPF**”) published July 2021 and the associated Planning Practice Guidance (“**PPG**”).
- 4.4 The Development Plan (and associated guidance) for the area currently comprises of the Havant Borough Local Plan (Core Strategy) (2011) and the Havant Borough Local Plan (Allocations) (2014).
- 4.5 We note that the Council is currently undertaking a review of its Local Plan and a draft has been submitted to the Inspectorate for consideration. Whilst many of its policies are in line with the NPPF, the emerging plan is still at a relatively early stage and so the policies within this plan carry some weight, but not full weight.
- 4.6 In support of the adopted development plan, the council has also adopted several Supplementary Planning Documents (SPDs) including those on Design (2011), Parking (2019) and Housing (2016).
- 4.7 HBC has an adopted CIL Charging Schedule which took effect from the 1 August 2013. The CIL rate for Hayling Island is £100 per sqm.

Havant Borough Local Plan (Core Strategy) (2011)

- 4.8 The advice in the NPPF at paragraph 213 states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their

degree of consistency with the Framework. Whilst this is accepted, it is also true (and accepted by officers) that the lack of a 5-year housing land supply and not meeting the Government's HDT (2020) means that the Council is directed to assess housing applications having regard to the **'tilted'** balance exercise found at paragraph 11(d) of the NPPF. This advises that the Council should only refuse applications if any adverse impacts are found to **significantly and demonstrably** outweigh the benefits of any proposal.

4.9 The proposals map confirms that the site falls outside any recognised settlement boundary. The key policies are:

- CS8 (Community Safety).
- CS9 (Housing).
- CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough).
- CS13 (Green Infrastructure).
- CS14 (Efficient Use of Resources).
- CS15 (Flood and Coastal Erosion).
- CS16 (High Quality Design).
- CS17 (Concentration and Distribution of Development within the Urban Areas).
- CS20 (Transport and Access Strategy).
- CS21 (Developer Requirements).
- DM6 (Coordination of Development).
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features).
- DM10 (Pollution).
- DM11 (Planning for more Sustainable Travel).
- DM12 (Mitigating the Impacts of Travel).
- DM13 (Car and Cycle Parking on Residential Development).

4.10 A number of relevant Policies within the Development Plan are out-of-date as they are not consistent with the NPPF and do not provide for the necessary sites to accommodate the identified needs of the Borough.

We contend that policies CS9 (Housing) and CS17 (Concentration and Distribution of Development within the Urban Areas) should be afforded **limited weight**.

Havant Borough Local Plan (Allocations) (2014)

4.11 The relevant policies within this document are set out below:

- AL1 (Presumption in Favour of Sustainable Development).
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements).
- DM18 (Protecting New Developments from Pollution).
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development).
- DM23 (Sites for Brent Geese and Waders).

4.12 Again, given the current planning context within the Borough and the acute need for both market and affordable homes, we contend that the most important policies – Policy AL1 carries **significant weight** and that Policy AL2 carries **limited weight**.

Emerging Local Plan, 5 – Year Housing Land Supply Update (2020) and Housing Delivery Action Plan (2021)

4.13 The introduction of the NPPF has changed how planning takes place in England and Wales. Most significantly is the need to meet the full, objectively assessed need for development. The Adopted Local Plan for Havant Borough does not meet the requirements of the NPPF and as such is currently being reviewed under the emerging Local Plan 2036.

4.14 Since embarking on the Local Plan review, the objectively assessed housing need figure for Havant has risen from 450 dwellings per annum (dpa) (PUSH Strategic Housing Market Assessment) to 504dpa using the standard method (using 2020 as the baseline). This compares with the adopted housing requirement figure of 315dpa in the Core Strategy (2011). As such, the Council has been expected to deliver a significant step change in housing delivery in a relatively short period of time.

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- 4.15 One way to help achieve is to move forward quickly with a Local Plan review to identify new allocations to address housing need. Whilst it is acknowledged that the draft policies carry limited weight at this point in time, draft policies DR1 (Delivery of Sustainable Development), H2 (Affordable Housing) and H3 (Density) are consistent with the NPPF and should be afforded some weight in the balancing exercise.
- 4.16 As acknowledged by officer comments in respect of land north of Sinah Lane, the Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, HBC is required to have a rolling five-year supply of deliverable housing sites. If this is not in place and/or the HDT indicates that delivery of housing was less than 75% (of the housing requirement over the previous three years), then paragraph 11 of the NPPF is engaged.
- 4.17 The officer goes on to confirm that the Borough has a 4.2-year housing land supply with a 20% buffer applied and so does not have a five-year housing land supply at this point. In addition, the HDT (2020) confirms that HBC is failing to meet the 75% threshold and, therefore, the presumption in favour of sustainable development applies. Officers have accepted that the on-going requirement of the Borough to deliver housing land to address housing need is now more pressing given that the housing supply position has fallen below the five-year requirement set out in the NPPF.
- 4.18 The Borough has also produced a Housing Delivery Action Plan (2021) in anticipation that it would be required to do so under the HDT regulations. But what is now clear is that the Borough is beyond this point and has been instructed to apply the presumption in favour test set out in the NPPF.

National Planning Policy Framework

- 4.19 The revised National Planning Policy Framework (“NPPF”) was published in July 2021 and replaces the previous NPPF published in 2019. The NPPF sets out the Government’s planning policies for England and how these should be applied and is a material consideration in planning decisions.
- 4.20 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which at a very high level, means
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meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- 4.21 Paragraph 8 goes on to add that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These objectives are economic, social, and environmental.
- 4.22 Paragraph 10 of the NPPF makes it clear that a presumption in favour of sustainable development is at the heart of the Framework.
- 4.23 Paragraph 11 of the Framework **sets out the presumption in favour of sustainable development**. For decision making this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.24 Section 5 of the NPPF relates to the delivery of new homes. With respect to delivering a sufficient supply of homes, paragraph 60 makes clear that to support the objective of *“significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...”* In the case of Havant, it is clear that additional land is needed now to meet its housing requirement. It is, therefore, vital that sites (such as this one) are brought forward to meet this pressing need.
- 4.25 Paragraph 92 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, among other criteria, promote social interaction; are safe and accessible; and enable and support healthy lifestyles.
- 4.26 Section 11 seeks to make effective use of land. Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
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4.27 Paragraph 124 goes on to add that planning policies and decisions should support development that makes efficient use of land, taking into account:

- The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- Local market conditions and viability;
- The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- The importance of securing well-designed, attractive and healthy places.

4.28 Section 12 of the Framework seeks to achieve well-designed places. Paragraph 126 begins by declaring that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to add that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.29 Paragraph 130 of the NPPF states that Planning policies and decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

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- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.30 Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, significant weight should be given where the design of a development accords with clear expectations in plan policies, design guidance etc.

4.31 Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

4.32 Section 15 of the NPPF is about conserving and enhancing the natural environment. Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of the trees and woodland;
- c) Maintaining the character of the undeveloped coast, while improved public access to it where appropriate;
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

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- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.33 Paragraph 49 is also relevant insofar as it relates to prematurity and advises that, for sustainable development, prematurity will rarely be a valid reason to refuse planning permission except in limited circumstances which do not apply here.

5.0 Scheme Justification

- 5.1 This section of the Statement provides justification for the proposed scheme in the context of the presumption in favour of sustainable development (i.e. the tilted balance) and the relevant adopted and emerging planning policies. At **Appendix 4**, we provide a summary table of the relevant policies/guidance together with the weight to be attached and level of compliance.

Principle of Residential Development

- 5.2 As set out in previous section, the application site falls outside the identified settlement boundary where local policies AL2 and CS9 seek to restrict development. However, as set out in the previous section, these policies should be afforded limited weight given the need for more housing in the district against the backdrop of the Council's inability to maintain its 5-year housing land supply. As also set out in the pre-application response, officers have accepted this position on other applications and the situation remains the same now.
- 5.3 In our opinion, a sensitive landscape-led scheme on the application site can deliver new homes without any significant or demonstrable negative impact upon the surrounding area and, thereby, accord in general with key sustainable policies of the adopted and emerging Local Plan including policies AL1, DR1, DM6 and the guidance within the NPPF.

Achieving Sustainable Development

- 5.4 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives: economic, social and environmental. This is also set out in paragraph 8 of the NPPF, achieving sustainable development. In respect of this application the proposed scheme would deliver the following:

1. **Economic objective:** Provision of employment and supply of associated materials, goods and services in the construction of the dwellings. The application site would deliver new housing to improve choice and competition in the marketplace. The construction of the units would also bring some increased spending by residents in local shops and increased demand for local services. The proposed scheme would also be eligible for New Homes Bonus payments which could amount to circa. £1m over 6 years.
2. **Social objective:** The scheme would deliver additional homes in the short term and be delivered in a well-designed and accessible scheme.
3. **Environmental objective:** Any necessary development brings about change. The application site is farmed arable land and is not considered to hold any significant ecological value. The proposal provides new areas for planting within the private gardens to each unit and open areas within the site.

5.5 Overall, the application is suitable for residential use given its sustainable location and, therefore, is in general compliance with the guidance in the NPPF and policies AL1, DM24 and DR1.

Housing Mix, Density and Affordable Homes

- 5.6 The proposed scheme is in outline at this stage, and whilst the precise mix will be a matter for discussion at the reserved matters stage, we have provided an indicative mix to show how a wide mix of units could be delivered on the ground. In respect of density, the illustrative scheme is not dissimilar to other developments in the area at 24dph.
- 5.7 With regard to affordable housing, the applicant is willing to deliver a policy compliant scheme (re 30%). Overall, the illustrative scheme (and a future detailed scheme) will comply with key policies CS9, H2 and H3.

Character, Appearance and Layout

- 5.8 The design and appearance of the proposed scheme is in line with other homes found in the area and will a matter for detailed discussion at the reserved matters stage. Notwithstanding this, the DAS provides illustrative material to show a sensitively designed scheme could knit into the area.
- 5.9 The proposed layout of the units will ensure privacy and amenity issues for both prospective and existing residents is not compromised. The orientation of the units and careful placement of windows at the detailed stage means that no excessive overlooking will occur. All units will have adequate private/communal gardens and secure recycling/bicycle store.
- 5.10 The materials proposed are considered to reflect those found within the wider area and the proposed landscape works will positively add to the character of the area in accordance with policies CS8, CS9, CS13, CS14, CS16 and the guidance on design within the NPPF.

Landscape/Trees

- 5.11 The existing natural environment has been assessed and taken into account when preparing the illustrative scheme as shown in the DAS. In respect of trees, the assessment prepared by Tyler Grange concludes that several of the trees around the site are protected by a Tree Preservation Order (TPO). These trees will be retained as part of the proposed development within public open space areas.
- 5.12 The proposed development requires minimal loss of trees consisting of only one small (semimature) category C tree to facilitate access into the site with two sections of the proposed road forms small incursions into the RPA's of three trees. All proposed buildings are located outside of RPA's and away from canopies and shading arcs of all retained trees. The opportunities for new tree planting as part of the development is expected to provide a future net gain in tree cover given the limited amount of tree loss. The development is therefore considered supportable in the context of the NPPF and local planning policy as it relates to trees.

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- 5.13 It is accepted that further work is required to include a full Arboricultural Method Statement detailing procedures for tree protection throughout the construction stage. This can be secured by a suitably worded planning condition. An outline of the proposed landscape works is provided as part of this submission and will be further developed at the reserved matters stage. Overall, the outline proposal accords with policies CS13, CS16 and DM8.

Nitrogen Balancing Assessment

- 5.14 The issue surrounding the change in nutrient outputs has been assessed by Tetra Tech and is included in the list of reports submitted with this application. It concludes that the calculations show that the development would result in a negative TN budget of -2.924 Kg/TN/yr. It is therefore considered that the development proposals would have no potential to result in an adverse effect on the integrity of the Solent European sites.

Ecology/Biodiversity Net Gain

- 5.15 The ecological assessment in support of the proposal confirms that the site comprises of two arable field of negligible ecological importance divided by a ditch and bounded by hedgerows of low ecological importance, but are to be protected during construction through implementation of a Construction Ecological Management Plan (CEMP). Habitat creation and enhancement of retained habitats will include SuDS creation, additional tree planting and improved grassland management, expected to be confirmed through detailed design at the reserved matters stage.
- 5.16 Based on the Illustrative Masterplan and the habitat creation and enhancement that can be achieved, a Biodiversity Net Gain (BNG) assessment (using Defra 3.0) has confirmed the site will achieve +0.47% in Habitat Units and a gain of +27.94 % in River Units.
- 5.17 Retention of the boundary hedgerows, as well as grassland habitat within the root protection areas and exclusion zone to protect the central ditch, to be fenced and protected, will maintain suitable habitats on site, confirmed to be utilised by foraging and commuting bat species and slow worms.
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- 5.18 Habitat enhancements which will be accommodated within the Illustrative Masterplan include planting and improved management measures to increase floristic species diversity, as well as installation of bat and bird boxes, a reptile refugia and hedgehog house, within suitable locations,
- 5.19 Overall, it is considered that the proposal is in general accordance with policies DM8, DM24, CS16 and the guidance in the NPPF.

Winter Bird Mitigation Strategy

- 5.20 As part of our proposal, we recognise the unique position of Hayling Island and the attractiveness of sites for migrating winter birds. Our advisers, Tyler Grange, are in discussion with the appropriate authorities on this matter and we believe that a suitable mitigation package can be secured in accordance with key policy DM23.

Noise

- 5.21 A Noise Assessment has been undertaken by Patrick Parsons which concludes that the assessment has demonstrated that the proposal will not give rise to significant adverse effects on health and quality of life and that reasonably practicable mitigation measures can be put in place using conventional construction methods in order for any adverse effects to be reduced. Therefore, the assessment has demonstrated that incident ambient noise levels around the proposed residential development should not be viewed as a constraint. As such, the proposed scheme is in accordance with policies DM10.

Landscape and Visual Impact

- 5.22 To inform the illustrative proposal, a detailed Landscape and Visual Impact Assessment has been prepared by Tyler Grange which confirms that the receiving landscape can successfully accommodate the proposed scheme for residential development through a landscape-led scheme set within a cohesive green infrastructure strategy. This strategy includes setbacks to existing boundary features (trees, hedgerows, ditches) including enhancement of these features; well planned development that incorporates multifunctional and accessible spaces; and

connections and active relationships to the wider landscape, including the Hayling Billy Coastal Path.

- 5.23 The nature of the development proposed is not uncharacteristic within the receiving landscape given the relationship of the adjacent residential land use. The development would not result in the loss of any rare or unique features and affects a limited geographical area. Through good design, the proposed development can deliver a number of beneficial effects and create an attractive and visually balanced development which will complement the local landscape character and enhance its distinctive characteristics. This assessment concludes that new development will not have an unacceptable effect on the existing landscape and visual baseline. As such, the proposed scheme accords with policies CS11, CS13, CS16, DM8 and the guidance in the NPPF.

Heritage and Archaeology

- 5.24 Orion Consulting has undertaken a desk-based archaeological assessment of the site. The assessment concludes that a review of the available evidence has confirmed that the study site has a high potential to contain remnants of Post-Medieval activity, moderate potential to contain Romano-British archaeological finds or features and a low potential for archaeological features from all other periods. This is based on the current available evidence and proximity to known sites. The presence of previously unrecorded occupation in the study site would be of local to regional significance.
- 5.25 Given the modest scale of the evidence collected nearby it is unlikely that any remains would be of national significance requiring preservation in-situ. In addition, there are no designated heritage assets in the vicinity of the study site. As the site is also not within the setting of any designated assets the proposed development will not impact on any such assets.
- 5.26 On this basis, the impact of the proposed development on the archaeological/heritage potential of the study site could be adequately mitigated, and the development made acceptable in terms of archaeological impacts. It, therefore, accords with policies CS11, DM8 of the local plan and the advice on heritage within the NPPF.

Prematurity

- 5.27 Paragraphs 47-50 of the NPPF explains how weight may be given to policies in emerging plans and the advice is clear in *that 'arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and*
 - b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 5.28 In this instance, the proposal, whilst it would materially contribute to housing supply in the area, cannot said to be so substantial, or raise such significant effects, that it may undermine the draft Local Plan (or future emerging neighbourhood plan). This was accepted by HBC in respect of the application for land north of Sinah Lane which was for a much bigger scheme of 195 units, and the emerging Plan had already been submitted for examination. Therefore, this much smaller application does not raise any issues with regard to prematurity.

Agricultural Land

- 5.29 The proposal would involve the loss of agricultural land. However, the area of loss is limited, and it is considered to be Grade 3 which means it has low productivity. As such, its loss would not amount a significant harm that should prohibit the site from coming forward at this point in time.

Transport, Accessibility and Parking

- 5.30 A Transport Statement for the proposed scheme has been prepared by PBA Associates. It concludes that vehicular and pedestrian access to the site will be from Saltmarsh Lane via a bell mouth access proposed in the same location as the existing access point between properties 64 & 64A. The proposed access measures approximately 6m in width, with a 2m footway adjacent to the west and a c.1m service

margin to the east. Visibility splays of 2.4m x 43m have been demonstrated as achievable along Saltmarsh Lane, in line with the posted 30mph speed limit, and visibility splays of 2m x 25m have been provided for vehicles egressing from property 64 onto the internal carriageway, in line with the proposed 20mph design speed. Vehicle tracking has also been undertaken which demonstrates that the access can accommodate a large refuse vehicle as well as two cars passing each other.

- 5.31 Based on the trip generation assessment, the proposed development is likely to generate 27 trips in the AM peak and 33 trips in the PM peak, with 286 trips generated across a 12-hour period. Therefore, the proposed development is expected to have no effect or cause for concern on the highway safety and operation of the local road network.
- 5.32 The proposed development will have parking measurements and geometries that will be accord with the local standards. Refuse and fire tender vehicles will be suitably accommodated for regarding the manoeuvrability, accessing and egressing the proposed development and will be within the requirements set out in Manual for Streets and Building Regulations. Pedestrian connectivity has been explored for residents travelling east from the site towards the A3023 and several potential improvements have been suggested. These improvements will be discussed in greater detail with HCC and formal designs worked up as part of any future Reserved Matters application.
- 5.33 As such, the proposal is not expected to give rise to any unacceptable highway impacts that would warrant refusal of this application as set out in the accompanying Transport Statement and, thereby, complies with policies DM11, DM12, DM13, CS16, CS20 and the guidance within the NPPF.

Flood Risk and Drainage

- 5.34 The site is located within Flood Zone 1 according to the Environment Agency's online flood mapping, which means that the land has a low probability of fluvial flooding (less than 1 in 1000 (<0.1%) annual probability). Residential development is appropriate in Flood Zone 1 and therefore the application complies with the aims of the sequential approach.

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- 5.35 As part of the scheme, it is proposed to use permeable paving and provide water efficient devices to reduce water usage. Therefore, the proposal would be in accordance with policy CS15.

Construction Method and Waste Management

- 5.36 On construction projects, impact upon the public and adjacent owners is an important consideration. A pre-engineered approach ensures that proper consideration is given to forming a Good Neighbourhood Policy. This extends to the appearance of the site and its impact on the adjacent buildings and includes:

- Minimising noise and dust disturbance.
- Planning deliveries to be out of peak hours where possible, and ensuring all materials are immediately incorporated into the project as soon as practically possible.
- Advising the adjacent users of the master programme and sectional completion plans.
- Showing consideration to local residents, businesses and the general public to ensure that construction works and operatives do not intrude on normal day to day activities.

- 5.37 In considering a Waste Management strategy, the four criteria listed below for effective waste management will be taken into consideration in formulating a suitable strategy:

1. Minimise / Reduce
2. Re-use
3. Recycle
4. Disposal

- 5.38 In particular, opportunities will be investigated to maximise the practicable recycling potential of construction material. The following are identified at this stage:

- Re-use excavated spoil within landscape/other areas of fill if suitable;

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- Timber waste considered for recycling for use of by-product;
 - Arrange recycling of packaging with suppliers; and
 - Prevention of over-ordering/damage of materials on-site.

5.39 In respect of waste management once the units are occupied, it is proposed that each house is provided with its own refuse storage area at ground level. These matters will be explored in greater detail as part of the reserved matters application and any associated conditions.

Viability and Deliverability

5.40 The extent to which limitations, undertakings and other requirements arising from the proposal can be covered by planning conditions and/or legal obligations will require further consideration and will be the subject of separate discussions between the applicant and officers. As part of the application, the applicant has provided CIL information for consideration.

5.41 The most important factor is ensuring that the proposed scheme is viable and can be delivered on the ground in accordance with the suggested timetable. This advice is reflected in the NPPF at paragraphs 54-57 which advises that planning obligations should only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

5.42 The applicant in accordance with policy CS21 is prepared to enter into a S106 Agreement to secure an agreed level of affordable housing across the site along with other items not covered by CIL. Any contributions agreed will be in addition to the significant financial contribution that could be secured through the Government's New Homes Bonus scheme and future council tax receipts.

6.0 The Planning Balance

- 6.1 This chapter draws together the information set out in the preceding sections to provide a summary of the case for granting outline planning permission on this site.
- 6.2 This outline application is made in the context of the Government's objective of significantly boosting the supply of housing, and the NPPF's presumption in favour of sustainable development which requires development proposals to be approved unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits where there is an out-of-date Development Plan. As outlined in the previous section, the presumption in favour test (i.e. tilted balance) is engaged because HBC cannot demonstrate a 5 year housing land supply position nor has it met the Governments HDT threshold.
- 6.3 The emerging HBC Local Plan is in draft form and, therefore, carries limited weight in the determination of this application. In such circumstances, the advice is clear in that the policies of the NPPF take precedence. There are also no issues with regard to prematurity given that the scale of development proposed would not undermine any emerging Local Plan.
- 6.4 The site lies adjacent to already established residential development and is recognised as being a sustainable location for development by the Council. In the context of the urgent need to deliver homes within the borough the site will provide much needed market and affordable housing within a high-quality residential environment which respects the amenity of existing residents as set out in the DAS.
- 6.5 The development will deliver improved cycle and footpath links and look to contribute to improvements to existing community facilities, which will be of benefit to new and existing residents of this area of Hayling Island.
- 6.6 A net gain in biodiversity will be achieved through the creation of landscaped buffers, retention ponds, the retention of hedgerows and creation of private gardens. In addition, a significant area of mitigation for winter breeding birds can be secured with the approval of this application. As with any greenfield site, the development will

introduce change to an otherwise undeveloped piece of land. Care has been taken to ensure this impact is minimised and the illustrative material within the DAS demonstrates this by its design concept/approach including the provision of open space.

- 6.7 The technical reports that underpin this application demonstrate that residential development can be satisfactorily delivered on this site. The applicant is willing to continue to work with the Council to agree suitable planning conditions and/or s106 terms required to ensure that the more detailed assessments of are carried out at the appropriate point in time to inform the reserved matters application(s).
- 6.8 It is recognised that the development would be outside the existing settlement boundaries and would result in the loss of agricultural land. However, the site area is small and productivity is limited. As such, its loss to residential use is not considered significant. In terms of landscape and visual impact, this would be localised and minimal given the design parameters set out in the DAS which will be further explored as part of any reserved matters application.
- 6.9 The table below provides a summary of the key public benefits and lists any potential adverse impacts together with our view on the weight that should attributed to each in the context of the presumption in favour test. It is clear that the benefits of developing this site for housing (and the associated works) significantly outweigh the harm in terms of loss of agricultural land and development outside the identified settlement boundary. This proposal would also help support the Council to resist less sustainable schemes in locations not previously considered for residential development, especially in more sensitive out of settlement locations.

Public Benefit/Impact	Harm/Beneficial/Neutral	Weight
Provision of market homes	Beneficial	Significant
Provision of affordable homes	Beneficial	Significant
Provision of winter bird mitigation land	Beneficial	Significant
Sustainable location/accessibility to footpath/cycle routes etc.	Beneficial	Significant
Biodiversity enhancements	Beneficial	Significant

Provision of public open space	Beneficial	Significant
Economic benefits (employment/additional local expenditure)	Beneficial	Moderate
Well-designed development	Beneficial	Moderate
New Homes Bonus/additional Council tax receipts	Beneficial	Moderate
Impact upon heritage assets	Neutral	Limited
Impact upon landscape views	Neutral	Limited
Loss of agricultural land	Harm	Limited
Development of greenfield site/outside settlement boundary	Harm	Limited

- 6.10 In the light of the above, it is our view, that cumulatively, the benefits of the proposals provide tangible and compelling material planning considerations which **significantly and demonstrably** outweigh any conflict with the out-of-date policies of the Development Plan. As such, this application **should be approved without delay**.

Appendix 1 – Pre-application response

Bhavash Vashi
BVA Planning
Mira House, 88 Elm Road
Reading
RG6 5TR

Our Ref: GEN/21/00769
Direct Line: (023) 02392 446263
Ask For: Mr L Oliver
Email: planning.development@havant.gov.uk

02 September 2021

Site Location: Land south of Saltmarsh Lane, Hayling Island

Re: Development of potential 62No. dwellings (Up to 43no. market homes; Up to 19no. affordable homes); and provision Public Open Space with access off Saltmarsh Lane.

Dear Mr Vashi

I am writing to you further to your enquiry received on the 01 July 2021 regarding the above address, please accept my apologies for the delay in response.

Having reviewed the submission and following our meeting, it is considered that the following material planning considerations are relevant:

1. The principle of development including Assessments of impact
2. The impact on the character and appearance of the area, including the proposed layout
3. The proposed housing mix, including level of affordable housing
4. Impact on amenities of neighbouring properties and future occupants
5. Impact on the highway network/Parking
7. Contamination and air quality
8. Drainage / water environment
9. Nutrients
10. Developer contributions - including education
11. Other Matters

The following policies are relevant to this pre-application response:

- CS9 Housing
- CS17 Concentration and Distribution of Development within the Urban Areas.
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements
- CS21 Developer Requirements
- DM6 Coordination of Development
- DM8 Conservation, Protection and Enhancement of Existing Natural Features
- DM10 Pollution
- DM13 Car and Cycle Parking on Residential Development.
- DM14 - Car and Cycle Parking on Development (excluding residential)
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development.

SPD's

- Havant Borough Council Housing SPD (July 2011)
- Havant Borough Council Parking SPD (July 2016)

In the Pre-submission Plan the following policies are of relevance:

Housing standards are set out in policies

- H1 High quality new homes includes a requirement for dwellings to meet the nationally described internal space standards. Private Amenity Space - Policy H1 also requires sufficient private and/or communal outdoor amenity space to be provided. For flatted developments, this should be a minimum of 1 sqm of communal space per bedroom.
- H2 Affordable Housing
- H3 Housing density
- H4 Housing mix
- Policy IN5 requires an appropriate mechanism for the management and maintenance to be agreed
- Policy E3 Settlement boundaries
- Policy E9 on site open space provision expects an element of food growing provision on greenfield sites
- Policy E12 sets out that proposals for residential development are expected to achieve a reduction in CO2 emissions of at least the Dwelling Emission Rate (DER) when compared to the Target Emission Rate of Part L of the Building Regulations.
- Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the parking standards for new residential and non-residential development in the borough. Emerging
- Policy IN3 in the HBLP expects Electric Vehicle charging infrastructure to be provided.
- Policy DR2 - Community Officers - requires a contribution towards a community officer to help new residents in the development integrate into existing communities. This contribution is currently £250 per dwelling. Skills and Employment - Policy DR2 also requires a financial contribution towards on-site training and jobs for local people or a site-specific Skills and Employment Plan to be secured through S106.

Whilst it is acknowledged that the Submission Havant Borough Local Plan can only be afforded limited weight at this stage, it may be afforded greater weight as the Plan progresses towards and through its current examination. As such the Local Planning Authority are requesting that applicants in any planning application submit a compliance check template to help consideration of any proposal against these emerging policies. This has been a helpful tool for members of the Development Management Committee when considering planning applications.

1. The principle of development

As the applicant acknowledges, 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 plan 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.

Assessments of impact

As the site is not identified in the emerging local plan, no assessment of the impact of the scheme has taken place. As such, analysis of all impacts of the scheme, in combination with the entirety of the development identified in the local plan will need to take place and be included with the application documents. Transport is a notable topic and it is recommended that as part of pre-application discussions with the local highway authority, that bespoke runs of the Hayling Island Microsimulation model are carried out, which the Borough Council can arrange. It is noted that a separate pre-application enquiry has been submitted to the Highway Authority, which is one of the key issues in this location.

Five year housing land supply

The Council's Five Year Land Supply Further Update (June 2021) indicates the Council has 4.4 years supply with a 20% buffer applied. It is acknowledged that this is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF). Significantly, however, it does not follow that all other considerations

should be set aside entirely. Rather, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is not possible to draw conclusions on this before an application supported by the requisite reports is made.

The Council adopted a Housing Delivery Action Plan in January 2021 which outlines the Council's response to the lack of a five year housing land supply. The proposed scheme is not in the five year supply in whole or part. There would be a gain of 62 units to address the five year housing supply requirement.

*Five year requirement with 20% buffer = 3,376 dwellings / 5 years = 675.2 dwellings a year
62 dwellings / 675.2 dwellings = 0.09 years.*

The scheme would contribute up to 0.09 years' supply of housing (rounded) and would therefore have the potential to increase the Borough's housing land supply to 4.49 years. This must be afforded weight in the overall planning balance.

It should also be noted that with the significant headwinds noted in the Housing Delivery Action Plan now largely in the past and the Local Plan at examination, it is expected that the five year supply picture will improve. Therefore the position regarding the 5-year supply may change by the time an application is made and considered.

Brent Geese and Waders

The applicant has already noted that the land is a low use area for Waders and Brent Geese. It is assumed that this will be explored further through the indicated ecological assessment work and HRA. Any solution proposed should satisfy criterion i or j of policy E17 of the emerging Local Plan.

However, the Saltmarsh lane site is within an area of land provided as mitigation for the previous Oysters development (it is H34D in the SWBGS). Part of H34D was managed to incorporate it into the cereal rotation of the adjacent and larger H34C. This, along with fencing improvements to H34E (the now Sinah Lane refuge), was considered to be necessary to make the Oysters development acceptable under the Habitats Regulations. Clearly the loss of part of that mitigation package to a new development would undermine the Oysters site, and you would need to seek legal advice as what impact this has on the permitted site, as this would clearly require a Habitat Regulation Assessment, the onus is on the applicant to address this matter, which could have wide ranging impacts on the Oysters Scheme.

It is recommended that the advice regarding this issue for the nearby land to the south also being promoted is considered and a comprehensive solution sought, together with relevant ecological reports, we are aware that your ecological consultant has been discussing this matter with our expert.

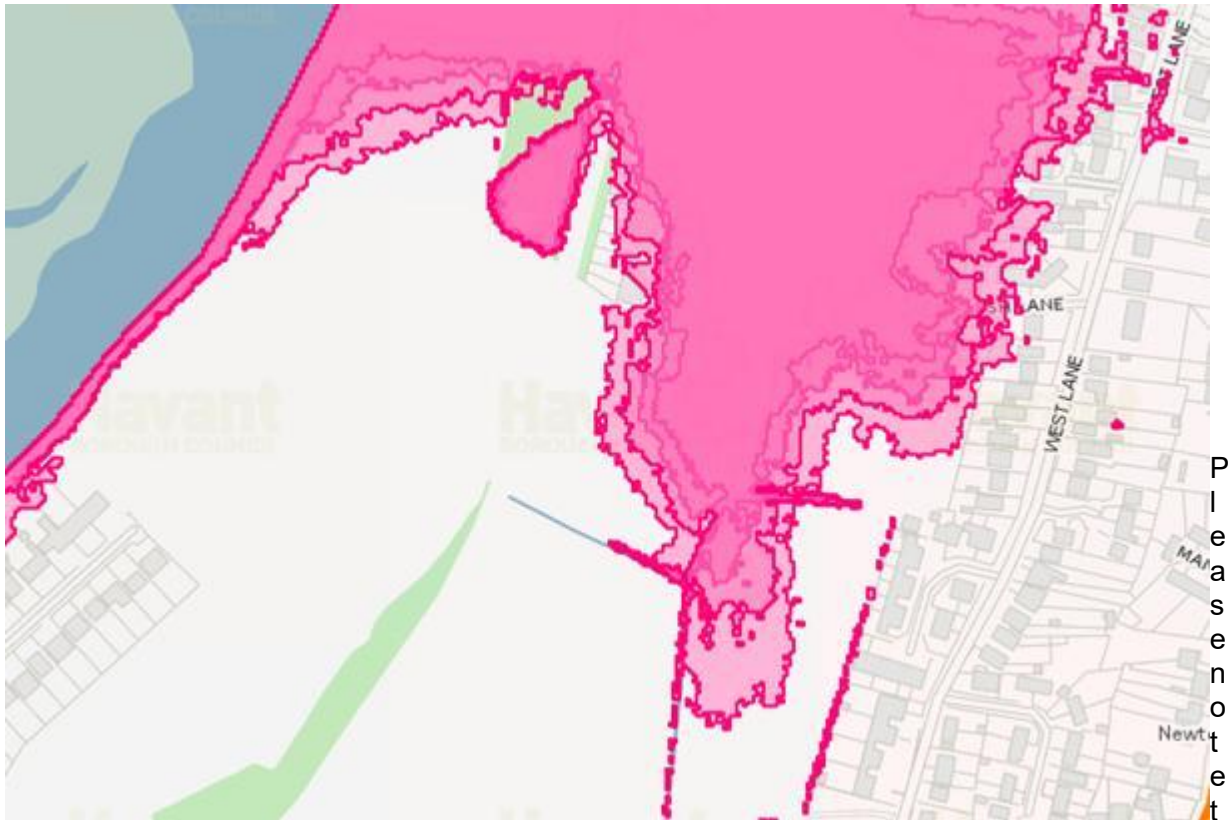
Best and most versatile agricultural land

As the proposal relates to a greenfield site outside the settlement boundary defined by Policy E3, Policy E6 is of relevance. In such cases, development proposals should be supported by an appropriate soil survey to demonstrate whether the site is (in whole or part) BMV agricultural land. It is noted that such a survey is not included in the proposed list of assessments to be undertaken.

Flood Risk

It is noted that an area at risk of surface water flooding has been identified. It does not, however, appear to have been noted that the site is significantly affected by the future flood zones, which take into account climate changes (based on the PUSH SFRA

<https://www.portsmouth.gov.uk/services/development-and-planning/planningpolicy/strategic-flood-risk-assessment/>). See map extract below:



That the above comments are the opinion of individual Planning Officers and are in no way binding upon the Council when determining any future applications for planning permission and nor will they prejudice the outcome of any applications submitted.

This advice also only relates to planning matters, and does not relate to any other application that may be required under 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 02392 446571

Yours sincerely

Taking this into account, a site specific Flood Risk Assessment and sequential test will be required.

2. The impact on the character and appearance of the area, including the proposed layout

It is noted that only an illustrative Site plan and opportunities map have been submitted as part of this pre-application. As such whilst we understand that further work on this will be undertaken, we have provided comments which any future scheme needs to take account of.

Soft landscaping/Open Space

Policy E9 of the emerging local plan requires provision of public open space in new development of the Local 2036 seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through, requiring the provision of a certain level of public open space. This policy requires that public open space is provided to a standard of 1.5ha per 1,000 population and on greenfield sites, part of this requirement is

provided in the form of a community growing space. This policy also seeks to provide that an element of play space is provided, where the overall required open space provision exceeds 0.5ha. It is not clear what the proposals are in this regard or regarding the provision for equipped / designated play areas within the site.

Any application would require a full arboricultural report to determine the impact on the existing trees Root Protection Areas, and should form part of the emerging landscaping framework to ascertain what mitigation strategy would be appropriate to ensure the retention of existing trees. The current plan indicates a scarcity of tree planting within the streetscape, which is a missed opportunity to frame views and soften the urban environment. This is amplified through large swathes of parking being proposed, which are not deemed acceptable, as a rule we would need to see continuous lines of parking broken up with trees and vegetation every 5/6 spaces.

The proposals for site drainage require sufficient provision of space within the site masterplan to be calculated and demonstrated from the outset. Balancing ponds and other associated features need to be appropriately integrated within open space areas, but outside existing tree root protection areas. Any associated drainage (SUD's features) which include steep-sided, fenced off features of artificial appearance will not be acceptable. Accessible, gently graded slope sides will allow access / egress for some informal play provision, ease of future maintenance and improved biodiversity. Detailing matters such as outfalls / header walls and other associated elements will need to be appropriately detailed using materials to fit with the development palette.

3. The proposed housing mix, including level of affordable housing

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that residential developments of 15 units or more would be required to provide 30-40% affordable housing on site.

The submitted Havant Borough Local Plan (HBLP), which was approved by the Council on 30/01/2019, but at this time carries limited weight, further reinforces this policy (see Policy H2 / Affordable Housing) by setting out a requirement for 30% affordable housing on sites resulting in a net gain of 10 or more dwellings.

Policy H4 of the HBLP requires that 35% of the dwellings will be 2 bed units, it noted that the proposed mix within this submission is very slightly below this threshold, which is not considered to be a matter of fundamental concern.

To address locally identified need the HBLP states that, 2% of the overall housing provision should be designed to meet the wheelchair accessible homes standard.

At this time, it is expected that the affordable provision to be a minimum of 30% as per currently adopted policy with a tenure split approx. 70% Affordable Rented and/or Social Rented, and 30% Shared Ownership, and a mixture of all the apartment types, although the exact mix can be agreed at a later stage. It is noted that the proposal includes provision for 30% of the units to affordable.

4. Impact on amenities of neighbouring properties and future occupants

In the absence of fully detailed plans, we are not able to offer a comprehensive response. The Design Guide SPD sets out the requirements in terms of layout and distances to neighbouring properties. In addition, this document sets out the minimum requirement for garden/amenity area for new development.

5. Impact on the highway network/Parking

The scale of the development is such that any application would need to be accompanied by a Full Transport Assessment setting out transport and highway impacts, suitable mitigation measures and assessing injury records.

A Travel Plan setting out aims and objectives and addressing sustainable transport choices will also be required.

We are aware that you have undertaken a separate pre-application with the Highway Authority, which is welcomed, as highway matters are very sensitive on Hayling Island, as you will be aware from the Sinah Lane planning application, which has been referenced in your submission.

The Traffic Team have also highlighted that they would seek provision to be made for a sum of £5000 (plus the costs associated with advertising the proposals and any works) estimated to be a maximum of £7000 in total, to be provided by the developer to be set aside from commencement to allow a TRO to be processed ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network.

6. Contamination and air quality

Detailed comments in relation to contamination and air quality are attached from the Councils Environmental Control Officer, at appendix A. These should be carefully assessed and addressed in any application in relation to demolition or re-development.

An Air Quality Assessment would be required. Air quality assessments should be proportionate to the risk posed by the development. They should assess the predicted concentration of pollutants of concern at appropriate dates and sensitive locations, the predicted change in air quality, and the spatial impact of the change.

7. Drainage / water environment

Surface water and foul water drainage proposals would need to be included in any planning application for consideration by Hampshire County Council as the Local Lead Flood Authority and Southern Water. Hampshire County Council as LLFA provide a pre-application paid service which you are strongly encouraged to use. The following details are likely to be required by the Local Lead Flood Authority.

Existing flood risk:

- ☐ SuDS design - information on potential discharge points and locations including the sensitivity of those location
- ☐ Existing drainage
- ☐ Ground conditions and infiltration
- ☐ Contamination that may affect the use of infiltration devices
- ☐ Ground investigation
- ☐ Groundwater levels
- ☐ Infiltration tests
- ☐ Runoff calculations
- ☐ Attenuation - information on how surface water flows and volumes will be contained on site
- ☐ Exceedance flows and runoff in excess of design criteria - information on what happens if the proposals exceed the design event, including flow routes, depths and velocities.
- ☐ General maintenance regimes - information on surface water management and who is going to be undertaking it including evidence that those maintaining the drainage system are in discussion with the developer, this requirement to include agreed management of

any off-site drainage system receiving flows from the development, where this maintenance is a critical element of the operation of the on-site SuDS.

Foul Sewage

Due to the size of the development, Southern Water have advised that capacity assessments will be required to determine if the existing sewerage system can accommodate the proposed development flows.

In addition, Southern Water have highlighted that they require a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

8. Nutrients

Policy EX1 (Water Quality impact on Solent European Sites) indicates that new dwellings and/or development resulting in a net gain in overnight accommodation which would likely cause a likely significant effect on designated sites will need to provide a nutrient budget. This is reaffirmed by the Council's Position Statement which indicates that applicants will need to set out how any likely significant effects on Solent European Sites will be mitigated through the application, to include the submission of the updated European Sites Mitigation Checklist and a nutrient budget.

Avoidance and mitigation measures to achieve nutrient neutrality should be provided on site, in line with the Habitats Regulations, wherever possible first before seeking off-site mitigation options. Development may be able to use on-site measures in order to achieve nutrient neutrality or reduce the scale of off-site mitigation required to achieve nutrient neutrality.

In the event that this application cannot provide the mitigation on site the development would need to contribute to an off-site scheme. The proposed development is not an allocation within the Local Plan or within the settlement boundary as defined by Policy E3. Therefore, it is not possible for the applicant to use the Council's mitigation scheme. As stated in paragraph 3.8 of the Position Statement *'this is because Warblington Farm is needed to mitigate the development planned for through the Havant Borough Local Plan and Regeneration Strategy'*.

If it is not possible to fully mitigate the scheme's impact on site, the applicant will therefore need to find an alternative mitigation scheme. The details of other schemes have been published on the Partnership for South Hampshire's website at <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>. It will need to be established that there is a clear scientific link between the proposed development and the mitigation, and that the mitigation package ensures that the development in question is nutrient neutral. It is incumbent for the applicant to provide this information as part of any planning application and will need to show a clear scientific link between the likely significant effect caused by the development and the impact of the mitigation scheme. The legal agreement put in place associated with any planning permission will likely need to be bespoke to that development and the mitigation scheme in question. It will need to be signed by the landowner of the mitigation site and the planning authority the mitigation site is in.

Please note the provision of this information does not remove the need for a formal Habitats Regulations Assessment for this application and it is incumbent on the applicant to provide the Council with all of the information needed in order to undertake this.

9. Developer contributions - including education

This proposal is within 5.6km of Chichester and Langstone Harbours Special Protection Area and will lead to a net increase in residential accommodation and therefore an increase in

recreational pressure on the designated site. The development will need to mitigate against the potential adverse effects of the development on the integrity of the European site. From the 30th June 2014, the Council introduced the Solent Recreation Mitigation Partnership (SRMP). The SRMP was introduced with the advice of Natural England and requires a financial contribution to mitigate against the effects of recreational disturbance on the Solent Special Protection Area (SPA).

From 1st April 2019 the Solent Recreation Mitigation Strategy (SRMS) financial contribution were amended, using a sliding scale, based on number of bedrooms to calculate the SRMP contribution for new development in the Borough. Any decisions permitted on or after 1st April 2019 will need to pay the new sliding scale contribution, plus the appropriate fees.

Education

The proposed development of 62 dwellings would usually be expected to generate a total of 19 additional primary age children. This is based on a figure of 0.3 primary age children per new dwelling which was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary age children on those developments.

The development site is served by Mill Rytte Infant and Junior Schools but there is pupil movement between these schools and Mengham Infant and Junior Schools. The schools are forecast to be at capacity by the start of the 2025 academic year and forecast to remain full after that date without this proposed housing being taken into account. Consequently, additional primary school places will be needed to cater for the additional 19 pupils and a contribution is sought from the developer to pay for this expansion. Details of the forecasting methodology used, along with the current pupil numbers in the Hayling Island primary schools can be found at Appendix A.

Similarly Hayling College serves the proposed development but it can be noted in Appendix A that there is a sufficient number of secondary school places available to accommodate the yield from the proposed development.

The County Council has used previous extension projects to derive a cost for the proposed expansion, and this is estimated at **£272,507**. This is based on the provision of an additional classroom to accommodate the pupils from this development. Details of how these costs were derived can be found in Appendix B, in the attached appendix 2. This will go towards any expansion to Mengham Infant and Junior Schools.

No contribution will be sought to provide additional secondary school places owing to the surplus places within the existing schools.

In summary, the contribution towards the expansion of Mengham Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development. The level of contribution being sought is based on the number of additional classrooms required to accommodate these children at the schools and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's '*Planning for School Places Guidance Document*' which sets out the methodology for assessing the impact of development on education infrastructure.

NHS South East Hampshire

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 NHS South Eastern Hampshire Clinical Commissioning Group 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.

Due to the current pandemic priorities of the NHS we have not heard from them at this point. However, from previous residential schemes, we are aware that the formula to calculate the contribution was as follows:

The proposed contributions formula for developments under 2000 dwellings is: 164 No. of dwellings x 2.4 divided by average 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).

CIL

The apartments would be CIL Liable, in accordance with our CIL Charging Schedule:

<https://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

It should be noted that the CIL Charging Schedule is currently under review alongside the Pre-submission Local Plan.

When submitting an application this would need to be accompanied by CIL Forms 1 and 2. If there is an element of Social Housing, CIL Form 10 will be required to consider granting of Mandatory Social Housing Relief.

S106

This would arise from consultee responses and could include (amongst any other site specific

obligations necessary):

1. Affordable Housing
2. Monitoring Fees*
3. SRMS**
4. Nutrient Neutrality
5. Management Company and Management Plan
6. SUDS and SUDS Bond
7. Highway Works (HCC)
8. Site Specific Transport Improvements (HCC)?
9. Education (HCC)
10. Travel Plan (See Developer Contributions Guide for thresholds; the quantum of development proposed would indicate that HCC will require Travel Plan Obligations)
11. Traffic Regulation Order
12. Community Worker

Conclusion

It is acknowledged that the Council is not currently able to demonstrate an up-to-date five year housing land supply position. The scheme would contribute 0.09 years' supply of housing and would therefore have the potential to increase the Borough's housing land supply to about 4.49 years. This would be afforded weight in any prospective application, should the position remain the same at the point of application.

Nevertheless, the development plan remains the starting point in decision making. There is an 'in principle' policy objection to the proposal in the context of both the adopted and emerging local plans. The site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply. It is also at risk of flooding in the future.

It is noted that the applicant is considering a parallel application at land North of the Oysters (ref GEN/21/00759). The two sites form the northern and southern parcels of a continuous area of undeveloped land. It is suggested that in the face of the in principle policy objection to development on both sites, a better approach would be for the applicant to promote the whole site through the next local plan. The site should be promoted as a single development in this parcel of land which can be comprehensively planned. The promotion of this site should also include a comprehensive assessment of the SPA bid mitigation that would be needed to bring it forward together with avoiding flood risk. This would allow comprehensive consideration of all the issues and is considered the most appropriate way forward.

Given the limited nature of information submitted a number of other matters would need to be addressed, and as such at this time the LPA cannot advise on these matters.

Validation Requirements

Full validation requirements can be viewed on the Councils Website at the following address:

<https://www.havant.gov.uk/local-requirements-list>

I would highlight the need for the following in addition to plans and elevations:

- ☐ ☐ Design and Access Statement
- ☐ ☐ Affordable Housing Statement,
- ☐ ☐ Biodiversity/Ecological Assessment
- ☐ ☐ CIL forms
- ☐ ☐ Drainage (Surface Water and SUDS) and Foul Sewage Assessment
- ☐ ☐ Landscaping
- ☐ ☐ Lighting Assessment
- ☐ ☐ Full parking provision assessment including residential element
- ☐ ☐ Photographs
- ☐ ☐ Planning Obligations
- ☐ ☐ Transport Assessment and Travel Plan
- ☐ ☐ Tree Survey/Arboricultural Implications (Arboricultural Impact Assessment and Arboricultural Method statement)
- ☐ ☐ Utilities Assessment
- ☐ ☐ Statement of Community Involvement
- ☐ ☐ European Site avoidance and mitigation checklist

Please note that the above comments are the opinion of individual Planning Officers and are in no way binding upon the Council when determining any future applications for planning permission and nor will they prejudice the outcome of any applications submitted

Yours faithfully

Mr L Oliver
Principal Planner
Our Ref: GEN/21/00769

Attached consultation responses:

Appendix A - Environmental Health - Air quality and contamination

Appendix B - Local Education Authority response

Appendix 2 – Sinah Lane Committee Report

- Plots 170-171 and 172-3 have similarly been brought slightly forward away from the boundaries and trees T31-T35, again in response to feedback on the previous application.
- Further design work has resulted in the SuDs basin in the field to the north having a slightly more elongated shape.

The proposal is for a development of 195 new homes (68 no. 2 bed, 100 no. 3 bed and 27 no. 4 bed) with 0.72 hectares (0.72 ha) of open space, and 6.7ha Wader and Brent Geese Refuge Area on greenfield Grade 3a agricultural land of 12.64 ha. The proposed density is approximately 41 dwellings to the hectare (dph). The site is located to the north of Sinah Lane, to the east lies the Hayling Billy coastal route (a former railway line), and to the south the existing properties fronting Sinah Lane, with a gap between Nos 6 and 10 providing access. The southern portion of the site is bounded to the west by the rear gardens of existing residential properties on North Shore Road. The northern portion of the site is bounded to the west by the top of a bank along the adjacent coastline. To the north-east the site is bounded by a hedge line and tree planting.

The housing development comprises dwellings of traditional design, ranging in size from 2 bed to 4 bed and in height from 2 to 3 stories. 30% of the dwellings would be affordable. Vehicular access would be off Sinah Lane and would take the form of a single vehicular access. Pedestrian and cycle links are proposed to connect the site to Sinah Lane and to the Hayling Billy trail plus a proposed connection around the communal open space, which would provide a community orchard, and opportunities for outdoor activity.

The key matter of principle in dealing with this application is whether it should be considered prior to the examination and adoption of the emerging Havant Borough Local Plan and if so whether the proposal represents sustainable development.

In terms of the principle of development, the site is not allocated in the development plan. As such, it is advertised as a departure from the development plan. However, since the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan) were adopted an assessment of the housing need for the borough now shows that significantly more homes are needed and therefore all possible sites must be re-assessed and considered as to whether their development would be sustainable. An initial re-assessment of all potential housing sites was undertaken through the now revoked Local Plan Housing Statement and evolved as the new local plan emerged. The site is proposed for allocation in the submitted Havant Borough Local Plan under Policy H29.

It is accepted that elements of the proposal do not fully comply with elements of emerging policies in the emerging Local Plan, with specific regard to provision of a fully compliant scheme in relation to technical housing standards, carbon reduction and infrastructure for electrical vehicle charging. However, the scheme does provide elements which satisfy or exceed emerging policies, particularly with regard to generous open space provision for existing and future residents. The NPPF (paragraph 48) sets out that weight can be given to relevant policies in emerging plans depending on, amongst other things, the stage of preparation of the emerging plan and the extent of unresolved objection to individual policies. At the current stage where the Local Plan has been published and submitted to the Secretary of State for Housing Communities and Local Government for examination, and in combination with the level of objection to these 'standards' policies, they can be afforded only limited weight at this time.

Whilst the scheme is contrary to the development plan, national policy is a material consideration. This includes the Borough's performance against the NPPF's requirement to demonstrate a five year supply of deliverable land for housing. The Borough's housing land supply was updated in February 2021. This shows that the Borough now has a 4.2-year

housing land supply with a 20% buffer applied. This represents a materially changed position relative to the previous application when the Council had a 5.4-year housing land supply and the supply now falls below the Government's five year supply threshold. It also means that as a result of paragraph 11,d,ii coming into effect, that planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the (NPPF) as a whole".

The development proposed by this planning application is included within the housing land supply calculations and is equivalent to 0.36% of that supply. As such, without the proposed development at Sinah Lane, the Borough would have a 3.84-year housing land supply, further reducing the ability of the Borough to demonstrate its required housing land supply. This is a material consideration of great weight, especially in the light of the acute need for affordable housing and the 30 per cent contribution of this scheme, and falls to be part of the planning balance in the determination of this planning application.

The proposal has been the subject of a high level of public interest with 579 representations received in respect to the planning application, comprising 578 objections, and 1 in support. Additionally, the proposal has been subject to extensive review and consultation. Under the previous application APP/18/00724 the plans were amended to address concerns raised by consultees; revising the design, layout and improving landscaping, which has improved the relationship of the development in respect to the surrounding area and neighbouring residential properties. The application is supported by an Infrastructure Delivery Statement (IDS) together with specialist reports in respect to the key issues, including landscape impact, ecology, highways and drainage. Full publicity has been undertaken on the proposal including consultation, notification of neighbours, site notices and advert in the press.

Under the previous application in respect to vehicle, pedestrian and cycle access to the site, and having regard to the Hayling Island Transport Assessment (HITA) the submitted details were amended in agreement with the Highway Authority. In accordance with the previous proposal the current proposal provides for a contribution towards the implementation of the HIT A mitigation package. The HIT A mitigation package includes junction improvements at the following locations: -

- Northney Road/A3023;
- Langstone Road/Woodbury Avenue/Technology Park;
- West Lane/A3023;
- Mill Rythe Roundabout; and
- Friction Reduction' Schemes along the A3023.

Subject to conditions and obligations the Highway Authority raises no objection to the application.

The site is identified under the Solent Wader and Brent Geese Strategy as Primary Support habitat. Mitigation is identified under the submitted Winter Bird Mitigation Strategy which proposes a refuge on the north of the proposed housing development adjacent to the Hayling Island Brent Goose Refuge (E26). The developer is currently at an advanced stage of negotiations with the RSPB to take on ownership of this area to provide permanent foraging for Brent Geese and other waders during the winter. A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

The site is in flood zone 1 (lowest type of risk) and the Environment Agency and Local Lead Flood Authority have raised no objection to this development, and are satisfied, subject to conditions with the measures in place to ensure that the development is free from the risk of

flooding and that the site is sustainably drained.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area (SPA), Ramsar, Solent Maritime SAC and Solent and Dorset coast SPA requiring mitigation. The subsequent Appropriate Assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy, Position Statement on Nutrient Neutral Development and the Solent Waders and Brent Goose Strategy Guidance. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the European Sites which would otherwise have been likely to occur. 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 it concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

To conclude, it is considered that the scheme would contribute to the need for housing in the Borough and would provide an attractive development with an acceptable impact. In assessing the proposal (including associated evidence) against the adopted local plan, the National Planning Policy Framework (NPPF), in combination with the direction of travel of the emerging local plan, and given the need to maintain a five year supply of deliverable housing sites, it is considered to represent sustainable development and is therefore recommended for permission.

1 Site Description

- 1.1 The site is located on Hayling Island, within the southern area of the island, known as South Hayling; the site is located in the western part of the settlement known as West Town. Adjacent to the site is the former terminus of a railway line which once linked Havant with Hayling Island. This route now forms the Hayling Billy Trail. The site comprises a 12.64-hectare area of undeveloped agricultural land which is irregularly shaped and elongated along a north-south axis. The southern part of the site is transversed by an overhead power line. A second overhead power line crosses the central portion of the site on an east-west axis. There are no trees within the site, except for an area at the northernmost extent of the site.
- 1.2 The site, the southern part of which is currently in agricultural use and the northern part which provides over wintering for birds including Brent Geese, is relatively flat. The site lies in proximity to a number of identified environmentally sensitive sites including a SSSI and Langstone Harbour.
- 1.3 The southern boundary of the site borders residential development in Sinah Lane and the western boundary comprises the rear gardens of properties in North Shore Road with the northern section comprising a bank along the adjacent coastline. The Hayling Billy Trail (a former railway line) lies to the east. The northernmost extent of the site is bounded to the north by a stream.
- 1.4 The nearest collection of retail facilities is at West Town, a 500 metre walk from the site. This includes a supermarket and pharmacy. There are also two public houses in this area, as well as a church, community centre and park. A wider collection of retail facilities is available at Mengham, a 1.7km walk from the site. In this area there are two supermarkets, two pharmacies, a post office, a church, a health centre and dentist. Educational Facilities are located at Mengham Infant School and Hayling Island Library which are a 1.5 km walk from the site. Mengham Junior School sits at a walk of 1.7 km from the site. The nearest secondary school is Hayling College, which is a walk of 2 km from the site.

2 Planning History

- 2.1 The site was the subject of a Development Consultation Forum (DCF) on 14 November 2017 in respect to a residential proposal for 162 new homes on a smaller site.
- 2.2 APP/18/00724 - Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.

Appeal against non-determination. Not yet determined and but start date now confirmed.

Committee resolution at the DMC of the 29 October 2020 that the Head of Planning be authorised to inform the Planning Inspectorate that had an appeal not been lodged the Local Planning Authority would have been minded to GRANT PLANNING PERMISSION for Application APP/18/00724 subject to conditions and a Section 106 Agreement in respect of the following matters: -

- 1. Affordable Housing (30%)
- 2. Provision of Bird refuge
- 3. Provision of Open Space, including orchards, play area and associated infrastructure and arrangements for management including measures to ensure that the open space is managed in a Nutrient Neutral manner
- 4. Solent Recreation Mitigation Strategy contribution currently £125,774.40 (subject to appropriate increase in the event that the decision is made on or after 1st April 2020)
- 5. SUDS maintenance and bond
- 6. A contribution towards Health of £31,2000
- 7. Permissive paths
- 8. A contribution towards a Community worker of £48,750
- 9. Delivery of site access works via a S278 agreement, prior to commencement of development
- 10. Off site Highways contribution of £679,000 towards improvements along the A3023 corridor up to, and including, the A27 roundabout

3 Proposal

- 3.1 Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.
- 3.2 The proposed residential development is for the erection of 195 dwellings (including a 30% provision of affordable homes i.e. 58 units), associated open space, pumping station, substation with vehicular access via Sinah Lane on the southern section of the site and on the northern part a change of use of land from agricultural to a permanent Wader and Brent Geese refuge. This area is currently used by these birds when the crop provides a suitable food source as required under a S106 agreement in respect to the nearby Oyster development.
- 3.3 The development will provide a variety of dwellings ranging from 2 to 4 bedrooms in size. The majority of the development will consist of 2 storey houses or maisonettes, with some 2.5 storey house and 3 storey flats.
- 3.4 Public Space provision is in the form of a community orchard, Locally Equipped Play Area, wild flower meadow and additional recreation areas providing for green corridors through the site and along the northern part of the eastern boundary. To the north of the proposed housing development the plans provide for drainage infrastructure including a SUDS pond.

- 3.5 The materials for the proposed development would comprise a mix of stock bricks, grey cladding and red and grey tile hanging with concrete grey and red roof tiles. Garden sheds would be provided for bike storage.
- 3.6 Vehicle access to the housing development would be taken off Sinah Lane between 6 and 10 Sinah Lane. Additionally, the proposal allows for a northern and southern link to the Hayling Billy Trail for pedestrians and cyclists.
- 3.7 Parking would be provided for 484 vehicles comprising 445 allocated spaces (on plot and off plot) and 39 visitor spaces, plus 2 service spaces adjacent the proposed sub station on the south-eastern part of the site.
- 3.8 The northern part of the site would be safeguarded for a Bird Refuge to provide and secure enhanced habitat for this use. - Circa 4.3 hectares is already within the ownership of the RSPB (land immediately adjacent to the shoreline continuing on from North Shore Road) - Circa 1.8 hectares will be transferred to the RSPB - Circa 0.6 hectares is occupied by the suds feature which (whilst not strictly foraging habitat) is complementary to the foraging habitat and contributes to the openness of the area. The developer is currently negotiating with the RSPB to take on ownership of this area to provide permanent foraging for Brent Geese and other waders during the winter. A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity

4 Policy Considerations

National Planning Policy Framework 2019

The National Planning Policy Framework (the 'NPPF') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. There is a general presumption in favour of sustainable development unless material considerations indicate otherwise. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment). Local circumstances should also be taken into account, so they respond to the different opportunities for achieving sustainable development in different areas.

The Development Plan

Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require a local planning authority determining a planning application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan. The proposed development is not supported in principle by the Development Plan.

Havant Borough Local Plan (Core Strategy) March 2011

The following policies are particularly pertinent to the determination of this application:

- | | |
|------|--------------------|
| CS8 | (Community Safety) |
| CS9 | (Housing) |
| DM10 | (Pollution) |

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
DM1	(Recreation and Open Space)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

The following policies are particularly pertinent to the determination of this application:

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission version Havant Borough Local Plan

In 2019, the Council consulted on a Pre-Submission Local Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). However, there has been a near 18-month delay to submitting the Plan due to the need to respond to the Dutch Case and ensure that all new development can be nutrient neutral.

The Council subsequently consulted on the proposed changes to the Pre-Submission Plan under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for public consultation between 3 November 2020 to 17 December 2020. The proposed changes include a strategic mitigation solution for addressing nutrient neutrality.

The Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. Inspectors have been appointed on behalf of the Secretary of State to undertake an examination of the plan.

The emerging Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF. This confirms that weight may be given to policies in emerging plans depending on a number of factors. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the emerging Local Plan referenced below are currently afforded limited weight, dependent on the extent to which there are unresolved objections to relevant policies.

The relevant planning policies of the emerging Local Plan are:

- DR1 – Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 – Improving Transport Infrastructure
- IN3 – Transport and Parking in new development

IN5 – Future management and management plans
E1 – High Quality Design
E2 - Health and wellbeing
E3 – Landscape and settlement boundaries
E6 – Best and most versatile agricultural land
E9 - Provision of public open space in new development
E12 – Low Carbon Design
E13 – Historic Environment and heritage assets
E14 – The Local Ecological Network
E15 – Protected Species
E16 – Solent Special Protection Areas
E17 – Solent wader and Brent Goose feeding and roosting sites
E18 – Trees, hedgerows and woodland
E19 – Managing flood risk in new development
E20 – Drainage infrastructure in new development
E22 – Amenity and pollution
H1- High Quality Homes
H2 – Affordable Housing
H3 – Housing Density
H4 – Housing mix
H29 - Land north of Sinah Lane

Supplementary Planning Documents

The following Supplementary Planning Documents (SPDs) are also relevant:
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD
Housing SPD

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

NB At the time of drafting this report a number of statutory and non-statutory consultation responses are outstanding, and members will be advised of any updates prior to, or at the Committee meeting. Given the fact that the application site and quantum of development of this revised application accords with that the subject of previous Application APP/18/00724, the final comments of any outstanding consultees on that earlier scheme are included here for information, prefaced “Final comments made in respect of APP/18/00724”.

Arboriculturalist

From the ACD plan provided, tree Protection appears to be adequate for the site and should ensure the trees identified for retention are afforded measures to ensure they are not damaged during the construction phase. If permission is given a full AIA to include the AMS and this TPP must be conditioned ensure that the tree protection is in place prior to any works (to include exploratory tasks such as archaeological survey digs etc) and signed off by their Arb consultant with submitted photographic records.

Chichester Harbour Conservancy

Recommendation

Provided that an appropriate assessment by the Council, including whether the development is sustainable given the additional travel demands to be placed on Hayling Island's highway network, concludes no significant environmental effects being likely to result from the development, no objection, subject to –

(1) Planning obligations to -

- (a) Mitigate recreational disturbance impact to the North Solent SPA, within Langstone Harbour and Chichester Harbour, in accordance with the Solent Bird Aware schedule of developer contributions and proposed open space provision providing an alternative area to dog walkers;
- (b) Deliver the bird refuge area and provide for its future maintenance;
- (c) Deliver the measures/land management to ensure the nitrogen budget is effective; and,

(2) Planning conditions related to –

- (i) adherence to the submitted phasing plan;
- (ii) works of ecological mitigation, including bat enhancement measures and slow worm translocation, set out in the submitted reports to be implemented before commencement of works in respect of slow worms and prior first occupation of each respective dwelling in the case of bat enhancement measures;
- (iii) any approved tree/hedgerow removal takes place outside of the bird nesting/breeding season which runs March to September;
- (iv) safeguarding and protection of retained trees during the build process in accordance with the submitted arboricultural method statement;
- (v) a construction environment management plan to ensure no pollution of the natural environment results from the build process and detailing how the build processes - (particularly piling and dust generation during construction) - will be mitigated during winter months to limit impact to birds using the nearby SPA designations;
- (vi) that the site's archaeology be investigated and finds recorded/archived; and,
- (vii) that any new soft planting be implemented before the end of each phase or the next planting season following that and any planting that dies, becomes diseased or fails within a 5 year period of first being planted to be replaced with similar species to the original approved planting specification.

Additional comment

Concern over the availability of connectivity to the main sewer considering new housing approvals already made.

Discharge of untreated sewage into the harbour

Building Control

No comments.

Community Infrastructure

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.

The applicant will need to submit CIL Form 10 to obtain mandatory social housing relief. If this is not submitted prior to decision/issue of the CIL Liability Notice then the notice will show the gross amount of CIL due.

Should the applicant wish to phase their CIL payments this must be 'must be expressly set out in the planning permission

Subject to statutory consultee responses we would expect the S106 to include (amongst any other site specific obligations necessary):

1. Affordable Housing
2. HBC Monitoring Fees

3. Management Company
4. Management Plan
5. Solent Recreation Mitigation Strategy
6. Nutrient Neutrality: www.havant.gov.uk/nitrogen
7. SUDS/SUDS Bond (Bond not necessary if Southern Water have agreed to adopt SUDS once installed)
8. Community Worker
9. HCC Monitoring Fees (£500 per HCC Head of Term, capped at £10K)
10. Education (HCC)
11. Travel Plan (HCC)
12. Highway Works (HCC)
13. Site Specific Transport Improvements (HCC)
14. Employment and Skills Plan
15. Others/relating to Brent Geese Refuge/Open Space areas

Community Officer

Final comments made in respect of APP/18/00724

Contribution under Policy CR2 towards a community officer to help new residents in the development integrate into existing communities is required and would be £48,750, with 40% upon commencement and 2 x 30% upon occupation of 50 units each.

Countryside Access Team

Final comments made in respect of APP/18/00724

The Hayling Billy Local Nature Reserve and shoreline bridleway is located adjacent to the eastern boundary of the development site. The path forms part of the Shipwrights Way, a 50mile multi- user route that leads from Hayling Island to Bentley to the north of the county.

In our response to the Havant Local Plan submission we had identified that if the site came forward that a developer obligation providing a contribution towards the maintenance and upgrade of the Hayling Billy Trail would be necessary. We have also been working with Havant Borough Council on a project to ensure that this access provision is maintained due to coastal erosion.

We understand that our colleagues in the Highways are currently holding discussions with the developer and will bring our request forward as part of the sustainable transport obligation once the full transport impact has been assessed. We therefore subject to securing the contribution raise no objection to the application.

Further comments

In our previous response dated 28/08/2018 we raised no objection subject to a contribution towards the maintenance and upgrade of the Hayling Billy Trail. We understand our colleagues in Highways are awaiting a Transport Assessment and necessary mitigation before sending their response.

Officer comment: A contribution of £8800 to be the subject of a legal agreement, is proposed towards maintenance and upgrade of the Hayling Billy Trail.

County Archaeologist, Strategic Environmental Delivery Group, HCC

Thank you for your consultation. I note that it is a resubmission of a previous application, 18/00724. I would draw your attention to the Planning statement addendum submitted, and to section 3 which states the changes in the present application from the original application. These changes do not materially alter the impact of the

development on archaeological remains, therefore I would reiterate the archaeological advice provided in relation to the previous application.

I note that the archaeological desk based assessment is also resubmitted and references previously made remain applicable. This DBA concludes that:

'6.3 There are no designated archaeological assets on or particularly near to the study site. The study site has remained undeveloped agricultural land throughout the historic periods.

6.4 A review of available archaeological and historical sources indicates that the site has a moderate archaeological potential for the Roman periods and a low to moderate potential for the later Prehistoric. A low archaeological potential is identified for evidence from all other past periods of human activity.

6.5 Based on the results of the recent archaeological evaluation a short distance to the east of the site, it is considered that the proposed development of the site is unlikely to have a widespread or significant archaeological impact upon any undiscovered archaeological heritage assets within the site boundary.

6.6 However, due to the size of the study site and the low to moderate archaeological potential for later Prehistoric and Roman evidence, it is considered likely that the Hampshire County Council Archaeological Officer will take a precautionary approach and seek field evaluation of the site.

6.7 On the basis of all the available evidence we would suggest that any requirement for further archaeological evaluation could follow planning consent secured by an archaeological planning condition.'

I would concur with these conclusions and therefore while there is no indication that archaeology presents an overriding concern I would advise that the assessment, recording and reporting of any archaeological features affected by construction be secured through the attachment of suitable conditions to any planning consent that might be granted. For instance:

1) 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 that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

2) That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

3) 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.

Reason: To contribute to our knowledge and understanding of our past by ensuring

that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

Council's Ecologist

I have reviewed the various submitted ecological reports, including the Habitats Regulations Assessment, Ecological Mitigation and Management Plan, Biodiversity Action Plan and the Winter Bird Mitigation Strategy (all WYG, November 2020). I have previously commented on the general ecological conditions at the site as detailed within several species-specific documents – I note that these have been updated and I am satisfied that the general ecological value of the site is understood and remains the same as previously. Being predominantly an arable field, the site is generally unremarkable in terms of ecological value, with the chief interest being its use by bird species associated with the nearby SPA/Ramsar. The woodland and hedgerows at the eastern edge of the application site are also of ecological importance and this is acknowledged.

The ecological mitigation, compensation and enhancement measures for the development site are acceptable. Trees and hedgerow habitat at the site boundaries will be largely retained intact and protected during construction. New landscaping includes areas of native scrub and hedgerow as well as areas of wildflower grassland. The proposed SuDS basin and swales will be able to provide a valuable wetland element and some wetland plantings are proposed. In terms of protected and notable species the proposed mix of avoidance measures (e.g. timing of certain works, protection of retained features, no use of night-time lighting etc.), new habitat plantings and features such as bat and bird boxes are acceptable. The inclusion of nest boxes for common swifts is welcome, as is the use of ten bat roosting boxes. The success of retained and new habitat areas for nocturnal species such as bats will be largely dependent on the strategy for artificial lighting. Details of lighting can be secured by condition, and the strategy must ensure that retained and new habitats are not subject to levels of lighting that would deter bats.

As previously discussed, one of the principles of the published mitigation guidance for impacts to SPA supporting habitat (as defined by the Solent Waders & Brent Goose Strategy) is that impacts to Core or Primary SWBGS sites would be deemed acceptable if an alternative site can be found that fulfils at least the same function to the same population of birds. This approach has been adopted within the context of the requirement for new dwellings as set out in the upcoming Havant Local Plan 2036 (but also across the wider Solent region) and as a direct response to the continued unmitigated loss of SWBGS sites over many years. In practice, this requirement for mitigation/compensation places considerable difficulties for proposers in terms of finding an alternative compensatory area that is of sufficient size and condition to provide the same function to birds. For Core or Primary sites, compensatory areas must be large and close by the site being lost, and suitable options are few.

One of the inherent traits of the SWBGS network is that there is no mechanism for ensuring the presence of suitable habitat, even where a site is important for birds, as most sites are in private ownership and used for agricultural purposes. There is no guarantee that even the most well-used and important Core and Primary sites will be placed in suitable cropping/management in any one year. Therefore, a guiding principle of the latest SWBGS is securing areas of permanent habitat, managed solely for the birds. The loss of part of a large/important SWBGS site that may only be in suitable condition every few years is deemed acceptable if a comparable area (in size or function) of permanent habitat can be secured in its stead. This is the situation at this application site: a permanently-available grassland site with scrapes and secure fencing, managed by a suitable organisation, is a better site for birds than an arable field which may only be suitable every few years. Whilst there have been bird records throughout the entire site over many years, the survey data submitted both for the Oysters development and the current application have indicated that the northernmost section of the field has been

used most consistently by the greatest number of birds. Many factors are likely to influence the birds' use of a site: cropping, disturbance, proximity to housing, sight lines will all play a role. Records in recent years (for the SWBGS and development-related surveys) show that the northern area is used most often and has supported not only brent geese but wader species also. The lack of records in the central and southern areas (i.e. the application site) in recent years is likely explained by the lack of suitable habitat e.g. bare plough during winter 2016/17. This again highlights the reliance on suitable cropping to make each site suitable for birds. The evidence of very recent records of brent geese within the central and southern sections is not surprising – if habitat is available the birds will use it. Birds may use a site for feeding e.g. if there is a suitable crop such as winter cereals or just for resting e.g. if regular sites are unavailable.

The relationship with the permitted Oysters development has been discussed before. The mitigation for that development was supposed to include secure fencing along the eastern boundary of the Sinah Lane H34C site (to prevent informal access across H34C) as well as management of a small area of pasture to the north. There was no condition relating to the ongoing management of land within H34C and management was therefore subject to usual cropping as determined by the landowner in response to commercial necessity. There were clearly implementation issues with the secure fencing, which is highly regrettable. I understand that this has been addressed and it is hoped that the addition of new hedging as a result of the current proposal will further secure this boundary.

The main mitigation measure – the permanent bird refuge site – is accepted and I understand that the RSPB are essentially satisfied that all matters are resolved in terms of ownership and ongoing management. Confirmation of this will be required before the LPA can determine that the mitigation is deliverable. On the basis of the submitted information I am satisfied that the refuge will be suitable compensatory habitat.

In terms of construction-phase impacts, there is clearly potential for noise and visual disturbance of wintering bird species. The HRA includes outline details relating to the avoidance of construction works within the wintering bird season. This is unlikely to be practicable and therefore alternative measures such as acoustic fencing and noise reduction and monitoring are highly likely to be necessary, especially as construction moves into the northernmost sections adjacent to the refuge. A fully detailed Construction Environment Management Plan (CEMP) can be secured by condition.

If you are minded to grant permission can I suggest that all ecological mitigation, compensation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Management Plan, Biodiversity Action Plan and Winter Bird Mitigation Strategy (all WYG, November 2020). Ecological enhancement features shall be installed as per ecologists instructions and retained in perpetuity in a location and condition suited to their intended function. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

In addition, I would recommend that a CEMP and Lighting Plan are secured by condition.

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This CEMP shall include (but not be restricted to): specifications for construction timing and logistics; pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to

avoid or mitigate damage and disturbance to species and habitats. The CEMP should clearly detail the roles and responsibilities associated with the protection of the natural environment during construction, and mechanisms for monitoring and reporting.

Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Prior to the commencement of development activities a Lighting Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall include lighting contour modelling and lighting specifications and shall be in accordance with the outline recommendations detailed within the Ecological Mitigation and Management Plan (WYG, November 2020). Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Officer comment:

The developer is currently negotiating with the RSPB to take on ownership of this area to provide permanent foraging for Brent Geese and other waders during the winter. A legal agreement will be necessary to secure this avoidance and mitigation package in respect to permanent habitat in perpetuity. As long as such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore the development will not act against the stated conservation objectives of the European sites.

County Minerals

Final comments made in respect of APP/18/00724

No comments received

Crime Prevention -Major Apps

Final comments made in respect of APP/18/00724

The northern most access from the Hayling Billy Coastal Path gives access to the rear of plot numbers 76 to 87, there is very little natural surveillance of this access route, which increases the opportunities for crime and anti-social behaviour. Planning guidance advises, "In general urban block layouts provide an efficient template with building fronts and entrances to public spaces and their more private back to private spaces. Such layouts minimise the creation of unsupervised and unsafe public spaces and unsafe access routes." To reduce the opportunities for crime and anti-social behaviour greater natural surveillance of the access route needs to be provided from the nearby dwellings.

The external rear garden access for some dwellings is provided via a communal rear access footpath, this increases the opportunities for crime and anti-social behaviour. Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear garden of the property. Planning guidance advises, "Planning should promote appropriate security measures", it continues, "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 and anti-social behaviour all rear garden access should be in curtilage. If this is not desirable all rear garden gates should be fitted with key operated locks that can be operated from both sides of the gate.

The southern boundary treatment Plot number 1, is located half way long the southern flank wall, this has created a deep recess which can be easily accessed from the public realm, which increases the opportunities for crime. To reduce these opportunities the boundary wall should be moved much closer to the front building line.

From the plans it appears that plots number 73 and 71 have a flank wall that can be easily accessed from the public realm, this increases the opportunities for crime and anti-social behaviour. Planning guidance advises, "There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security." To reduce the opportunities for crime and anti-social behaviour a private garden at least 1.5m wide should be provided along these elevations. The garden should be enclosed within a robust boundary treatment at least 1.8m high.

To the north of the development site is a large area of open space, it appears possible to access this space from roads within the development; this increases the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour appropriate measures should be put in place to prevent unauthorised vehicles (including motor cycles) accessing this space. One of the boundary treatments is shown as 1800mm high brick wall with timber fence panel. Care needs to be taken with the construction of these boundary treatments to ensure that a person cannot easily gain access to the top of the low wall and standing on the wall climb over the fence.

To provide for the safety and security of residents and visitors, lighting throughout the development should conform to the relevant sections of BS 5489:2013.

Officer comment: *The plans have been amended to improve natural surveillance, security, prevent deep recesses, provide definition to private and public spaces, and prevent access to unauthorised vehicles (including motor cycles). The lighting would be the subject of a condition to ensure a balance between the need for appropriate security and the lighting impacts on ecology and nearby properties. As such the concerns of the consultee have been appropriately addressed.*

Developer Services, Southern Water

Our investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Eastern Solent Coastal Partnership

Initial comment

Thank you for your consultation on the above application. I can confirm that Coastal Partners, formerly known as the Eastern Solent Coastal Partnership, have no objection in principle to the proposed development.

Coastal Partners provided comments on the previous application; APP/18/00724 and these still stand. We are satisfied that the applicant has sufficiently demonstrated how flood risk at the site will be mitigated and have no further comments to make on this re-submission.

Further comment

Whilst Coastal Partners still stand by all previous comments made in relation to the above application, we would like to emphasise that our comments on flood risk at the site relate exclusively to tidal flood risk. We instead defer to the relevant statutory consultees for matters concerning surface water, groundwater or fluvial flooding and drainage considerations.

Education Department

The proposed development of 195 dwellings would usually be expected to generate a total of 59 additional primary age children. This is based on a figure of 0.3 primary age children per new dwelling which was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary age children on those developments.

The development site is served by Mill Rythe Infant and Junior Schools but there is pupil movement between these schools and Mengham Infant and Junior Schools. The schools are forecast to be at capacity by the start of the 2021 academic year and forecast to remain full after that date without this proposed housing being taken into account. Consequently, additional primary school places will be needed to cater for the additional 59 pupils and a contribution is sought from the developer to pay for this expansion. Details of the forecasting methodology used, along with the current pupil numbers in the Hayling Island primary schools can be found at Appendix A.

Similarly, Hayling College serves the proposed development, but it can be noted in Appendix A that there is a sufficient number of secondary school places available to accommodate the yield from the proposed development.

The County Council has used previous extension projects to derive a cost for the proposed expansion, and this is estimated at £860,550. This is based on the provision of two additional classrooms to accommodate the pupils from this development. Details of how these costs were derived can be found in Appendix B. This will go towards any expansion to Mengham Infant and Junior Schools.

No contribution will be sought to provide additional secondary school places owing to the surplus places within the existing schools.

In summary, the contribution towards the expansion of Mengham Infant and Junior Schools is necessary as without an expansion they will not be able to accommodate the children from the development. The level of contribution being sought is based on the number of additional classrooms required to accommodate these children at the schools and therefore is fairly and reasonably related in scale and kind to the development. This information is supported by the County Council's '*Planning for School Places Guidance Document*' which sets out the methodology for assessing the impact of development on education infrastructure.

Recommendation

Without the provision of a contribution towards the provision of additional school places the County Council, as Local Education Authority, would object to the proposal on the grounds that the impact on the existing infrastructure cannot be sufficiently mitigated and therefore the development is unacceptable in planning terms.

Environment Agency

We have reviewed the application and have **no objection** to the proposal as submitted.

Environmental Health Manager

Noise

I have reviewed the application and as I am aware of the earlier assessment of the substation and am satisfied that it won't cause a noise problem, I don't need to raise that again.

However I cannot see a Construction Environmental Management plan so if you are minded to grant consent please can I recommend the following condition be attached to any consent granted:

1) CONSTRUCTION METHOD STATEMENT REQUIRED

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- A programme of and phasing of demolition (if any) and construction work;
- The provision of long term facilities for contractor parking;
- The arrangements for deliveries associated with all construction works;
- Methods and phasing of construction works;
- Access and egress for plant and machinery;
- Protection of pedestrian routes during construction;
- Location of temporary site buildings, compounds, construction material, and plant storage areas;
- Provision for storage, collection, and disposal of rubbish from the development during construction period; and
- Re-use of on site material and spoil arising from any site clearance or demolition work.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Contamination Assessment, Transport Assessment / Travel Plan / Air Quality assessment, air quality / sustainability, pollution and public health (SuDS / Drainage)

As outlined within the Addendum Planning Statement, it would appear that alterations to the scheme (unit changes, housing mix, landscaping, Drainage, SuDS & internal road layout & parking-) are essentially non-material to comments made under the 2018 application.

As a result, I have no adverse comments to make, and raise no objections. Please refer to previous comments for context & factors upon which the above conclusion relies.

For ease of reference, the documents containing prior comments are listed below, alongside a summary of the salient points.

- APP/18/00724; CONS/18/01583, 20/08/2018 (Jonathan Driver)
- APP/18/00724; CONS/19/01363, 07/08/2019 (Jonathan Driver)
- APP/18/00724; CONS/19/02228, 08/11/2019 (Jonathan Driver)

(Summary Follows)

Contamination:

- *J16123/DB/c03 report... The conclusions of that report are accepted"*
- "I have no adverse comments to make, and I propose no conditions"

Drainage/SuDS:

"the justification given within the cover letter dated BDW 11/09/2019 for omitting a Pollution Valve is accepted"

- *"Assuming that adoption [of pumping stations] is not prejudiced [by downstream discharge via SUDS] - I have no adverse comment to make about ...the preventative maintenance outlined in the owners manual for elements of the system which are expected to be adopted. Southern Water has a robust reactionary resources which it is reasonable to assume will function effectively in the long term."*

- the schedule [of preventative maintenance for SuDS] is appropriate in all other respects."

Air Quality:

- *"...I do not dispute the favourable conclusions of the air quality assessment... However, with specific reference to the transport assessment upon which the Air Quality assessment was based, ...I would equally not consider the Air Quality assessment to be sufficient to dismiss the possibility that further consideration of air quality impacts may be necessary. This was in particular in response to the right-hand-turn traffic conflict associated with the West Land / Havant Road A3023 junction implied by the PB Transport Assessment 041.0031/TA/2. See previous comments for detailed rationale."*

- Policy IN3 j)(i) - Plan PL-13.P[Latest] : does not go as far as the policy envisages, given the current status of the policy *this is considered to be a reasonable response which serves to contribute toward mitigating the transport emissions of the development* in the medium term.

- Policy E1 - notably absent from the compliance statement is any response to E1 g). Amended elevations retain the text *"Solar Panels Type, Size, and Orientation to be agreed. Plot specific"*, but there remains no specific reference to a local LZC provision in any of the planning to design statements.

- Policy E1 k) – Issues previously raised have been resolved.

- Policy E12 - Specifically as regards air quality, and the public health impact of air pollutants; I would point out that a fabric first approach to E12 which does not address heat loss through ventilation, or facilitates occupants reducing ventilation rates to sub-optimal levels-, would tend to increase the health risks associated with indoor air pollutants, known to represent a substantial component of personal exposure. This comment is intended to provide context to the planning decision against the applicant's response to policy E12. *I do not make any specific recommendations or requirements*, as the Council's regulatory duties for air quality do not extend to the indoor environment.

- Policy E23 - Given the relatively low background levels of air pollution at this location - and assuming that the cycle storage provisions are brought into line with the cycle parking standards contained within the 2016 SPD; *taken together* [the features listed on CONS/19/02228] *may be taken to amount to a reasonably robust response to the mitigation of the contribution of the development to local emissions.*

- *Traffic & Transport Assessment (Junction Capacity & Mitigation)*; Environmental Health's previous comments were reviewed by the applicant, and an enhanced strategic highway contribution to account for concerns about the impact at West Ln. / Havant Rd. is proposed to support HBC & HCC plans for improvements at this

junction... discussions are ongoing with HCC to agree the appropriate level of contribution. *This is agreed to be an appropriate response to the concerns raised, [and will assist to] maintain compliant air quality at residential property adjacent. ...I am content to agree the principle of the contribution, and to defer the details ...to the Highways Authority [amount & use of funds].*

Hampshire Fire & Rescue

HFRS understands that the project involves erection of 195No. dwellings, associated open space, pumping station sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.

I confirm that Hampshire Fire and Rescue Service (HFRS) has received your application, dated 02 December 2020. The inspector named above has considered the information provided and has made the following comments:

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access **to** the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings **within the site** will be dealt with as part of the building regulations application at a later stage). Access roads **to** the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

Advisory recommendations provided on access for firefighting, water supplies, fire protection, fire safety systems, and timber framed buildings.

Hampshire Highways

The Highway Authority previously responded to an identical planning application under reference APP/18/00724, recommending no reasons for refusal (subject to S106 and conditions).

Having reviewed the highways information submitted in support of the new planning application, the Highway Authority notes that no additional information has been provided. The recommendation provided in the response dated 31st January 2020 therefore remains valid. The recommendation is made on the basis that the planning authority are satisfied that the approach taken towards agreeing mitigation for the development is in accordance with the local plan process.

The Highway Authority raises no objection to the application, subject to the following conditions and obligations:

S106 Obligations

- Contribution payment of £679,000 towards improvements along the A3023 corridor up to, and including, the A27 roundabout;
- Contribution payment of £35,000 towards improvements on the walking route from the development to Mengham Infant School and Mengham Junior School;
- Delivery of the site access works via a S278 agreement with the Highway Authority as detailed in drawing number 041.0031.003 Rev J;
- Payment (by developer) of HCC fees in respect of the approval (£3,000) and monitoring (£15,000) of the Framework Travel Plan prior to commencement; and

- Provision of a bond, or other form of financial surety, in respect of measures within the Travel Plan.

Conditions

- A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Officer comment: *The detailed comments from Hampshire Highways in respect to Application APP/18/00724 are at appendix E..*

Hampshire and Isle of Wight Wildlife Trust

Final comments made in respect of APP/18/00724:

We are pleased to see that the proposals include provision of a Wintering Bird Mitigation Strategy (WYG, June 2018). The field subject to this application ~ H34C. has been classified as a primary support area in the revised Waders and Brent Goose Strategy 2019, with up to 800 dark-bellied brent geese recorded using the site during the winter 2015/16. Whilst the site outside of the designated area forming the Chichester & Langstone Harbours SPA, the use of the site by large numbers of dark-bellied brent geese demonstrates that the area is evidently functionally linked to it. Therefore, it will be necessary for the applicant to demonstrate that the proposals do not adversely affect the integrity of SPA.

We welcome the inclusion of a Biodiversity Net Gain Assessment (WYG, June 2018) which whilst in some cases there may be some subjectivity regarding the condition of habitats, the document demonstrates that if the target habitat conditions are achieved these development proposals could deliver net gains in biodiversity.

We are aware that the RSPB owns the freehold of land to the north of this application site (referred to as Area A in the Wintering Bird Mitigation Strategy) and we have been informed of their discussions with the applicant regarding the 'long term management of the mitigation area. As such we have not reviewed the document in detail. However, through correspondence with the RSPB we understand that negotiations with the applicant with regard to the long term management of the mitigation area have not yet been concluded. Therefore, in the absence of a binding agreement it will not be possible to conclude that there will not be an adverse impact on the qualifying features of the SPA. As such this application should be refused.

Officer comment: *Binding arrangements for the 'long term management of the mitigation area' would need to be the subject of a S106 agreement.*

Housing Manager (Development)

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that developments of 15 units or more would be required to provide 30-40% affordable housing on site.

The Pre-Submission Havant Borough Local Plan 2036 (HBLP 2036), which was approved by the Council on 30/01/2019, further reinforces this policy (see emerging Policy H2 / Affordable Housing) by setting out a requirement for 30% affordable housing on sites resulting in a net gain of 10 or more dwellings.

The proposals comprise of residential development that will include 195 dwelling units:

The applicants have confirmed their intention to provide 30% affordable Housing; 58 new homes, 40 Affordable Rent/ 18 Shared Ownership which represents a 69/31% tenure split.

Home Type	Number
2BF, M, &H	39
3B5P H	18
4B6P H	1
TOTAL	58

Emerging policy H1 /High Quality Homes, at para 6.3 confirms that the Council will require all residential development to meet the nationally described space standard (or any subsequent Government standard). At this stage this emerging policy carries only limited weight. The applicant's proposals for the affordable homes are the following sizes:

Type of Home	Barratt/DWH internal areas sqm
2B3P F	55
2B4P F	64
2B4P H	78
3B5P H	86
4B6P H	102

Within the latest submissions the applicants have included a table detailing the unit sizes (both market and affordable) set against the requirements of the NDSS (see NDSS table below)

160519_Nationally_Described_Space_Standard_Final_Web_version.pdf - Adobe Acrobat Reader DC

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Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

1655 24/07/2019

The new homes proposed do fall slightly short of the NDSS, however the majority do fall within the ranges of sizes within the adopted Havant Borough Council Housing SPD July 2011. In addition, the size of these new homes does exceed 85% of the NDSS which is the benchmark for Homes England funding. For this reason, the proposed sizes are accepted.

The demand for affordable housing remains high within Havant borough; as at 23rd December 2020 there are 1649 households registered on Hampshire Home Choice (HHC) seeking accommodation in our area and of these 539 are waiting for a two bed, 275 for a 3 bed, and 74 for a 4+ bedroom home. Unfortunately waiting times for an offer of accommodation remain consistently long, up to 5-6 years, for all sizes of new home.

To address locally identified need the HBLP 2036 states that, as this site is 50 dwellings, 2% of the overall housing provision should be designed to meet the wheelchair accessible homes standard. This would equate to 2 of the affordable homes proposed so I would expect to see some units designated in this way.

Once developed, and subsequently transferred to a Registered provider, the Affordable Rent homes will be required to be advertised through Hampshire Home Choice, and the weekly rental will be capped at Local Housing Allowance Rates at first, and every subsequent letting.

The Shared Ownership homes will be marketed through Help to Buy 3, our local Help to Buy Agent, and will be available to those applicants registered as being eligible for this type of low cost home ownership product.

The location of the development is near to local services, bus transport, retail, medical, and educational, and the proposed should help to create a mixed and well-integrated community.

Moving forward Housing would support this development proposal in principle.

Officer comment: Policy H1 is proposed within the emerging Local Plan which would secure new housing developments to provide adequate internal and external space in accordance with the Technical Housing Standards. However, this policy currently has limited weight by virtue of the number of objections that have been received on this policy and therefore, at this point in the local plan process, the application cannot be refused on this matter.

Landscape Team

Having reviewed the submitted documents the application predominately mirrors the layout and landscape proposals which had been previously been submitted for Land at Sinah Lane, as such we have the following comments:

- We require the boundary treatments to on plots no. 126 and 133 to be 1800mm high brick wall with timber fence panel due to its prominence in the streetscape.
- We require all rear garden boundary treatments to be a minimum height of 1800mm.
- The additional northern access point onto the Hayling Bill Tack will cross over existing root protection areas. Construction details of the proposed surface treatment are required to ensure an appropriate mitigation strategy is applied to removed impact on the tree roots.
- The soft landscaping proposed as part of planning APP/18/00724 (documents BDWS20660 11R SHEET 1, BDWS20660 11R SHEET 2, BDWS20660 11R SHEET 3, BDWS20660 11R SHEET 4, BDWS20660 11R SHEET 5, BDWS20660 11R SHEET 6) had been worked in cohesion with HBC landscape architects and is deemed to be of

better quality than the submitted revision for APP/20/01093. The number of trees and planting spec is considered to be inferior and as such we want to see the soft landscape proposals as submitted in planning APP/18/00724.

Officer comment; *A condition requiring further details is proposed and has been agreed by the applicant.*

Langstone Harbour Board

The Board's Planning Sub Committee has considered this application and has decided to **object** to the proposals. The committee wish to make the following points which derive from the Langstone Harbour Board Management Plan that detail the reasoning behind the objection to the proposal:

1. The overall goal of the Langstone Harbour management plan is to promote the sustainable use of Langstone Harbour by managing human activity in and around the Harbour so as to maintain the value of its natural resources, especially those identified as of national and international significance.
2. Two of the Management Plan objectives are; to conserve and seek to enhance the nature conservation value of the harbour and its surroundings, and to encourage land use practices on land around the Harbour that will maintain and enhance its value to nature conservation and the quality of its landscape.
3. The Management Plan recommends that the open area around the harbour is part of the Harbour's landscape and nature conservation value and should be retained and managed for these purposes in association with the harbour itself.
4. The plan states that the water, mud and shore of Langstone Harbour are vital elements in the landscape and recreational structure of south east Hampshire. Collectively, the landscape and recreational resources of Langstone, Portsmouth and Chichester Harbours are of national importance.
5. The plan states that although the natural extent of Langstone Harbour has been reduced by land claim, encroaching urban development and the construction of sea defences, the remaining area of open land around the harbour is a key element in its character, enhancing its value for nature conservation, landscape and recreation. As this proposal is for building upon green field land currently used by Brent Geese and wading birds, the committee believe the proposal to be in conflict with the recommendations and objectives of the Langstone Harbour Management Plan.

Officer comment: *See section 7*

Local Lead Flood Authority HCC

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application in our role as statutory consultee on surface water drainage for major developments.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

The County Council has reviewed the following documents relating to the above application:

- ☐ Surface Water Drainage Owners Manual
- ☐ Emails from consultants dated 25/01/21 and 02/02/21

- ☐ Outline Site Levels ref: 10162/101 P1
- ☐ Flood Exceedance Plan 1 of 2 ref: BSO/E4513/026 D
- ☐ Flood Exceedance Plan 2 of 2 ref: BSO/E4513/027 E
- ☐ Drainage Strategy 1 of 2 ref: BSO/E4513/012 D
- ☐ Drainage Strategy 2 of 2 ref: BSO/E4513/013 F
- ☐ Flood Risk Assessment rev C
- ☐ Microdrainage calculations – surcharged outfall

The proposed drainage uses pipes and gullies to collect and carry the water utilising storage areas prior to reaching the pumping station. The pumping station transfers surface water into the attenuation pond before it outfalls at greenfield rates into the ditch network and into Langstone Harbour.

Detailed hydraulic calculations have been provided which show that the drainage network is sufficient to hold a 1:100 + 40% climate change storm without flooding and even if the outfall is blocked, the flooding is minimal and contained within safe areas.

The pumps have been designed with a dual system to provide redundancy and have also been designed to adoptable standard so that Southern Water would take on the maintenance responsibility.

Concerns have been raised over groundwater and impacts due to the tidal influences. The drainage and storage features will be sealed systems so providing they are constructed and maintained appropriately, there should not be any interaction with the groundwater. The pond is currently unlined and it has been stated that this will be above the groundwater levels with ground investigation reports provided to substantiate this.

There is still some concern that the low flow channel will be at risk from groundwater ingress however lining could be included at a later date so this could be an element that could be conditioned as it is straightforward change.

There is limited information available detailing the levels between the existing and proposed properties. If the natural flow heads towards the development, this must not be obstructed. It may be necessary to provide a boundary feature such as a shallow swale / filter drain so that there is a suitable flow route for the water to flow away from existing areas without affecting the proposed development.

Future maintenance is stated as being with either Southern Water or a management company with the former taking on responsibility for the pipes, chambers and pumping station as set out in the Owners Manual. No correspondence has been provided from Southern Water indicating their approval to this although the developer has stated that these features have been designed to adoptable standards and will be acceptable. The attenuation tanks, swales and pond are to be the responsibility of a management company.

While we appreciate the concerns in relation to this development, we have to comment based on our remit for Surface Water drainage and the requirements set out in national planning guidance. The majority of the proposals are in line with this guidance with two points remaining outstanding, namely overland flows and maintenance, and on this basis we do not feel that we can object to the development under our surface water remit and the points highlighted can be addressed by condition.

1. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the approved documentation, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:

- a. Confirmation that the attenuation basin low flow channel will not be affected by groundwater either through lining or the provision of groundwater monitoring information.
- b. Confirmation of any boundary drainage features to ensure existing flow paths are not obstructed.
- c. Details for the long term maintenance arrangements for the surface water drainage system including confirmation that the proposals identified for adoption by Southern Water are acceptable.

Natural England Government Team

Thank you for consulting Natural England on the updated Habitats Regulations Assessment and Appropriate Assessment for the above application.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). 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 planning permission given. Please find comments on the mitigation below.

Construction impacts

The HRA /AA refers to H05A and designated sites to the south of the development site. We advise that this is corrected to the designated sites to the north-west of the residential development area and the remaining area H34C, which will be secured as a Wintering Bird Mitigation Area.

It is noted that a CEMP will be secured with any planning permission, with some mitigation measures included in the Appropriate Assessment. Provided the CEMP includes measures for dust control, pollution and surface water drainage measures during construction and measures to prevent noise, lighting and visual disturbance on the designated sites and supporting habitat, Natural England raises no further comments.

It is recommended that the following condition is attached to any planning permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)

We advise that you may want to seek your own legal advice on the implications of the Sweetman II ruling and the level of detail that should be included within an Appropriate Assessment.

Loss of Supporting Habitat

We note that the AA states that the submitted Winter Bird Mitigation Strategy proposes a refuge on the north of the proposed housing development adjacent to the Hayling Island Brent Goose Refuge (E26). The area would be actively managed to provide permanent foraging for Brent Geese and other waders during the winter by the RSPB.

Provided any planning permission secures that the Wintering Bird Mitigation Area is operational at the time it is required to offset the adverse effects which are being addressed, Natural England raises no further comments. Natural England recommends that the planning permission secures that the infrastructure works for the Wintering Bird Mitigation Area are progressed at the earliest opportunity and prior to commencement of construction.

Deterioration of the water environment

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). The competent authority should be assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary. This is dependent on 7.33ha of retained woodland/public open space as future land use. We note that the Wintering Bird Mitigation Strategy proposes that default future management will be through cutting with low intensity grazing as an alternative. The 5 kg/TN/ha open space figure assumes there is no grazing or a very low density - 1 livestock unit per 10 ha per year. We advised that if grazing levels are likely to be higher than this level then it may be more appropriate to use an alternative figure in the calculation.

The purpose of the mitigation is to avoid the impacts by neutralising the additional nutrient burden that will arise from the proposed development, achieving a net zero change at the designated sites in a timely manner. It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development.

Provided the Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Sustainable urban Drainage System (SuDS)

Provided the SuDS is designed, installed with appropriate management in accordance with the requirements in the CIRIA SuDS Manual (C753) and is secured with any planning permission, Natural England raise no further concerns. The pollution hazard indices in the CIRIA SuDS Manual (C753) relate to 'protected waters' with regards to drinking water supply. Step 3 under Section 26.7.1 of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance'.

Solent Recreation Mitigation Strategy

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 pressure. Havant Borough Council 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). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Please contact me if you have any queries relating to this advice

Open Space Society

No comments received

Planning Policy

Consolidated comments

Policy Status: The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough. The [Pre-Submission Havant Borough Local Plan 2036](#) (HBLP 2036) was approved by the Council on 30 January 2019 and must be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Pre-submission Plan the following policies are of particular relevance:

- DR1 | Delivery of Sustainable Development
- DR2 | Regeneration
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- IN4 | Future management and Management Plans
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- E1 | High quality design
- E2 | Health and wellbeing
- E3 | Landscape and settlement boundaries
- E9 | Provision of public open space in new development
- E12 | Low carbon design
- E16 | Solent Special Protection Areas
- E17 | Solent Wader and Brent Goose feeding and roosting sites
- E22 | Amenity and pollution

- H29 | Land north of Sinah Lane

Principle of Development:

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

The site is however, identified as a proposed allocation in the Pre-Submission Local Plan under Policy H29 which can be afforded limited weight at this stage.

Whilst the adopted Local Plan resists the principle of development in this location, the emerging plan clearly supports the principle subject to more detailed transport work and other matters related to the quality of the development.

Five Year Housing Land Year Supply

The Council's Five Year Housing Land Supply Update (December 2020) indicates the Borough has a housing supply position of 4.8 years with a 5% buffer applied. This is below the five year supply threshold.

Hayling Island Transport Assessment

The Hayling Island Transport Assessment was published in January 2019 alongside the Pre-Submission Havant Borough Local Plan. The Council determined in January 2019, as part of the consideration of the Pre-Submission Havant Borough Local Plan that further work on the Transport Assessment was necessary. This has taken the form of an addendum to the Hayling Island Transport Assessment.

The addendum to the Hayling Island Transport Assessment was published on 16 March 2020. It sets out the mitigation package needed to ensure that a cumulatively severe impact on the highway network can be avoided in line with paragraph 109 of the NPPF.

Hampshire County Council's response from the Highways Development Planning Team is noted, following the extensive discussions which have taken place with the applicant. It is also noted that the applicant would provide a direct contribution to the implementation of the TA mitigation package which will supplement the development's contribution through CIL.

Development Requirements

Development proposals should be designed to meet the requirements in the Pre-Submission Havant Borough Local Plan which can be afforded limited weight.

The full set of developer considerations can be found in the emerging allocation policy; please see Policy H29 in the Pre-Submission Draft Local Plan.

Analysis of the scheme's compliance with various emerging policies is set out in the table below:

Policy	Requirement	Comment
Regeneration (Policy DR2)	A requirement for financial contributions towards accessing employment and skills training; and a community officer to help	The applicant agrees to a financial contribution towards a community officer and they will provide an Employment Skills Plan through a

	new residents integrate into existing communities.	S106 agreement in line with the requirements of the policy.
EV Charging Infrastructure (Policy IN3)	Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking.	A charging point would be provided for each dwelling with a garage. The Design and Access Statement indicates there would be 31 dwellings with on plot or integral garages, representing about 16.4% of the overall scheme.
Internal Space Standards (Policy H1)	A requirement for dwellings to meet the nationally described internal space standards	The applicant disputes the policy requirement, but refers to a schedule which highlights the proportion of dwellings which comply with NDSS. Only 10% (14 units) of the private dwellings comply with NDSS. Whilst 80% of affordable units comply with NDSS, around 21% (12 units) of the affordable units would fail to comply.
Enhanced Accessibility Standards (Policy H1)	30% of proposed dwellings to meet enhanced accessibility standards (M4(2)) and 2% of the total proposed dwellings to meet wheelchair accessible standards (M4 (3))	It is noted that the applicant's Compliance Statement does not address this particular requirement.
Private Amenity Space (Policy H1)	Requires sufficient private and/or communal outdoor amenity space to be provided. A minimum of 1.5 sqm of private amenity space per bedroom, or sqm of communal space per bedroom should be provided for flatted developments.	The submitted information indicates the applicant does not wish to include balconies for the flats above ground floor level. It is however noted that a number of the apartment blocks are closely located in relation to public open space within the site.
Housing Density (Policy H3)	Policy H3 in the Pre-Submission HBLP 2036 sets out that any residential development outside of the town centres and defined opportunity areas and provide for a minimum of 40 dph.	Based on a net developable area of 4.73ha (excluding the refuge), the development proposals would provide a density of 41 dph and so fully complies.
Housing Mix (Policy H4)	Development proposals should provide a range of dwelling types and sizes to meet identified housing.	Approximately 35% (68 units) of the overall housing mix would be provided as two-bedroom homes (both market and affordable) and so the scheme fully complies.
Low Carbon Design (Policy E12)	Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate.	The submitted information indicates that the applicant wishes to follow a 'fabric first' approach to building design. The submitted Energy Statement demonstrates that across the house types proposed for the site, these exceed the Target Emission Rate by between 0.67% and 9.68%. These improvements are achieved through fabric measures with the overall betterment against Target Fabric

		Energy Efficiency of between 3.53% and 15.53
Provision of open space in new developments (Policy E9)	Requires new open space to be provided to a standard of 1.5 ha per 1,000 population (equivalent to 15 sq. m per person), and where the open space requirement exceeds 0.5ha, an element of play.	Based on the proposed housing mix, the development would generate a population of 466 people. The submitted Open Space Plans indicate that a total of 0.72ha of open space would be provided, of which 0.25ha would form an orchard which would represent a slight over provision when compared to the emerging policy requirements (0.69ha for public open space, and 0.09ha for community growing provision) for 210 dwellings).
Management Plans (Policy IN5)	A management plan is likely to be required through a legal agreement to establish the whole life management and maintenance of the common parts within the development.	The submitted Highway Layout Review Plan(s) shows all sections of the site which are to be formally adopted and maintained by a Management Company. It is also noted that this will be secured through a S106 legal agreement as part of the application. Hampshire County Council will be able to advise further on whether the design and construction meets the adopting authority's standards. It is noted that there are other common parts e.g. SUDS, refuge, foul drainage systems, landscaping and trees and green open spaces which should be similarly covered by a legal agreement which provides for their sustainable management and maintenance.

Brent Geese and Waders:

The site is identified as a Primary Support Area for Solent Waders and Brent Geese (SWBG) under emerging policy E17 in the Pre-Submission HBLP 2036, and in the [Solent Waders and Brent Goose Strategy \(October 2018\) \(SWBGS\)](#).

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

Emerging policy E17 (Solent Wader and Brent Goose feeding and roosting sites) in the Pre-Submission HBLP 2036 indicates that development proposals at Land north of Sinah Lane

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

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

(H29), will only be permitted where a suitable replacement habitat is provided, which:

- d. Contributes to a biodiversity net gain to the SWBG network;*
- e. Are suitable in terms of habitat type and quality for at least the number of SWBG recorded on the site being lost; and*
- f. Is secured through a costed Habitat Management and Monitoring Plan.*

The submitted Planning Statement indicates that a mitigation area would be managed as grassland to provide a nutrient-rich food source for foraging geese, including the creation of six wader scrapes within the mitigation area to the north of the development.

Whilst the Council's Ecologist has raised concerns in relation to the deliverability and maintenance of the refuge, it is noted that the replacement habitat can be secured by legal agreement and its maintenance in perpetuity in line with Policy E17. It is recommended a HRA is prepared on this basis. **Design and layout:**

Policy E2 (Health and wellbeing) of the Pre-Submission Local Plan requires development proposals to promote active and healthy lifestyles through good urban design through the provision of high quality pedestrian and cycle routes.

As previously highlighted, it is noted the submitted site layout shows the provision of a path adjacent to plots 83 and 87 to provide pedestrian and cyclist access to and from the development, as well as additional pedestrian and cycle connections throughout the site.

Affordable Housing:

Policy CS9 of the Core Strategy together with emerging policy H2 in the Pre-Submission HBLP2036 set out the affordable requirement for the site. Of particular relevance is the need for 10% of the total number of new homes (gross) should be provided as shared ownership (as part of the overall affordable home ownership).

A total of 58 units of affordable housing would be provided, of which 40 would be affordable rent, and 18 as shared ownership which would equate to 29.7% of the overall housing site. It is recommended that an off-site affordable housing contribution should be sought for the balance (0.3%). The Council's Housing Officer will be able to offer further advice on this matter.

Parking:

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the parking standards for new development in the Borough. The minimum standards for unallocated residential parking can be found in Table 4B of the SPD.

The revised Design and Access Statement indicates that a total of 445 parking spaces for general housing would be provided, with 406 spaces for residents, 39 spaces for visitors. However, based on the standards in the Parking SPD, the proposed development would generate the need for a minimum of 416 spaces, of which 83 spaces (20%) should be provided as unallocated visitors parking.

In this case the scheme is seeking to provide a greater proportion of residents' allocated spaces, and a reduced amount of visitors parking. However, given it would be possible for visitors to use residents' allocated parking, a policy objection could not be sustained on this basis.

The cycle parking/storage provision can be found in Table 4D of the SPD. The Planning Statement indicates that for every house provided with a garage, the dimensions would be at least 3m x 6m (internal) to accommodate the cycle parking requirements. All other

houses would be provided with a secure shed within the rear garden of the property. In this respect, it should be noted that 2 spaces per unit should be provided for all units with 2 Beds or more, and short-term visitor cycle parking will be expected at 20% of these standards.

Summary:

To reiterate, the principle of the development of this site is broadly supported in policy terms, based on the emerging policy position in the Pre-Submission HBLP which can only be afforded limited weight at this stage. The Adopted Local Plan does resist the principle of development in this location.

Nevertheless, there has been extensive transport discussions which means that the applicant would provide a direct contribution to the implementation of highways mitigation measures identified through the Hayling Island Transport Assessment Addendum. Whilst the applicant is not proposing to address a number of the emerging requirements, it is noted that the development proposals do comply, and satisfy a number of the emerging plan requirements.

Officer comment: *The above comments from Planning Policy pre-date the Submission of the emerging Local Plan to the Planning Inspectorate and more recently as of February 2021 it has been confirmed that the 5 year housing supply is now 4.2 years with a 20% buffer applied. The extent to which the proposal complies with the requirements in the emerging plan in respect to Policy H1 High quality new homes will be part of the tilted planning balance. Whilst there is no allotment provision the site does provide for 2 orchard areas and an open space provision of 0.72Ha.*

Property Services Manager

As long as the site does not encroach onto HBC land, as it does not in the proposed site layout, then Estates has no comment.

Public Health Team

Final comments made in respect of APP/18/00724

1. Active Travel

We note and support the desire to promote and to develop the means to sustainable travel and encourage walking and cycling within the application. This includes the developer contributions to regenerate the Hayling Billy route which serves as a key aid to active travel as well as a boost to recreational activity. Active travel has multiple benefits for communities and individuals, including health benefits. As physical inactivity directly contributes to one in six deaths in the UK and costs the UK an estimated 7.4bn including impact on the NHS, social care, sickness absence etc, we welcome this as a feature of this development.

We note that pedestrian and cycle routes between the proposed development and existing local services and amenities (e.g. local schools and facilities in West Town and Mengham) have been investigated and that required improvements to infrastructure to support active travel are being provided as part of The Oysters development, which will benefit the proposed development at Sinah Lane (*Transport Assessment for Sinah Lane Development*). We are pleased to note that there are numerous facilities within close proximity which are within the preferred maximum walking distances that CIHT suggests, and that can also be reached in short cycle distances. We note that there is

a good cycle network between the proposed development and Beach Road, but less so between Beach Road to Mengham (*Transport Assessment for Sinhah Lane Development*, p19). We note that the walking time to Mengham is approximately 25 minutes, whereas the cycling time is approximately 6 minutes, suggesting that cycling may be the preferred method of active travel. We would like to see further assessment of this cycle journey and exploration of potential improvements to the route between Beach Road and Mengham, to safely link the proposed development to facilities in Mengham.

We also welcome the travel plan and its aims to encourage new residents into an active lifestyle and active travel. However, we would recommend considering walking and cycling independently within the travel plan, with separate goals for modal shift. This is because walking and cycling are distinctly different behaviours and therefore require different approaches to encouraging adoptions. For example, walking requires no special equipment or clothing, and, for the most part, can use relatively safe pavements rather sharing the highways with motorised vehicles. Cycling on the other hand does require the purchasing and maintenance of equipment and necessitates the sharing of the highways with motorised vehicles in many instances. This means that these two distinct behaviours have differing perceived and actual barriers to adoption and maintenance, which must also be considered and targeted separately in order to maximise the effectiveness of the travel plan. We would like these barriers further explored within the travel plan with appropriate methods for overcoming them identified and actions committed to. Without these changes, we feel the travel plan is insufficiently robust to bring about significant changes in resident behaviour.

We would also like to suggest that efforts to engage new residents in behaviour change must begin at first occupancy, as this is when behaviours are formed. Welcome packs should be distributed to all, including those who occupy in later phases.

Recommendation 1: Walking and cycling to be considered in the travel plan as separate behaviours, with separate goals for modal shift.

Recommendation 2: Barriers to walking and cycling further explored with appropriate methods for overcoming them identified and actions committed to within the travel plan.

Recommendation 3: Efforts to engage new residents in behaviour change should begin at first occupancy.

Recommendation 4: Welcome packs should be distributed to all, including those who occupy in later phases.

Recommendation 5: Further assessment of cycle route between Beach Road and Mengham and exploration of potential improvements.

Other Health and Wellbeing Opportunities

We note that the Infrastructure Delivery Statement is still emerging and that the developer intends to consult regarding health and wellbeing opportunities that this development will present. We would welcome the opportunity to be part of the discussions to explore and detail the health and wellbeing opportunities.

We welcome the establishment of an orchard, providing an outdoor green space for residents and visitors to the site. We would suggest that the feasibility for the provision

of allotment space in explored, as gardening in an allotment setting can result in numerous positive physical and mental health-related impacts and outcomes. We also welcome the opportunity to provide outdoor green space for play, represented in the design statement. To maximise the benefit of this for children and young people, we recommend that proposals should be developed and made available for public consultation. We recommend the provision of any appropriate LAPs, LEAPs and NEAPs at this site should be in line with guidance from Fields in Trust.

Recommendation 6: That future discussions fully explore and detail all the health and wellbeing opportunities at this site.

Recommendation 7: That feasibility for the provision of allotment space in explored.

Recommendation 8: That proposals for the outdoor space at the site should be in line with guidance from Fields in Trust. We request that these are made available for public consultation prior to approval.

2. **Affordable homes**

Emerging Havant planning policy (H2) states that the tenure of the affordable housing is split 70% rented and 30% intermediate.

	Number of Affordable Rent	Number of Shared Ownership	GIA (M2)
2 Bed / 3 Person Maisonette	12	0	67.1 – 76.6
2 bedroom / 4 Person Terrace/Semi	19	7	78.3
3 bedroom / 5 Person Terrace/Semi	9	9	86
3 bedroom / 5 Person Semi	0	2	89
Total	40	18	

As required the tenure mix, size and     5 / 5   in additional S106 agreement.

Affordable Housing		Market Sale Housing		Total
Type of dwelling	Affordable	Type of dwelling	Market Sale	
2 Bedroom	38	2 Bedroom	31	69
3 Bedroom	20	3 Bedroom	86	106
4+ Bedroom	0	4+ Bedroom	20	20
Total	58	Total	137	195

Table 5: Accommodation Schedule

We note and welcome the allocation of 58 homes as “affordable tenures”, as specified in the Affordable Housing Statement enclosed with the application for this

development. Truly affordable homes can help to address health inequalities, an important issue in Havant.

However, the number of 2 bedroom and 3 bedroom properties available via affordable rent varies from the numbers contained within Table 5 of the proposed Travel plan (please see Tables above).

Policy CS9 Housing of The Havant Borough Core Strategy 2011 states that, in relation to the tenure split of affordable housing, “65-70% of affordable homes should be social rented”. Emerging Havant planning policy states that tenure mix should be “split 70% rented and 30% intermediate.” We would recommend that the developers adopt a split to ensure there is maximum provision for social rented affordable housing.

In addition, we feel there is potential for improving the even distribution of affordable homes within the proposed dwelling distribution plan to ensure a balanced community and improved community cohesion. We note that there is a denser concentration of affordable homes to the west of the development with very few to the east of the development. Emerging policy within the draft Havant Local Plan states that “Affordable housing should be evenly spread across the site.”

Recommendation 9: That the developer confirms the number of proposed affordable housing properties at the site.

Recommendation 10: Of the affordable properties in this development, the tenure mix is in accordance with Havant planning policy.

Recommendation 11: Amend the planned affordable housing distribution to ensure a more evenly spread distribution across the site.

Ageing population

Havant Borough has an ageing population. The Small Area Population Forecast (SAPF) of 2016 indicated that the Total Dependency Ratio (TDR) in the Borough is forecast to reach 75.3 “dependents” per 100 people of working age by 2023 (up from 69.4 in 2016). The population aged 65-84 years is predicted to rise in Havant Borough by 2,700 people from 2016-2023. The population aged 85+ years is predicted to rise in Havant Borough by 1,200 people in the same time period.

In Hayling Island, those aged 65 years and over is predicted to increase and this, coupled with a decrease in residents of a working age, this will lead to a dependency ratio of 80% by 2021. This suggests that there will be a higher proportion of older people living on their own within fewer younger people to provide care and support. People of increasing age are more likely to live with multiple long term conditions and frailty is also more prevalent. Therefore, we would request that homes in this development are developed which can be adapted to meet the needs of an older population (i.e. [Lifetime Homes](#)).

Recommendation 12: Homes in this development are developed in line with “Lifetime Homes” so that they can be adapted to meet the needs of an older population.

Recommendation 13: Green and urban infrastructure related to this development is developed with the needs of older people in mind, ensuring it is accessible and supports inclusivity.

Healthcare Facilities

We note in the application documents the developer has consulted with NHS Choices concerning access to healthcare facilities. The appropriate NHS body to consult is South Eastern Hampshire Clinical Commissioning Group who will be able to advise accordingly.

Recommendation 13: That the developers consult with South Eastern Hampshire Clinical Commissioning Group regarding access to healthcare.

Officer comment: *The affordable housing provision is 70/30% rented/shared ownership and has been amended by replacing a number of the flats with 2 bed houses. The plans have been amended to address a number of the above recommendations including open space provision, footpath links (subject to S106) to the Hayling Billy Trail, and SEHCCG consulted- see their comments further below.*

Ramblers Association

Care needs to be taken to maintain the rural character of the Hayling Billy Coastal Path where it runs adjacent to the proposed development with additional tree planting as necessary.

The pathway between the north east of the proposed development and the Hayling Billy Coastal Path appears to be intended as a pedestrian path only. Given the emphasis that has been given to cycling in this proposal it seems ridiculous to pretend that this path will not be used by cyclists. Cyclists from the new development are unlikely to go south via Sinah Lane when traveling to or from the north. They are highly likely to take a shortcut via this north east connection. This path should be fully adopted as a public path and the surface materials chosen to blend appropriately with the Hayling Billy Coastal Path.

Officer comment: *The 2 links would be appropriately fenced and are proposed to prevent future residents forming unauthorised links.*

Royal Society for the Protection of Birds

Thank you for consulting the RSPB on the above application and for the extension to consider the reapplication. We responded in detail to the previous application APP/18/00724. As highlighted in our previous responses to APP/18/00724 we are increasingly concerned by the incremental loss of SPA/Ramsar supporting sites on Hayling Island and have engaged with this development to try to secure appropriate mitigation for the loss of the southern part of SPA/Ramsar supporting site H34C should planning permission be granted.

The application site lies within 150m of Langstone Harbour to the west, designated as a Site of Special Scientific Interest (SSSI), and forming part of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site in recognition of its national and international importance for wildlife, including wintering waterfowl and breeding seabirds. A large part of Langstone Harbour is owned and managed by the RSPB. The field containing the application site is used by wintering brent geese (*Branta bernicla bernicla*), an interest feature of the designated sites. The preservation of these feeding sites is essential to the protection of the wintering population of brent geese in the harbours and in turn to ensuring that the designated sites are not damaged.

Whilst the RSPB notes the potential impacts of development on wider countryside features such as hedgerows and mature trees, and encourages the inclusion of measures to address any such impacts and enhance the wider biodiversity (eg. breeding birds, bats, reptiles, etc.), we have limited our response to the mitigation of the impacts that the proposed development could have on the adjacent Chichester

and Langstone Harbours SPA/Ramsar site, the RSPB Langstone Harbour serve and the associated populations of wintering birds.

Solent Waders & Brent Goose Strategy – brent goose feeding site (H34C)

The proposed development area is identified in the Solent Waders & Brent Goose Strategy (SWBGS) as a Primary Support site (H34C) for brent geese, with the northern area being particularly well used, with records of up to 1000 feeding brent geese. This is due in part to the site's location adjacent areas of eelgrass (*Zostera*) beds within the Harbour, as well as the regular presence of winter wheat crops within the application site itself, both of which brent geese feed on. However, we know that the current agricultural regime in this location does not guarantee suitable foraging habitat for brent geese in every winter and the site suffers from recreational disturbance.

It should be noted that additional sightings have been received this winter 2020/2021) from local residents on the use of the southern (Area B and C in the Winter Bird Mitigation Strategy Nov 2020) by brent geese which is not reflected in the supporting information.

Winter Bird Mitigation Strategy – proposed refuge area

We are increasingly concerned by the incremental loss of SPA supporting sites on Hayling Island and across the Solent as a whole. We therefore support the SWBGS which has improved our understanding of the network of sites used by the brent geese and waders and has provided guidance on mitigation measures. The RSPB has worked with WYG, the environmental consultants for this proposal, to develop a sustainable mitigation strategy for brent geese and other wintering birds (Winter Bird Mitigation Strategy, November 2018) in line with the SWBGS. This strategy includes enabling the adjacent area of agricultural land owned by the RSPB (the western part of the proposed winter bird refuge), to be managed in perpetuity for the benefit of foraging brent geese and waders. The RSPB believes that the creation of a permanent winter bird refuge on the northern half of H34C is consistent with the SWBGS mitigation guidance. The mitigation proposal comprises the establishment of a suitable extent of permanent grassland (using a seed mix favoured by brent geese) and its ongoing management by grazing with livestock or mowing, the addition of a network of small freshwater scrapes and improved management of recreational use through provision of interpretation, additional fencing, hedgerow planting and defined access routes.

An updated Winter Bird Mitigation Strategy (November 2020) has been submitted with this application, much of which is the same as the November 2018 version but it is disappointing to note that this has not been updated to reflect the latest discussions and situation. For example, the commuted sum and some of the management details are not accurate. We urge that the Strategy is updated and we would welcome further discussion regarding the details of the capital works necessary to set up the refuge should planning permission be granted.

There are also inconsistencies within the supporting documentation as the Information to Inform Habitats Regulations Assessment (November 2020) refers to the 2018b Winter Bird Mitigation Strategy and also states that there will be two access points to the Refuge area (via a new gate at the end of North Shore Road and a further access gate from the northern extent of the housing development, pg24). It is our understanding that there will only be one entrance, as shown in Figure 1 of the Winter Bird Mitigation Strategy. Additional hedgerow planting is proposed to screen the former entrance at the end of North Shore Road. Only one entrance is required, and more could lead to greater risk from recreational pressure.

To ensure the appropriate delivery of the mitigation, if the development proposals are consented the RSPB has agreed (subject to contract) to accept the freehold transfer of

the mitigation refuge area (not currently within our ownership), with an appropriate commuted sum of money to allow for the ongoing management and monitoring once the Refuge has been established.

For the Wader and Brent Goose Refuge to be relied upon the following agreements need to be prepared and agreed with the planning authority:

- i. Section 106 agreement.
- ii. Agreement relating to the transfer of the land.
- iii. Draft form of TR1 to be used transferring the land to the RSPB.

Progress has been made on the drafting of these documents, but these are yet to be finalised.

Timing and monitoring of Wader and Brent Goose Refuge

The Wader and Brent Goose Refuge must be established and operational before construction works start. This is to ensure that any adverse effects on the wintering birds (and therefore on the Chichester and Langstone Harbours SPA and Ramsar site), via the loss or damage of the existing feeding area within the proposed development site, are avoided.

Monitoring of the Refuge will be essential to ensure it is functioning effectively, and annual winter monitoring should be undertaken for the first 10 years. Following the confirmed establishment of the Refuge, winter monitoring should be at a minimum every 4 years (11-80 years).

Construction phase disturbance

Development of the southern part of H34C may also result in disturbance impacts during the construction phase. A condition should be imposed that a Construction Environmental Management Plan (CEMP) is drawn up and approved by Natural England and the Council before any works take place. This should specify that the main works are restricted to the summer months (April -September) and any inter work (October – March) is restricted and monitored to reduce noise and visual disturbance to the SPA/Ramsar birds.

Bird Aware Solent

In order to mitigate for the in-combination effects of increased recreational disturbance to the Solent SPAs/Ramsar sites, an appropriate contribution to the SRMP / Bird Aware Solent scheme must be provided in addition to the above mitigation.

Net Gain

A Biodiversity Net Gain (BNG) Document (November 2020) has been submitted in support of this application. We strongly disagree with this assessment, as it includes the Winter Bird Refuge in the assessment, which is necessary to meet the legal requirements under the Conservation of Habitats and Species Regulations (2017) (the Habitat Regulations). No additionality can be claimed for the Winter Bird Refuge and therefore additional biodiversity enhancement measures would be required to meet BNG.

Further comments

We responded in detail to this application on 25th January and I would refer you to this letter, as aside for the update below regarding Biodiversity Net Gain, all other comments and outstandings remain.

Net Gain

We note the submission of an updated Biodiversity Net Gain (BNG) assessment. We welcome that the BNG assessment now appropriately does not include the Winter Bird

Refuge as part of these calculations, which is necessary to meet the legal requirements under the Conservation of Habitats and Species Regulations (2017) (the Habitat Regulations).

Officer comment: *The RSPB are a party to the S106 wording to enable these matters to be satisfactorily addressed and in addition an update on the Winter Bird Mitigation Strategy (WBMS) Nov 2020 and Information to Inform Habitats Regulations Assessment are being prepared by the applicant to address these points.*

SE Hants Clinical Commissioning Group

Final comments made in respect of APP/18/00724

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.

Please see below the NHS investment projection that the CCG will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings is: 195 No. of dwellings x 2.4 divided by average 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 £31,200 of planning gain for health.

South Eastern Hampshire CCG identifies multiple practices (The Elms Practice and Waterside Medical Centre) could be impacted by this development in our CCG area as all the following practice boundaries cover this area. However, it is likely that both practices will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore, we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

Officer comment: *This would be a S106 requirement.*

Southern Electric

No comments received

Southern Gas Networks - stage 1

Final comments made in respect of APP/18/00724.

Map provided and standard response regarding to building in proximity to pipe lines.

Officer comment: *The plan shows no pipes indicated within the application site, although there is a low pressure pipe line in Sinah Lane, which the access would need to cross.*

Traffic Management Team

The Traffic Team would make the comment that there appears to be a low allocation of parking for a site that comprises of 195 dwellings. We would expect to see a minimum of 417 spaces available for residents + 20% for visitors. Therefore should this development be given permission then we would request that provision is made for a sum no less than £5000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside to allow a TRO to be processed at any time during the period beginning from the commencement of development and ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the new road layout or adjoining local highway network.

Officer comment: *In this case, the scheme is overproviding on allocated spaces (445 vs a requirement of 416) and underproviding on visitor parking (39 vs a requirement of 83). Given that it would be possible for visitors to use residents' allocated parking then this is considered acceptable and a policy objection would be difficult to sustain on those grounds.*

A TRO is being secured through the proposed S106 Agreement.

Tree Wardens

Final comments made in respect of APP/18/00724.

1. We are pleased to see confirmation that T13 (Hawthorn) will be retained, this shall be noted in Arb. Impact Assess. 3.5.2 to avoid mistakes. This tree is verified on the Woodland Trust Ancient Tree Inventory as a Veteran. As such it must be given an RPA of 15 times the diameter of the tree, or 5m from the canopy edge if that's greater.

We suggest a substantial fence is necessary to prevent access to the Billy Trail at this point; this will prevent soil compaction and accidental damage to this tree and hedgerow.

T58 is also on the ATI as a veteran, and though the plan shows adequate tree protection fencing during construction, it also needs a RPA of x15 its diameter. These 2 RPAs requirements shall also be noted in the Developers Tree Protection Plan, and Method Statement.

2. While we approve the minimal loss of trees given the scale of the development, we are not convinced that "the relationship between retained trees and buildings is sustainable" (Amended Arb. Impact Assessment 1:6).

We have found several instances where significant, mature trees are likely to be the subject of unreasonable pressure to requests for pruning from future occupants. We have seen several instances in other developments where the layout of proposed houses took little attention of the presence of existing mature trees.

The following plots shall be re-drawn to prevent damage and potential loss of adjacent trees, and that the boundary fence for the new properties be set at the RPA distance from the trees.:

- Plots 112 and 113 place house and gardens too close to T16 and T18. These trees are south of the houses and it is likely their shade will cause complaint, particularly T18, an evergreen species.
The trees in North Shore Road gardens are mature and act as important visual

barriers. They should be assigned TPO status.

- Plots 170 - 171 and 172-173 have small gardens likely to be shaded by Ts 32-35. The root system of these trees extends beyond their canopies and will affect fertility in the garden. To avoid complaints about this and leaf/acorn drop these trees should be given TPO status.

- Plots 183 & 184 are likely to be shaded by T39 (Plot 183 has a particularly small constricted garden). The root system of these trees extends beyond their canopies and will affect fertility in the garden. To avoid complaints about this and leaf/acorn drop these trees should be given TPO status

3. We query the need to prune T14 in Arb. Impact Assess. 4.7.2 This tree has a main branch growing towards the light, and will have developed reaction wood to correct any tendency to imbalance. These natural habits of phototropism and self-optimisation are entirely normal, and no indication of preventative action.

We recommend the tree may suffer if this branch is removed. The object must be to promote tree longevity.

4. We support HBC's Landscape Architect's request for a better selection of Heritage species trees to be included in the future planting on site. This would support and enhance the existing landscape character of mature woodland, including ancient and veteran oaks and sycamore within woodland and historic hedgerows in the near vicinity.

Particular care shall be given to species that can withstand salt spray.

5. Experience of other developments in the Borough, where trees planted by developers have frequently died, leads us to request robust conditions are put in place to ensure effective and appropriate soft landscape and maintenance programmes are in place post development, and that new trees are planted by the developers and maintained to the highest standard.

6. A path through the HCC owned woodland to the Billy Trail is shown adjacent to and east of plots 83 and 87.

Damage to the woodland, its trees and Ancient Woodland Indicator plants, as well as its verified biodiversity, shall be restricted by the developer through the erection of an adequate fence or barrier.

Any proposed lighting must satisfy safeguards in the Bat Conservation Trust Guidance Note 08/18 "Bats and artificial lighting in the UK"

[ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf](#)

Footnote: We have used the word "shall" to mean a mandatory requirement in line with the recommendations in British Standard.

Officer comment: See Arboriculturalist comments, which raise no objection to the scheme.

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: 84

Number of site notices: 3

Statutory advertisement: Yes

Number of representations received: 579, comprising 578 objections, and 1 in support. These representations from residents, Langstone Residents' Association, Hayling Sewage Watch, SW Hayling Group and Save Our Island Group, are summarised below.

Principle

- Country in the middle of a pandemic, normal routes of representation are not available, and no decision should be taken.
- No more housing on Hayling Island, it is excessive, new homes not needed, Island cannot cope, and development should be on the mainland.
- Not wanted by the local population. It is not the job of local planners and councillors to approve developments against the wishes of the local community.
- Issues of infrastructure on the Island and a plan for future developments such as this is unsustainable
- A petition was submitted to the Council with over 6000 names demanding that the infrastructure be improved
- The area from the homes north of Sinah Lane and east of North Shore Road is the start of open farmland all the way to the bridge. It provides a rural setting for residents and visitors. It provides a haven for wildlife. Development of this site will set off a chain of creeping urbanisation in a rural area.
- It should be refused on the grounds of unsustainable development, inadequate infrastructure, impact on highways, ecology, and use of agricultural land
- This location is outside of the defined urban area as defined by Policies CS17 and AL2 of the Local Plan.
- There is an access road showing into the bird sanctuary, which is a clear indication of future plans to develop the area being called a sanctuary, if there is no intent then why put it in. (the birds don't need it).
- Loss of agricultural land.
- The present commercial land use is poor in jobs, we need a change in policy to increase job richness, not a proposal for increased housing numbers on this site.
- The needs of the community are being ignored.
- If more land is given up for development, it should be adjacent to major roads away from the Brent geese and wader habitat.
- If you need to use land on Hayling for mass housing, then the obvious spot would be all the land closer to the mainland.
- The Council should focus on developing much needed affordable homes in places in the Borough that provide easy access to rail and bus links.
- Rooks Farm Way was rejected for the very reasons that this should be rejected also
- Housing should be directed to area with good transport. Additionally, there are large vacant blocks of empty accommodation in the Havant area and also in Portsmouth. These locations already have a good infrastructure
- Development is sustainable and contrary to Policy DR1
- No clear information about regeneration, contrary to Policy DR2
- Local Plan – Inappropriate for Barratt Homes to make an assumption that the draft Local Plan although incomplete, has enough substance/content for their application to be considered in terms of “the amount, distribution and location of the development”.
- Being an Island brings some unique challenges to Hayling. Having a hard boundary (the sea) prevents a natural 'spread' as this area increases in population. The result is that public amenities feel the strain more directly in an Island community, than if a similar development was built in a mainland town.
- Apparently, there remains adequate space within the local schools for the projected

increase in the number of children resulting from the proposed development. It would appear that the developer is prepared to make a contribution for the cost of new classrooms, but will the developer also pay the salaries of the additional teachers needed in the future?

- Prior to any acceptance of the proposal you must surely seek written confirmation of no degradation of service to the residents and council tax payers from the following: Police, Ambulance Service, Health Centre, Utility Companies. Parking on the island is dreadful. Some of the smaller side roads have parked cars along the length and I am sure emergency vehicles cannot access some areas
- Too many houses, too many people, not enough infrastructure. Where are these new residents going to work, go to school, visit a doctor?
- Policy IN1 – the infrastructure is far from clear and definitely not effectively provided – a monetary contribution has been offered to one of the schools, but there are no additional jobs, the health centre is overburdened, the roads cannot cope with more people having to commute on and off the island as there is insufficient local employment and reliable transport. What about the junction with the Billy Line, pedestrians and cyclists will be negatively affected by the new road opening, there are often families crossing at an already increasing busy-road junction.
- Covid 19 has resulted in a substantial reduction of traffic and pollution and we should be protecting the environment not delivering road infrastructure which increases traffic from what is the least accessible area of Hayling Island and contrary to the Government Guidance to create greener cities.

Officer comment: *The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites*

The development proposed by this planning application addresses infrastructure requirements as set out in section 7 of this report. It is included within these five year supply calculations and is equivalent to 0.36 of the 5 year supply. The housing land supply is now less than 5 years and a material consideration forming part of the planning balance in the determination of this planning application.

Highways

- Only one access to Hayling Island which is already congested. Any stoppage such as bin lorries causes tail back. Unless or until we have another route on and off our island no more large-scale developments should be allowed. The main bridge onto Hayling is already taking 3 times the capacity it was built to take, it is crumbling and many times inspectors in overalls are seen crawling under the bridge! The knock on effect of this unusual cul de sac location must be given more consideration.
- Since lockdown home deliveries have substantially increased the amount of traffic.
- HITA does not address the problem and the required funding is not achievable.
- The extra traffic moving onto the A3023 will impact adversely on the already overloaded road, Langstone road bridge and the community of Langstone.
- The development would be occupied by those needing to go off the island to work/education
- Public transport options to go beyond Havant are limited, slow and prohibitively expensive. There are no rail links on the island and without the perseverance of the islanders there would be no ferry.
- Emergency vehicles (age of population results in a high demand) already unable to make targets due to delays, loss of life if emergency services cannot respond in time.
- Transport Assessment misleading. Dangerous pinch point on Station Road ignored.
- The short length of road at the entrance to the estate has parking places marked on both sides, this is a hazard as some 200 - 600 traffic movements will have to use this section of roadway every day.

- The traffic problems are already very apparent and with 195 more houses you are talking about an additional 400 cars approx. to add to the congestion getting on and off the Island, there is no easy way to solve the situation. Could be fatal in emergency situations
- Hayling Island is already at saturation point and would not benefit from this development. The A3023 can't support the additional volume of traffic which this development will undoubtedly bring.
- The traffic on and off the island keeps the traffic at Havant roundabout at a standstill, affecting the surrounding areas. Contribute to existing gridlock situations.
- Traffic surveys need to be carried out in the summer.
- No train service, and poor bus service with the buses unable to provide a good timed service when the traffic builds up
- Regular occurrences to take 40+ minutes to leave the island and similar to enter - a normal 10-minute journey. This is not acceptable, and the only solution is to spend a vast amount of money on a fix not tinker here and there and this should be done in tandem with development. Make any developer pay for a new coastal route, to be completed before the housing - development would cease because there would be no profit.
- Number of very large vehicles: boat and caravan transporters, motor homes, horseboxes, large lorries and tractors using the road, these can get stuck particularly in the bends in Stoke village. Infrastructure needs upgrading.
- Apparently, only one car was spotted turning right into West Lane during rush hour. Was that the morning or a bank holiday? Regularly, cars are backed up to the petrol station while a succession of cars are waiting to turn into West Lane.
- The development goes alongside the Billy track, which itself is in great need of maintenance. If more houses are built there, then something needs to be done about the Billy track as it is already in a poor state and will continue to deteriorate
-
- Most households have 2 cars – inadequate parking – where will visitors park.
- People are also causing problems by using West Lane and the Northney route causing more congestion.
- There is no obvious employment on the island for this number of people and, so they would be going off and on the island for work, thereby exacerbating the traffic issue.
- The Travel plan is no more than wishful thinking expecting 10% fewer people to drive unaccompanied. Additional cyclists will exacerbate the road delays because many ignore the cycle paths and there are few opportunities to safely overtake.
- Essential repairs to the roads & services running along them is also something that is going to be made worse - as it is the disruption caused by repairing the roads or gas/electric/water is severe! This extra demand will also mean repairs are likely to be needed at closer intervals. Parking around some locations can also already be an issue.
- The Island is also experiencing a loss of services such as Banking, Difficulty in obtaining Doctor services, No NHS dental services, reduction in Pharmacy services, shortage of school places adding to traffic.
- The development plans show narrow roads with limited parking especially for visitors and this could cause major difficulties for emergency vehicles and refuse lorries as the likelihood is that the narrow roads will be used as over flow parking for residents and their visitors.
- The Bridge - single access to the island already over capacity, what happens if it is out of use for any reason? There does not appear to be a critical incident plan to deal with this scenario
- The road infrastructure for Hayling Island is already saturated with increasing difficulties as a result. It is not realistic to expect that this can be significantly improved due to the bridge constraint. Consequently, any further significant house building on the island must not be allowed.

- The junction between West Lane and Havant Road is already congested and overcrowded.
- Cumulative impact with other development
- There is no visitor cycle parking shown on plans. I would request that £5k be set aside to implement a TRO on the surrounding street to accommodate any overspill parking of vehicles from the estate
- The access along Station Rd through West Town is already crowded and impacted by a bus route and vehicles serving Tesco, Jewson's, and commercial properties and the additional traffic will add to danger and make the problem even worse.
 - Visibility is limited for pedestrians crossing from shop to shop
 - The pavement is in places little more than 30 cm wide.
 - The area is already seeing significant windfall additional housing with the access these cars will require into the heart of West Town
- The traffic would feed into the already clogged Hayling bridge and Langstone roundabout, which in the five years we have been here are noticeably more frequently queuing.
- Almost daily gridlock at the A27 roundabout
- Then there is the significant increase in travel disruption as new housing developments require gas, water, electricity etc. all requiring the roads to be dug up and delays ensue for the residents of this island and the delays to bus companies, emergency services and so forth.
- Transport assessment is unrealistic in terms of walking and cycling times to services.
- Narrow winding road unsuitable for the additional traffic, with regular large lorry deliveries is a hazard and congestion. Cyclists will be in mortal danger unless a bespoke Cycle Lane is created and sleeping policeman, or other road calming measures are put in place. One would hope that NONE of the construction vehicles would be allowed to use West Lane..
- With only one point of access and exit from the site the dynamics will be catastrophic-should a disaster unfold.
- The old railway line is very busy with inconsiderate cyclists, and the informal path provides an alternative route for pedestrians. This development and nature conservation area would close that route.
- This particular application is likely to cause an increase in traffic along West Lane which with the 40-mph limit (which is often ignored) is bound to result in a fatality sooner or later.
- Highway net work is based on narrow old rural lanes with narrow or no footpaths and cannot take the current level of traffic.
- No sensible parent is going to allow infants to walk to school – distance too great / safety issues or juniors to ride – ditto. You can witness the current situation on any start/end time when surrounding roads including the main road are heavily congested.
- With one entrance into the site the traffic car movements are going to be extremely disruptive to the Sinah Lane residents and make it harder to exit Staunton Ave into Station Road.
- The pavements are too narrow for two adults to pass on foot, let alone buggies, wheel chairs and mobility scooters. Hundreds more families will struggle to walk safely to school and shops at busy times of day.
- Parking on the island is dreadful. Some of the smaller side roads have parked cars along the length and I am sure emergency vehicles cannot access some areas.
- HCC's currently ongoing analysis of A3023 travel times will significantly understate the arterial gridlock issues owing to the smoothing effect of the long and sustained period of beach weather experienced during the hot and dry 2017 Summer season
- West Lane cannot cope with more traffic and it will ultimately end up with one or more fatalities. Policy IN2 – transport infrastructure, again an offer of monetary contributions and no mention of the negative assessment by Hampshire Highways.

- Existing residents face unacceptable delays getting on and off the island and when there is there is emergency ambulances, fire engines and the police get held up.
- The population statistics do not reveal the full picture. In summer there is a lot more traffic from holiday makers either staying on the island in caravans etc and going off on day trips or people coming on to the island to go to the beach.
- The roads are all single lane each way so when traffic has to turn right, and the opposite lane is busy long queues develop. A roundabout on the A3023, West Lane junction would help a lot.
- The site is a short distance from the point where National Cycle Route 2 emerges from the Billy Trail and crosses Sinah Lane onto Staunton Avenue. Due to the width of the road and the speed of the traffic this crossing can be extremely difficult and hazardous.

Officer comment: *The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highway submission in respect to the application has been reviewed and amended in response to the findings of Hayling Island TA and is now considered to appropriately address the highway considerations and safety issues.*

Residential amenity

- The land from the Billy Trail through the field slopes towards Langstone Harbour, which means any windows of possible housing will give the residents a clear view into all the properties in North Shore Road
- Loss of privacy and overlooking -The additional houses that have been crammed into the extended site have increasingly small gardens (plots 51 to 56) backing onto houses in North Shore Road. The close proximity of the upstairs rear windows of these new houses means they will be looking straight into the rear windows of houses in North Shore Road. The new houses in these plots also overlook the 3m to 4m of garden closest to the houses in North Shore Road.
- High roofs offer scope for loft concerns and privacy issues without restrictive conditions.
- 2m heavy duty fence or wall required to provide privacy, muffle building noise and buffer exhaust fumes from cars.
- In view of the limited garden space allocated to each property, children will have to use the Park and there is no safe crossing on either Sinah Lane or Station Road.
- There are very few facilities on Hayling, and families wishing to use leisure facilities have to travel off the island.
- The removal or reduction of footpaths through the fields would impact the health and wellbeing of residents, would have a negative impact on tourism, would reduce the aesthetic appeal of this part of the island and would reduce the social benefits that this much-loved resource provides.
- Hayling as is a haven of peace and tranquillity and really could be spoilt if more and more houses keep getting built
- Sinah Lane is currently a quiet leafy residential area and this development could ruin this area of the Island with decreasing house values, upsetting the flora & fauna and the sensitive water table.
- Noise, pollution and vibration from all the cars and construction lorries.
- Attenuation Pond – Hayling Island has historically had a big problem with mosquitoes. This pond will be a huge breeding ground for mosquitoes that will plague the local residents. The developer will need to control this problem.
- The footpath access from the end of North Shore Road, through the field to the shoreline and on ward to the Billy Track will be closed if the application for housing is granted.

- No one is seeking the views of residents, so how can a decision be made. and urge the Planning Committee to think again. What will happen to any monies received by the Council
- I believe that the density and nature of the housing within the proposed development and rear alleys could lead to an increase in crime, which in the Sinah area is currently very low. What protection to existing property owners is likely to be afforded by the erection of 6ft. fences? Hedging should be provided.
- Parking issues- overspill to Sinah lane
- Do not want yellow lines to prevent friends and deliveries parking outside our properties.
- De-valuation of property in neighbouring roads, namely Northshore Road.
- There are many elderly people in the area. They should not be subject to the noise and dirt of such a large construction project
- Loss of access to the foreshore for walkers & dogwalkers - whilst they may not be designated footpaths in the ordinance survey sense, these paths have been used for years and years and I believe that legally this confers some rights of access similar to squatters' rights
- The addition of 3 storey dwellings is not in keeping with the area.
- An experienced company like Barratts would have considered planting trees to minimise the visual and privacy impact of this development on existing residents. I see no evidence of this.
- Plots 183 + 184 are likely to be shaded by T39 (a tree in my garden). The developer has taken no account of this in the latest proposed site layout and indeed further restricted the size of the garden on plot 183 (and 182) by proposing an alleyway along the rear of my house for access to the rear garden of plot 183 and a refuse bin and cycle storage area. Prior to 'lockdown' I was advised that a committee from HBC wished to visit my house for a 'back garden inspection' and to view the situation in question. I would presume (indeed insist) that this will be re-arranged when conditions allow.
- New houses running east to west parallel to Sinah Lane and backing on to existing houses appear to be almost the most densely situation on the site. To make matters worse, one of the bigger 2.5/3 storey blocks is one of them. It is ridiculous that one of these higher houses should be put where it is and not on the east or north side of the site where building next to existing residents minimised
- My own situation is directly affected by plots 178 and 179 which have a two storey two family building, hence two sets of people directly overlooking my garden and the rear of my house, where we spend most time. Additionally, on the eastern side, in plot 180, and on the western side another two storey building which is only separated from the building on plot 178 by a small gap - both overlooking my house. I also see that solar panels are being installed on these houses. As you will know, these are ugly and out of character for the area. Furthermore, presumably they will be installed on the south facing roofs, i.e. directly facing my house and my neighbours and in direct sight.
- Impact of unknown charges which residents will be expected to pay towards cost of maintenance of green spaces
- Portsmouth Water infrastructure is inadequate and in poor condition resulting in numerous leakages and interruption due to repair work, it can't currently cope, and more development will add to the problems. Water pressure is already below the required minimum 1 bar

Officer comment: *The development has been designed to accord with the guidance set out in the adopted Borough Design Guide meeting the requirements for garden sizes and privacy within the development and in relation to existing dwellings to provide 20m window to window separation. A condition in respect to removing permitted development rights where 2nd floor accommodation would result in loss of privacy is recommended. The informal footpaths across the fields cause disruption to over*

wintering birds. The 3 storey flats are sited towards the centre of the site away from the site boundaries and the proposed density at 41 dph falls within the low density category.

In respect to the impact of trees on Plots 183 +184, the extent of overhang of the canopy relates to a small corner of the rear garden of plot 183 and plot 184 has a relatively wide garden to compensate for the impact. As the Site Viewing Working Party is now a virtual meeting it is not possible to view from the objectors garden directly - however the Committee presentation will include slides to demonstrate the relationship regarding plots 183 and 184, together with that for 178 and 179 where garden sizes and back to back distances comply or exceed those set out in the Borough Design Guide.

Regarding water infrastructure and pressure, provision of this is a Statutory function of the Water Company which has a responsibility to provide this service, and in the case of new development a private matter between the developer and the Water Company

Visual amenities and environment

- The area from the homes north of Sinah Lane and east of North Shore Road is the start of open farmland all the way to the bridge. It provides a rural setting for residents and visitors. It provides a haven for wildlife. Development of this site will set off a chain of creeping urbanisation in a rural area. Much better sites are both available and more suitable. For example: high rise development south of Havant railway station will attract commuters. Additionally, there are many areas of Leigh Park suitable for infill housing as well as major development.
- Overdevelopment out of keeping with surroundings. The other Barratt estate on Station Road has cars parked on every footpath
- Adverse impact on the amenities of those using the Hayling Billy due to dense residential development – ruin the experience.
- This area of Hayling is very beautiful with views over from the historic Billy trail and the proposed development will be severely impact on this and the wildlife and the coastline.
- Trees should be retained and supplemented.
- The development borders Langstone Harbour and will be detrimental to the ongoing support of wild life, flora and fauna in the area
- Poorly conceived and ugly development of 195 little boxes crammed into the site. The developer should be encouraged to engage local design practices/ the architecture school who are likely to have a much more vested interest in the Island.
- Important that the focus should be on the highest possible standards. This is one of the first major schemes planned and Havant BC should be insisting on the absolute highest quality design - no pattern book housing, no maximum density proposals, far better integration of green public space into every part of the scheme.
- Visual detriment from construction rubbish
- Surly we as a nation need every square metre of arable land to grow food for our ever-increasing population. The loss of this crop growing area should not be under estimated.
- Loss of open space, countryside and natural habitats – these will all be impacted by Sinah Lane development in a negative way through loss of all three. It is at present a wild area that provides space, habitats and Co2 provision for the area. The whole character of West Town will change, and I feel deeply for the loss of the rural part of the village. West Town will become very overcrowded.
- Policy E 14 – local ecological network, Barratts are misleading as the RSPB do not directly support this application. They have advised comprehensive mitigation strategies which would take at least 3 years to implement prior to any work being undertaken. The bat survey also made significant recommendations to mitigate the effects of any future developments.
- Under this proposal the Billy Trail would now finish in a housing development rather than the current rural idyll which attracts so many leisure users to walk and cycle on our

Island.

- Fewer houses would give room for the trees to grow, the neighbours not to have their trees reduced and importantly the new landowners will not have to complain about leaves, acorn and shadows in their garden.
- Landscaping plan does not take account of Hayling Island Environment
- In line with current national proposals, all trees new and old should be listed by the contractor and should be protected by TPO's
- Impact on and from trees -plots 170-173- should be tpoed and Plots 183 and 184. Impact of pruning on T14, proposed tree planting needs to be salt tolerant

Officer comment: *The site is enclosed on 2 sides (south and west) by existing housing development, with further containment by commercial development and the Hayling Billy trail on a third side (east) and the proposed bird refuge would be located to the north. The boundaries with the Hayling Billy and the refuge would be landscaped with native species and the impact on the landscape would be mainly contained to the site itself.*

Flooding and Drainage

- Flooding across this field is considerable. The ditch to the side of the field cannot cope with this flooding as the gradient is not sufficient to take the water away in a northerly direction. The huge area of impermeable surface covering this field in the proposal will mean more water will be displaced to this same ditch and a pond designed to overflow
- Water from gardens to existing properties currently flows into the field and concerned that surface water from gardens of proposed dwellings will flood existing gardens.
- A Hayling Island Coastal Strategy Project by HBC partner Coastal Partners was funded in 2020. This initial project will report in 2022, and only then will we know what the coastal recommendation. Ancient ditch network has no strategic oversight, and it is rapidly degrading. The proper function of this network is still essential, and as it forms an integral part of all the Sustainable Drainage Systems (SuDS) used on new developments to transport the output from the holding ponds to the sea.
- The Sea is currently being allowed to erode the South Beach between the Inn on the Beach and the Golf Club, we will soon need sea defenses built to hold the sea back or the sea flowing down Sinah Lane.
- Tidal locking is a hydrogeological process which accounts for the underground water stored beneath the surface, which rises and falls due to the tidal pressure of the Harbour(s) adding to surface water flooding. This has not been examined by independent experts on whom the Council should be relying for unbiased reporting, and there is insufficient inter-agency liaison.
- In other low-lying coastal areas, groundwater inundation (GWI) describes flooding that occurs as groundwater is lifted above the elevation of the ground surface and/or buried infrastructure. It has been identified as one of the more difficult flood mechanisms to manage owing to its ability to evade coastal barriers designed to mitigate direct marine flooding - not planned for Hayling. This mechanism is expected to produce increased flooding relative to the direct marine source due to coastal groundwater levels being generally elevated relative to local mean sea level (LMSL) and directly influenced by sea-level fluctuations such as tides, wave set-up, and longer period sea-level. Barratts' planned SUDS is still a relatively new technique and, more importantly for 195 new householders, anyone buying a property will be jointly liable for the costs of expert maintenance management teams, not only of essential roads and underground pipe-work, but for the essential SUDS. Is it fair to burden enthusiastic buyers with property management costs which can only escalate and detract from future sales? Management teams can be sold on/taken over by other teams whose expertise may be less effective, but the householder remains liable for future flooding or breakdown of the system so that its drainage properties become compromised by rising sea levels. Needs evaluating by independent experts.
- The fundamental tidal locking issue was not explained but confused with tide-locking.

Tidal locking is a hydrogeological process which accounts for the underground water stored beneath the surface, which rises and falls due to the tidal pressure Of the Harbour(s) adding to surface water flooding. This has not been examined by independent experts.

- Langstone and Chichester harbours are constantly being used as outlets for Southern Water's untreated sewage. This is already a health risk to the area and lorries already have to be used currently to transport effluent waste off the Island.
- Increasingly heavy seasonal rainfall frequently breach nitrogen loads in both harbours and there is now evidence that the Eastern Solent's weak tidal flows may even be sending treated sewage back into the harbour entrances.
- The main pumping station near my house has difficulty coping now with peak flow storm water being rammed into the well by the existing pumps at the bottom of the Island; please don't add another! There have been 7 occasions in the last 10 years when this extra water gets mixed with raw sewage in the well and floods out into Langstone harbour at Stoke.
- No provision for the on-going cost of the Pumping station
- Areas of the arable land for the proposed development have suffered serious flooding from time to time.
- Southern Water cannot cope with the current level of sewage and waste water and are increasingly experiencing spillage and off-loading the excess into Langstone Harbour, so this development will make the existing situation worse.
- There is no mention of protection for the coastline that is being heavily eroded.
- It would seem that over the years our island will get progressively smaller due to the lack of maintenance of certain sea defences, thus allowing the ingress of the sea and that is particularly noticeable at the western end of the island where these new homes are now in for planning. Is it really fair to sell these places to people? How many years will families be able to live there before the tide comes in?
- The situation with the serious flooding in the middle of the Island on the 14th of June 2019 when there was total traffic chaos with heavy vehicles and buses having to be routed round the very narrow lane of Northney village. An accident waiting to happen!!
- Southern Water are not able to provide continuous removal of sewerage from the East of the Island. How will they be able to cope with this increased load?
- The proposed area for the dwellings is prone to flooding – in winter time the middle part of the field does resemble a small lake. The drainage system we have at present does not cope well with the sudden big downpours we have; all the extra housing will again put more pressure on an already overworked drainage system.
- There is significant erosion on the unprotected banks of Hayling Island and Langstone Harbour, which will as continue as the sea level rise. Without this protection the field will disappear into Langstone Harbour. With the field will the trees and part of the SSSI.
- Groundwater. Sampling for contamination is an outstanding issue and should be addressed, especially as the field is subject to flooding after heavy rainfall and, to the north, from Langstone Harbour after tidal surges often affected by pollution from sewage. It is noted that winter level monitoring was carried out in 2016/17; however, photographic evidence shows considerable flooding in both the south and north parts of the field during 2017/18 and 2018/19. Therefore, the Barratt winter level monitoring data is out of date and further groundwater monitoring should be carried out by the developer.
- Drainage/Sewage. After the recent sewage pump failures and spillages into Langstone Harbour it is strongly urged that HBC looks very closely and seeks specialised advice in respect to Barratt's solution for pump failure using emergency ground storage.
- It is noted that Southern Water has not raised any objections. However, the ability for Southern Water to manage/cope with additional pressure on the infrastructure from this development for which they are responsible is highly questionable.
- over the years our island will get progressively smaller due to the lack of maintenance of certain sea defences, thus allowing the ingress of the sea and that is particularly

noticeable at the western end of the Island where these new homes are now in for planning. Is it really fair to sell these places to people. How many years will families be able to live there before the tide comes in?

- With a high-water table SuDs will not be effective, leading to flooding.
- Given the complicated drainage issues conditions requiring further information to be submitted is not appropriate and unacceptable.

Officer comment: *The foul and surface water proposals have been developed in consultation with the Environment Agency (EA), the Local Lead Flood Authority (LLFA) and the Southern Water (SW). A surface water pumping solution has been proposed to overcome the limited fall available on the site. The system has been designed in accordance with guidance which requires assessment against a 1 in 100 year event, plus a 40% allowance for climate change to mitigate any residual risk of surface water flooding to the site in its developed state. Connection to the Southern Water foul sewer would be via an onsite pumping station built to adoptable standards and the developer is in advanced negotiations with SW to adopt this.*

In respect to tidal locking and tidal pressure, the development site is not located adjacent the coast, but lies beyond existing properties in North Shore Road and is set back from the coast. In response to this matter the concerns have been raised with the applicant's drainage engineer who has advised:

"The existing clay does not act as a "seal" to prevent groundwater and any potential tidal sea water from mixing. The Geotechnical Engineer has already advised that the existing groundwater is shallow but that the impact from tidal variation is minimal. This means that due to the distance of the site from the sea edge, the effect of tidal changes becomes minimal as it takes time for water to travel through soil and interact with the shallow groundwater between peak high tides. The effect of the tidal changes and ingress of sea water in the lower ground of the site does not act as some form of pressurised medium as simply this is not how hydraulics work. Any presence of sea water would be not higher than the adjacent sea levels and certainly would not be at or above existing ground levels. This is already confirmed by the EA per their Flood Maps which clear shows that this site does not lie within an area of tidal flooding. As confirmed by the Geotechnical Engineer, building the foundations into the ground will not have any adverse impact to the ground nor will it impact the proposed drainage system."

This response has been reviewed by HBC officers and given the development site is not located adjacent the coast, but lies beyond existing properties in North Shore Road and is set back from the coast, the impact from tidal locking is not considered material.

Subject to conditions the EA, SW, Coastal Team and LLFA do not raise objection.

Ecology/conservation

- Loss of habitat and green spaces not coherent with tackling climate change.
- The current site is part of a Bird Mitigation scheme outlined in the section 106 agreement between HBC and the developer for their previous site the Oysters
- The Geese have used this field very happily for decades because it provides both food and security. A refuge indicates a safe haven but without the necessary sustenance the birds will be forced to find other locations
- Not comprehensive – no mention of buzzards
- Cumulative loss of habitat
- Proximity to SSSI

- Brent Geese come to these arable fields because they do not have people and dogs walking across their safe area in the middle. If the northerly part of the field is criss-crossed with hard paths it will become an urban park and dog walkers etc. crossing it will scare off the Geese.
- The Brent geese have been using this field as a migration area for years and years - just saying they can move elsewhere is not good enough
- The proposal to establish a grazing/feeding area for geese is unlikely to prove viable. Brent geese thrive on arable land and this will no longer be available.
- We are losing more open space which is affecting the wildlife and natural beauty of Hayling Island.
- Should we always put people ahead of with wild life?
- The proposed bird refuge is totally inadequate, and development of this site will drive away these magnificent birds and many other forms of wild life that enjoy this habitat. What right do we have to take that away.
- The field is a premier roosting site for migrating birds. They land here having flown thousands of miles. They are exhausted and starving. The sea grass sustains them. Dog walkers are careful not to disturb them. What the effect of diggers /earth movers /cement mixers /scaffold construction will have on their numbers - is a serious environmental question - to be considered.
- Permissive access to a place of natural beauty cannot be removed without due consultation. I shall continue to access this area daily with my dog, as will many other residents.
- Unrealistic to think that fencing for bird refuge can be maintained as dog walkers currently using the area; residents who wish to access the shoreline; and, probably more importantly, kids who want to go exploring or use the open spaces will not tolerate or be put off by a fence.
- The developer has already fenced off and blocked public right of way from the Billy Line prior to planning consent, the fences have fallen down and obstructed the Billy Line public bridle way causing injury to animals, walkers and cyclists
The proposed development calls for the footpath at the end of North Shore Road (providing access to foreshore) to be closed - this is part of the road's character; I'm unclear as to why it would need to be closed
- The wild bird refuge being proposed by Barratts is woefully inadequate for the Brent Geese, Curlews, Egrets and other winter visitors that I have witnessed using the field. These birds use this field because of its openness which gives these birds a clear view of approaching predators - building houses on half the field will break this clear view and therefore will not be attractive to these birds.
- Destruction of trees and biodiversity. Suggestion of "orchard" as greenwash – Barrett haven't even bothered to find out what sort of trees might survive in this environment.
- The idea that migratory birds will still come to the area set aside for them once the adjacent area is built on and occupied by humans is fallacious at the very least, and laughable at its worst. Quite rightly, such birds know that humans are a threat to their wellbeing, and stay well clear of us whenever possible. That is why they favour the open fields in West Lane where they can see and hear threats in the form of humans, dogs, cats and foxes well before they arrive, so hoping that a fence between the houses and the reserved area will suffice is a pious hope. Only garden birds have learned to live in close proximity to us, but even this has a minimum distance limit except for robins.
- RSPB. As a local resident close to the proposed development site, it is very obvious that the RSPB Consultation document is seriously flawed. The RSPB cannot have been made fully aware of the wintering and feeding habits of the Waders and Brent geese during 2018/19 winter months and the change in crop planting in the site field. It is understood that the RSPB has been updated on this issue and it is recommended that both HBC and Barratt get a full briefing from the RSPB once they have reviewed the local resident's input.

- It would appear that the requirements for assessments and field work report are still outstanding. Presumably HBC will insist on this being carried out before a planning decision is made.
- The western edge of the northern part of the application site is subject to Coastal Erosion impacting the proposed bird refuge and the birds will have lost the relatively 'safe' sheltered area behind North Shore Road to a housing development.
- Construction site is far too close to the RSPB sanctuary/nature reserve. It will only be a matter of time before the developer wishes to extend this proposal up the field. Proceeding now will open the Council to many complaints, significant additional investments and consequent suggestions of incompetence.
- The proposed site is next to the Billy Trail which will cause construction noise and mess at a place that so many islanders and visitors use as a peaceful haven. As a family we regularly walk on the Billy Trail and appreciate views across the fields to Langstone Harbour. This view will be blocked by an unsightly building site and can never be recovered.

Officer comment: *The proposal provides for ecological mitigation and enhancement including the formation of an SPA bird refuge in perpetuity and the key consultees including Natural England, HBC Ecology and the RSPB, subject to securing these through conditions and a S106 agreement, support the proposal, which in respect to over wintering birds would improve the quality of this retained area of Primary Support Area by reducing disturbance from farm operations (bird scaring, shooting) and prevent disturbance from walkers and dogs by providing fencing to restrict access to field paths that are not rights of way. The RSPB are aware of possible erosion to the bird refuge area and have not raised concerns in that regard.*

Housing Provision

- I object to the type and quantity of housing. Too many packed in and too expensive. Hayling has many under occupied houses, and many over occupied. There are no houses affordable, i.e. actually affordable, not the legal definition of affordable, that are proposed to be built. It would be better to build a community of mid-range retirement homes as a gated community, where people with dementia can be safe and older people have all they need, to free up under occupied housing on the island that are perfect for families.
- Policy H3 – housing density and housing mix, this does not fit with the surrounding properties which are mainly detached bungalows or 2 storey houses. The proposal is for a dense development with 3 storey properties and flats, which are not in keeping with the neighbourhood, which consist of mainly mature residents and with few young families.
- Hayling Island has a large number of retirees and elderly people who require single storey bungalow style accommodation or houses with stairlifts etc. The proposal does not satisfy this need and the house designs are completely out of character with the area.
- Affordable housing, aside from the percentage stated in the application the rest of these properties will be far from affordable for those struggling to own their own homes.
- Looking at the site in particular the affordable houses would be as far from the mainland and all services as possible.

Officer comment: *The proposal provides for a range of house sizes from 2 bed to 4 bed at a density of 41 dph, which falls within the low category in the adopted Core Strategy. The affordable housing provision is in accordance with policy and supported by the Housing Officer.*

Other

- The agricultural land is so important to continue growing crops, especially with the

import of food being put under pressure due to Brexit & COVID

- Can the developer and Council demonstrate how they will provide the funds and maintenance plan for costal erosion on the western side of the development, the shoreline has retracted several feet in the last decade and sea levels are proven to be rising
- Brown field sites should be developed not greenfield
- Congested streets due to parking contractors & staff
- Perhaps building small houses for old people could make more houses available for young residents.
- The site is an area that is designated as a 3-5% chance of having a higher level than average of the carcinogenic gas Radon (ukradon.org site map). This risk must be monitored over a long period and the risk that the large area of impermeable surface may displace more of this gas to the surrounding properties needs to be assessed and addressed.
- Layout with road to end of site indicates an intention to extend further in the future.
- The planned estate destroys irreplaceable farming land, even wasting space on a sales attraction 'central community green' when the Hayling Parks newly enlarged Community Centre and upgraded children's play area already exist just over the road.
- This planning application must be rejected by the Council based on the precedent that they turned down the planning application for 210 homes at Rook Farm Way on Hayling Island in May 2017 'because it would see the addition of an unsustainable development in a non-urban area, for which there is no overriding justification'. In 2018 the loading on the infrastructure has got worse!
- The public will be put off coming to the Island if they think that the traffic will be bad, and this will impact on the local business' that rely on the visitors for their income.
- Safety - more police and fire emergency services would have to be put into place. Would the houses bring the right calibre of people to such a safe place?
- Nobody is held to account or has any liability.
- This application is ill-considered and detrimental to the infrastructure of an overcrowded island. Time was when Hayling was an attractive seaside resort earning revenue for local businesses. This asset is being steadily eroded with no thought for the quality of life of the population.
- The applicant has not demonstrated that the criteria of Economic, Social, and Environmental have been met or enhanced
- The NPPF which says housing proposals should be considered in the context of the presumption in favour of sustainable development. Hayling Island is not economically sustainable owing to lack of employment opportunities
- Priority should be given to building houses where commuting distances are minimised, not where they add to the burden on infrastructure and contribute to personal stress levels due to the wasted
- We have no sports centre/swimming pool/bowling alley or anywhere for the young people to go, additional families will make this matter worse with more young people bored and with nothing to do other than cause trouble.
- NORSE cannot manage the refuse clearance for the Beachlands rubbish bins which are often a health hazard nor the current demand for glass recycling clearance
- If the application is approved, how will robust assurance of the build phase take place to ensure the problems experienced by the same developer in the nearby 70+ house Oysters estate be repeated, and corners cut for profit? The drawings and plans look good but how sure can we be that this is what will be built?
- Blue flag status for the beach failed because Councils have failed to take their duty of care seriously and mismanaged provision for waste in recreational areas.
- Radon protection measures may be required based on the 1-3% chance of trapped Radon.
- Hayling Island shouldn't be used to offload their housing requirements
- Barratt, although fully agreeing with the principles of power>carbon design, admit that their application "does not fully comply the precise aspiration under E12 (f)". Again, they

use the excuse that the lack of formal low carbon policies is enough for HBC to agree to their application within current building/low carbon standards. The developer has not included the latest eco-friendly measures such as triple glazing, large windows for more light, solar panels etc. In this amended application, presumably on building cost grounds.

- Barratt advise that only homes with garages will be fitted with car charging points, but the proposed design and layout of the site would enable additional points to be fitted post-occupation. This proposal would only cause unnecessary disruption/inconvenience to residents and should be included in development plans.
- Covid 19 means that people are more likely to holiday in their home country and the extra traffic would make Hayling Island less attractive, with a detrimental impact on jobs and the economy.
- Orchards inappropriate as apple trees do not grown well on Hayling Island.
- The 500+ objections that were made to the previous application for building these houses should also be taken into consideration for this one as they are equally relevant to this one.
- Right of Way by Usage - The edge of the proposed 'bird refuge' field has been used by walkers since many of the North Shore Road properties were built in the 1960's (and probably long before that). Proposing that there should be a fence separating the pathway from the bird refuge in reality means that the pathway will not exist in a few years because of the rate of coastal erosion. Each year we witness this erosion taking place - oak trees being uprooted and the edge of the field falling onto the foreshore and being washed away.
- On sustainability grounds, the dwellings will neither be fitted with EV charge points and nor will air-sourced heat pumps be installed
- The Consultees refer to Construction Phase Disturbance and call for an approved plan which 'should specify that the main works are restricted to the summer months.....' So I have to ask - what about the existing human residents with houses backing on to the site who will normally be found in their back gardens during the summer? Can they get the same consideration during the summer as the birds will get during the winter?

Officer comment: *The Council is currently preparing a Flood and Coastal Erosion Risk Erosion Strategy for Hayling Island. Radon is covered by the Building Regulations. The Open Space provides for informal recreation, play and community food growing, as well as landscaping. Traffic and infrastructure mitigation would be provided through contributions to highways works, education, community officer and SECCG in accordance with the requirements of the Consultees. The planning application for Rook Farm was refused on several grounds, including the fact that the principle of development on the site was not accepted. It is noteworthy that the Rook Farm site is now, alongside Sinah Lane, proposed as an allocation in the emerging Local Plan.*

7 Planning Considerations

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations).
- 7.2 The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to the increase in recreation, decrease in water quality, and loss / degradation of supporting habitats that arise as a result of the proposed development. The planning application was then subject to Appropriate Assessment under Regulation 63. This included five avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on

the Council's agreed Position Statement on Nutrient Neutral Development. The third is a package of measures relating to loss of Special Protection Area (SPA) supporting habitat. The fourth is measures to control the impact on the environment during construction of the development

Recreational Pressure

- 7.3 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.

Water Quality

- 7.4 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. Natural England have highlighted that there are high levels of nitrogen input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting assessment, Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2.
- 7.5 The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out that for development on agricultural sites, such as this one, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will not emit a nutrient load into any European Sites.
- 7.6 Achieving a position where there are no net nutrient emissions into European Sites from this development involves the use of specific on-site avoidance and mitigation measures including a SuDs system designed, and installed in accordance with the requirements set out in the CIRIA SuDS Manual (C753). Appropriate planning and legal agreement measures will be necessary to ensure appropriate maintenance of the SuDs and compliance of the nutrient inputs in the long term. Natural England have agreed with this assessment.

Wintering Birds

- 7.7 The principle of establishing permanent refuges for overwintering birds is a key feature of the most-recent Solent Waders & Brent Goose Strategy (SWBGS). It is accepted that the loss of some sites already used by wintering birds, but which are available on an insecure basis, can be mitigated for by a costed mitigation and monitoring package to provide for either a like-for-like replacement area within the same locality or a mix of on-site recreational greenspace and a proportionate financial contribution towards the protection of the wider SWBGS network. The SWBGS is accompanied by guidelines which provide a suggested framework for the level of mitigation required for each category of SWBGS

site. The application provides for the upgrading of existing support habitat with a Bird Refuge which would be secured in the longer term, in accordance with the aims of the Strategy.

Construction impacts

- 7.8 There is potential for construction noise and activity to cause disturbance to SPA qualifying bird species. Control measures will be included in the Construction Environment Management Plan (CEMP), these include controlling matters such as minimising idling by machinery, locating construction compounds in less noise sensitive areas of the site and maintaining machinery to further reduce these noise levels. Subject to the imposition of a condition securing these controls, it is considered that the significant effect due to noise, disturbance and construction related pollutants which would have been likely, has been suitably avoided and mitigated. As such, no likelihood of a significant effect remains on this issue.

Appropriate Assessment conclusion

- 7.9 The Appropriate Assessment concluded that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA has been subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 7.10 In other respects, and having regard to the relevant policies of the development plan and all other material considerations 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
 - (iv) Residential and Neighbouring Amenity
 - (v) Access and Highway Implications
 - (vi) Flooding and Drainage
 - (vii) The Effect of Development on Ecology and trees
 - (viii) Impact on archaeology
 - (ix) Community Infrastructure Levy (CIL), Contribution Requirements and legal agreement
- (i) Principle of development
- 7.11 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

- 7.12 The Development Plan consists of the Havant Borough Local Plan (Core Strategy) (2011), and the Havant Borough Local Plan (Allocations Plan) (2014), both of which cover the period until 2026. The development plan also includes the Hampshire Minerals and Waste Plan (2013). 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 the urban areas. Only "Exception schemes" are supported in the countryside. This is not an exception scheme and the site is located in a non-urban area. Therefore, this application does not accord with the development plan (it has been advertised as a departure from it). Planning permission should therefore be refused unless other material considerations indicate otherwise.

Emerging Havant Borough Local Plan 2036

7.13 The Council published the Pre-Submission Local Plan for public consultation between 1 February 2019 and 18 March 2019, and the subsequent changes to the Pre-Submission version of the emerging Local Plan were approved by Full Council (9 September 2020). The publication of this document followed a long period of public engagement, including the now revoked Local Plan Housing Statement. The Havant Borough Local Plan was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021. The emerging plan includes the Council's proposed new housing allocations. The application site is identified within Policy H29 for residential development, capable of accommodating about 195 residential dwellings. The application site is identified as one of the those necessary to deliver the identified housing need for the Borough.

- 7.14 Therefore, while the site lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations) and Policy CS17 of the Havant Borough Local Plan (Core Strategy), it nonetheless is one of the sites identified for allocation and forms the direction of travel for the emerging Local Plan.

Consistency with the National Planning Policy Framework.

- 7.15 The Secretary of State's National Planning Policy Framework (February 2019) is a material consideration which should be placed in the s.38(6) planning balance.
- 7.16 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".
- 7.17 A robust assessment has taken place of land in the Borough to inform the Submission Havant Borough Local Plan 2036 through the Strategic Housing Land Availability Assessment and the Sustainability Appraisal. At the time of consideration of APP/18/00724 this demonstrated that there was sufficient deliverable and developable sites upon which to meet the Borough's housing need, and the assessment of the application site by officers found it to be free of any significant constraint and capable of delivering houses in the short term. Since then Local Plan has been submitted for Examination. The five year housing land supply has been updated (February 2021) and indicates the Borough now has a housing supply position of 4.2 years with a 20% buffer applied. This is below the five year supply threshold and reflects the 2020 Housing Delivery Test measurement of 72% which indicates that it is appropriate to apply a 20% buffer

Five year housing land supply and delivery of housing need

- 7.18 The Government has an objective of significantly boosting the supply of housing. Under paragraph 73 of the NPPF, Havant Borough is required to have a rolling five year supply of deliverable housing sites. If this is not in place and/or the HDT indicates that delivery of housing was less than 75% (of the housing requirement over the previous three years), then Paragraph 11 of the NPPF sets out that, in applying the presumption in favour of sustainable development, proposals for development should be granted permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. These areas and assets are set out in footnote 6 of the NPPF. The application site in

question is not within any of these areas, however it does lie directly adjacent to a designated nature conservation areas ;

or

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 7.19 As set out above the Borough has a 4.2 year housing land supply with a 20% buffer applied and so does not have a five year housing land supply at this point. This compares to a 5.4 year housing land supply which was the position at the time Application APP/18/00724 was determined.
- 7.20 The development proposed by this planning application is included within these five year supply calculations and is equivalent to 0.36 of that supply. As such, without the proposed development at Sinah Lane, the Borough would have a 3.84 year housing land supply, further reducing the ability of the Borough to demonstrate its required housing land supply. This is a material consideration of great weight, especially in the light of the acute need for affordable housing and the 30 per cent contribution of this scheme, and falls to be part of the planning balance in the determination of this planning application. As stated above, the changed 5 year supply position is a consideration which did not apply to the determination of the earlier Application APP/18/00724.
- 7.21 As such, notwithstanding that the site is located outside of the urban area in the development plan and is located in the countryside, it is proposed for development in the emerging Havant Borough Local Plan. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development and it would also deliver measurable economic and social benefits.
- 7.22 The site is required to feed into the on-going requirement of the Borough for deliverable housing land to address the Borough's housing need which is now more pressing given that the housing supply position has fallen below the five year requirement set out in the NPPF.
- 7.23 On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development. The justification for this conclusion is set out in more detail in the paragraphs that follow.

Deliverability

- 7.24 The NPPF, in annex 2, clarifies that:
"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."
- 7.25 The application has been supported by an Infrastructure Delivery Statement (IDS), which considers the supply of water, electricity, gas and telecommunications to the site, in consultation with the utility providers. This concludes that the development could be supplied with normal network service supplies without prohibitive reinforcements to networks. As such there would not appear to be significant off-site infrastructure works arising from the development which might delay the implementation of the development. Therefore, there are no evident barriers to the development coming forward within the current 5-year period, which weighs in support of the scheme.

Environmental Sustainability

- 7.26 Introducing a housing estate to an undeveloped field would alter its character but it is concluded that owing to the enclosed nature of the housing site there would be a limited impact on the wider area, with any harmful visual impact of the development being localised. The additional landscaping that is proposed would reduce, and mitigate to a

degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. Furthermore, the provision of habitat mitigation open space comprising play area, and orchard provision is of significant benefit to this application. As is the establishment of a permanent bird refuge on the northern part of the site.

7.27 In terms of the location of the site relative to services and facilities:

- The nearest collection of retail facilities is at West Town, a 500 metre walk east from the site. This includes a supermarket and pharmacy. There are also two public houses in this area, as well as a church, community centre and park. A wider collection of retail facilities is available at Mengham, a 1.7km walk west of the site. In this area there are two supermarkets, two pharmacies, a post office, a church, a health centre and dentist.
- Educational Facilities are at located Mengham Infant School (1.8Km), and Hayling Island Library is a 1.5 km walk west from the site. Mengham Junior School sits further to the west, at a walk of 2.0 km from the site. The nearest secondary school is Hayling College, which is a walk of 2 km
- The Hayling Billy Trail is a north-south coastal route on Hayling Island which acts as a leisure route directly from the site. Running along the west coast of Hayling Island, the Trail runs near to the coastline and therefore acts as an attractive walking and cycle route from the development.
- The nearest bus stops to the site are circa 110m and 310m away, comprising a simple flagpole and timetable. The 30/31 bus service operating from these stops occurs half hourly and provides access to Langstone and Havant along with other destinations on Hayling Island.
- Hayling Island does not benefit from a train station. The nearest station is Havant Rail Station 7 kilometres north from the site, which can be accessed via the 30/31 bus service or an approx. 30-minute cycle journey with the Hayling Billy Trail directly linking to Havant Rail Station.

7.28 In accessibility terms, the site is considered to be in a sustainable location, and has realistic alternatives to the use of the car, which weighs in support of the scheme.

Economic Sustainability

7.29 One of the core planning principles of the NPPF is to proactively drive and support sustainable economic development to deliver, amongst other things, the homes that the country needs.

7.30 The application would result in benefits from construction employment/operations and Local Authority benefits such as the Community Infrastructure Levy. As with any new housing the proposed development would bring people into the area which would be a continuing economic benefit that would support growth in the local economy. In addition, the development would also create construction jobs, which would contribute towards the local economy. Furthermore, the proposed development would result in financial contributions being secured to offset certain impacts of the development, such as transport contribution towards improvements in the local network and contributions towards the provision of enhanced community infrastructure.

7.31 Provided they are appropriately secured and address the adverse impacts of the scheme, these elements are all considered to be benefits in the planning balance and overall it is considered that the development would be economically sustainable.

Social Sustainability

- 7.32 In accordance with the local plan development is only to be permitted where adequate services and infrastructure are available or suitable arrangements can be made for their provision. Where facilities exist, but will need to be enhanced to meet the needs of the development, contributions are sought towards provision and improvement of infrastructure. A development should also offer a mix of house types and tenures to ensure a balanced and thriving community. The applicant has been working with the LPA on a draft S106 and has agreed to the principle of the obligations sought.
- 7.33 The application proposes a range of house types, sizes and tenures including 30% (58) affordable housing (shared ownership 17 and affordable rented 41) in accordance with Policy CS9 of the Core Strategy. The Council's adopted Affordable Housing SPD is also a material consideration, as is the NPPF which aspires to "deliver a wide choice of high quality homes in inclusive and mixed communities to meet the needs of different people".
- 7.34 The proposal also proposes significant areas of open space, with a variety of uses, which could be used by both new and existing local residents and is considered to be a significant benefit in the overall planning balance. Contributions would also be secured through the Community Infrastructure Levy to improve off-site community infrastructure in accordance with relevant adopted policies and the adopted SPD on Planning Obligations.

Education and Health

- 7.35 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised the development site is in the catchment for Mill Rythe Infant and Junior Schools but there is pupil movement between these schools and Mengham Infant and Junior Schools.
- 7.36 The schools are forecast to be at capacity by the start of the 2021 academic year and forecast to remain full after that date without this proposed housing being taken into account. Consequently, additional primary school places will be needed to cater for the anticipated additional 59 pupils and the required contribution of £860,550 has been agreed by the developer to pay for this expansion. Similarly, Hayling College serves the proposed development but there is a sufficient number of secondary school places available to accommodate the yield from the proposed development and a contribution is not required.
- 7.37 The South East Hampshire NHS Clinical Commissioning Group (CCG) have been consulted and 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 to accommodate the patients from the proposed development. The requested contribution of £31,200 has been agreed by the developer and this would be the subject of a legal agreement.

Prematurity

- 7.38 Concern has been expressed that the grant of planning permission would be premature in advance of the examination of the emerging Local Plan. This concern must be weighted in the context of the terms of paragraphs 49-50 of the 2019 NPPF. They state: -

'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the

development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'

- 7.39 In the light of this guidance, and having previously taken the advice of experienced planning counsel on this matter, Officers are satisfied that the emerging plan is not yet at such an advanced stage, nor is the development considered so substantial or its cumulative effect so significant, as to undermine the plan-making process. Therefore, prematurity may not be raised legitimately as a reason for not granting planning permission.

Undeveloped Gaps between Settlements

- 7.40 While the adopted Local Plan contains policies that seek to maintain the undeveloped gaps between settlements in policy AL2, in the emerging Local Plan this is no longer considered possible. The NPPF, in paragraph 11, is clear that Local Plans should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless there are strong reasons for restricting development.
- 7.41 Those reasons are defined in footnote 6 of the NPPF, and do not include gaps between settlements as a particular consideration. The Council's Housing Constraints and Supply Analysis mapped constraints to development, and found that it was not possible to meet housing need on land unconstrained by nationally recognised constraints, while also protecting gaps between settlements. For this reason, a number of sites, including this site, have been put forward as proposed housing allocations in the emerging Local Plan.
- 7.42 In conclusion on this issue,

- (1) The scheme is contrary to the development plan
- (2) National policy is a material consideration
- (3) Housing supply at 4.2 years with a 20% buffer applied is below the five year supply threshold
- (4) The presumption in favour of sustainable development applies
- (5) The proposals would constitute sustainable development in policy terms.
- (6) It is deliverable now.
- (7) The scheme is not premature.
- (8) Therefore, national policy considerations may be placed in the planning balance against the conflict with the development plan

(ii) Nature of Development

- 7.43 The application is for full planning permission for 195 dwellings with a single vehicular access off Sinah Lane, together with a bird refuge. The bird refuge would formalise and secure the current bird over wintering habitat and would retain a rural appearance. In respect of the proposed housing the following factors have been considered:

The density of residential development
The mix of dwelling sizes and tenures
The design and layout of the residential development

The density of residential development

- 7.44 The application seeks 195 No. dwellings which based on the developable area equates to approximately 41 dwellings per hectare (dph). 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'*.

- 7.45 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 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.

- 7.46 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'*.
- 7.47 The NPPF states that *'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density'*. Although this scheme represents a low-density development, the proposed density of 41 dph is considered an appropriate density given the context of the site.

The Mix of Dwelling Sizes and Tenures

- 7.48 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 terraces, semi-detached and larger detached houses. In this case, the proposal for 2, 3, and 4 bed properties, comprises a mix of detached and semi-detached houses and three storey flats and short terrace housing. This is considered to be an acceptable mix for the site. 30% of the units comprising shared ownership units and affordable rent units would be affordable in accordance with policy CS9. The affordable units are distributed across the site in clusters and in terms of building form they are reflective of the development in general, and overall are considered to be acceptably integrated and the Housing Officer supports the scheme.

The Design and Layout of the Development

- 7.49 The proposed character of the housing development comprises mainly 2 storey housing and a number of centrally located three storey flats adjoining an of area of open space. Garden sizes for the houses would comply with the supplementary planning guidance of 10m. Parking provision would be 445 residents spaces which exceeds the requirement of 416 spaces set out in the adopted Parking Standards. Visitor parking is provided on the basis of one visitor space for every 5 dwellings (20% of the dwellings and not 20% of the allocated spaces). Given that there is scope in a number of cases (29) for visitors to use the extra allocated parking of the property being visited, the visitor parking provision is considered acceptable. The allocated parking provision would be provided on curtilage or in small parking courts so as not to be over dominant.

- 7.50 The proposal provides for additional tree planting adjacent the Hayling Billy Trail and landscaping within the site would include native open space trees, decorative street trees and native hedging species, together with shrub planting.
- 7.51 The housing layout has been influenced by the site constraints including the elongated nature of the site, the relationship with neighbouring properties, and the boundaries with the Hayling Billy Trail. The layout is traditional in its form, with the proposed housing being designed to mainly address the roads, creating active frontages and a sense of enclosure to the new streets, together with overlooking of the public areas.
- 7.52 The proposed dwellings would be of traditional design comprising a mix of two and three stories with pitched and hipped roofs and constructed of bricks, cladding and tiles reflecting the character of the area.
- 7.53 The development would provide functional areas of Public Open Space, an area of equipped play space and 2 orchard areas and overall the form of development is considered to have regard to the site's context.

Emerging Local Plan

- 7.54 The Emerging Local Plan requires enhanced standards in certain policies, which are above and beyond current adopted policy requirements. An assessment of this scheme against these relevant emerging policies is considered below.

Vision and delivery strategy

- 7.55 Policy DR1 – Delivery of Sustainable development outlines the Council's strategy with regards to delivering sustainable development as outlined in the NPPF. This policy outlines the amount of development required, ensuring the delivery of sustainable development, ensuring appropriate co-ordination of development. In addition, the policy focuses on innovation and the acceleration of housing delivery.
- 7.56 Policy DR2 – Regeneration outlines the Council's vision for regeneration. This encompasses both a Council led programme of regeneration and the effective use of brownfield land. This policy also focuses on boosting local skill levels and community integration. As part of this element the policy outlines that developments of this nature should contribute towards a community officer, to help new residents in the development integrate into existing communities. Following negotiations with the applicant, they have now agreed to make this contribution, and as such this application does comply with this emerging policy.

Infrastructure Policies

- 7.57 Policy IN2 – Improving Transport Infrastructure requires amongst other things strategic transport requirements to facilitate the proposed development within the plan. These are set out under the Highway Considerations and the application proposes contributions to off-site transport works in respect to:-
- £679,000 towards improvements along the A3023 corridor,
 - £35,000 towards improvements on the walking route to School;
- 7.58 Policy IN3 – Transport and Parking in new development broadly follows the requirements of adopted policy CS20 of the Core Strategy. This proposal does exceed the parking standards for allocated parking providing 445 spaces against a requirement of 416 spaces, however visitor parking is 39 vs a requirement of 83. Given that in some cases it would be possible for visitors to use residents' allocated parking, the under provision on visitor parking is considered acceptable. This policy additionally requires that Electric vehicle charging infrastructure is provided for each residential unit with private off-street parking. The plans provide the infrastructure for electrical charging points for all garages

to private dwellings, but not private and unallocated parking spaces which accounts for the majority of spaces and the provision is modest with only 32 out of 195 dwellings proposed to have access to electrical vehicle charging points.

Environment Policies

- 7.59 Policy E9 – provision of public open space in new development of the emerging Local Plan seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through requiring the provision of a certain level of public open space. This policy requires that public open space is provided to a standard of 1.5ha per 1,000 population and on greenfield sites; part of this requirement is provided in the form of a community growing space. Based on an occupancy rate of 2.4 persons per dwelling this generates a need for approximately 0.72 ha of open space. Moving through the site from the entrance on Sinah Lane there is a network of open spaces comprising a modest area of open space near the entrance, with a larger area beyond, plus a central area of open space providing a formally designed orchard area, and a further orchard area of informal design located at the northern end of the housing development near the eastern boundary with the Hayling Billy Trail. The latter forms a green corridor featuring native buffer planting, open wild flower meadow mix and integrated wet shrub planting, intended to function as part of a Sustainable Urban Drainage system. A total open space provision of 0.72ha is provided which meets the Policy requirement.
- 7.60 Policy E12 – Low Carbon Design seeks to ensure that new development addresses climate change through low carbon design. In residential schemes, this requires a reduction in CO₂ emissions of at least 19% in the Dwelling Emission Rate compared to the Target Emission Rate required under part L of the Building Regulations. In addition, the policy seeks to ensure that the development has demonstrated its long-term sustainability in the form of an assessment under the Home Quality Mark (HQM). The applicant has confirmed that this requirement will be met in part but consider the appropriate vehicle for setting standards for building design is the Building Regulations. To increase energy efficiency, reduce carbon emissions and lower energy costs for future occupiers they propose to follow a ‘fabric first’ approach to building design which maximises the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. A ‘fabric first’ approach includes higher levels of insulation, higher performing windows and doors, increased air tightness and maximising passive solar gains. They review and apply new technologies that help deliver energy efficiency such as waste water heat recovery, improved insulation around windows and doors and energy efficient boilers. As a result, 98% of their house types are designed with the intention to meet an Energy Performance Rating (EPC rating) of ‘B’ or above when constructed. Whilst the application does not accord with the requirements of Policy E12 the proposed approach which is the 2nd highest EPC rating assists in lowering the carbon footprint of the development.
- 7.61 Policy E14 – The Local Ecological Network requires that new development results in biodiversity net gain. An ecology strategy has been developed that recognises the key nature conservation features of the site. A key part of the landscape masterplan is the proposal for an attenuation basin and swales which not only provide valuable habitat in their own right, but increase the value of existing, retained habitats. Additional features have been incorporated such as the creation of species rich grasslands and tree planting, together with the installation of bat and bird boxes and reptile refuges. These features have been designed to complement habitats in the wider area, and the development is considered to achieve net gain in biodiversity, over the existing agricultural use. Additionally, the proposed bird refuge would provide permanent habitat to support the bird population. The proposal, subject to conditions, is supported by HBC’s Ecologist.

Housing policies

- 7.62 Policy H1 of the emerging Local Plan seeks to maximise the opportunity to improve the quality of life, health and well-being of current and future residents through, inter alia, appropriate internal space standards for new dwellings.
- 7.63 The Government's policy on the setting of technical standards for new dwellings is set out in the Ministerial Statement of 25th March 2015. This statement should be taken into account in applying the NPPF. New homes need to be high quality, accessible and sustainable. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. Policy H1 is proposed within the emerging Local Plan which would require new housing developments to provide adequate internal and external space to provide appropriate living environments for future occupiers, in accordance with the Technical Housing Standards. This application proposes 60 dwellings (31%) compliant with the Nationally Described Space Standards. However, all the houses do meet the external space standard for gardens.
- 7.64 Policy H3 – Housing density now requires that development within the Borough provides minimum housing densities, depending on their location. This is to ensure that development maximises the finite amount of land in a full and sustainable manner. The proposal delivers approx. 41 dwellings per hectare based on the developable area in accordance with Policy H3.
- 7.65 Policy H4- Housing Mix outlines that development will be expected to provide a range of dwelling types to meet identified local housing need; and incorporate approximately 35% as two-bedroom homes as part of the overall housing mix. This proposal does provide a range of 2, 3 and 4-bedroom units, of which 69 (35.4 %) would be 2 bed. As such this proposal complies with this emerging policy.
- 7.66 In conclusion on this matter, the emerging Havant Borough Local Plan has been submitted to, but not yet examined by the Secretary of State. As such in accordance with paragraph 48 of the NPPF, and having regard to the level of objection received during the pre-submission consultation, it is considered that only limited weight can be attributed to the policies within it. Notwithstanding this, a number of relevant emerging policies have been partially met and this threshold has been weighted into the overall planning balance made on this application.

(iii) Impact on the Character and Appearance of the area

- 7.67 A Landscape Visual Impact Assessment (LVIA) has been submitted which considers the relationship of the proposed development to the existing landscape character and context of the site in terms of views of it.
- 7.68 The main landscape features relate to the field boundaries, which are to be retained, and due to the adjacent residential development, boundary hedgerows and non-elevated nature of the land the visual impact on the landscape is limited and following mitigation and vegetation growth the views of the housing development would be largely screened from distant views or distantly glimpsed. The land for the bird refuge would be largely unchanged visually, and there would be no significant residual landscape or visual effects.
- 7.69 Overall, it is considered that the layout responds to the constraints and natural assets of the site and the principle of residential development and bird refuge on this site is considered acceptable in terms of landscape impact and is not contrary to the objectives of saved policies or emerging planning policies.

(iv) Residential and neighbouring amenity

- 7.70 The main direct residential impacts here relate to the adjoining properties in Sinah Lane and North Shore Road, together with traffic impacts which are considered further below.
- 7.71 The development would be clearly visible from properties backing onto the site, however, separation distances for habitable rooms between the proposed and existing residential properties achieves a minimum of 20 metres in accordance with the Borough Design Guide, which is considered appropriate to retain privacy. The outlook from the neighbouring properties will be substantially changed from an agricultural field to housing development, but given the separation distances the impact is not considered to be unacceptable. As such in planning policy terms there would be no significant loss of amenity to existing residents from the proposed siting of the dwellings and the development would comply with policy CS16 of the Core Strategy, the Design SPD and the NPPF.
- 7.72 In respect to the proposed access this would be located in the existing 15m gap in the Sinah Lane frontage between nos. 6 and 10. The plans have been amended to remove on street parking from the first 45m of the entrance to the site and additional landscaping is provided. As such the road and associated traffic is set off the boundaries with the adjacent properties by 3m providing separation and mitigating the impact of traffic movements to an acceptable level, as well as providing an attractive entrance to the site.
- 7.73 The proposed 195 dwellings would inevitably result in an increase in traffic levels on the adjacent and wider highway network, which would impact the amenities of existing residents. Mitigation measures are proposed in the form of offsite highway works and these are set out in the highways section. The proposed measures are considered to result in improvements to the highway network having regard to the need to maintain highway safety and traffic flow.

Impact on future residents

- 7.74 The application has been assessed by Environmental Health officers in respect to Contamination, Air Quality, and Noise. Subject to conditions no objection is raised on these matters. In respect to drainage and SuDs, the proposed system has been assessed by the Lead Local Flood Authority (HCC), Southern Water and the Council's Environmental Health Officer. The pumping station is to be adopted and the maintenance of the SuDs system would be undertaken by a management company and this matter will need to be the subject of the legal agreement to secure appropriate maintenance. These consultees, subject to conditions and S106 requirements now raise no objection. In respect to Radon protection this is a matter considered under the Building Regulations.

(v) Access and Highway Implications

- 7.75 The National Planning Policy Framework (NPPF) at Paragraph 109 states that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 110 of the NPPF also states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 7.76 In terms of the highway proposals in the immediate vicinity the submitted drawings demonstrate a pedestrian crossing point in the form of dropped kerbs and tactile paving to the east of the proposed vehicular site access. Tracking drawings have been provided and reviewed to demonstrate that the provision of the new crossing point will not restrict the movement of vehicles entering/egressing the existing driveways.

- 7.77 The access drawings and pedestrian provision have been reviewed and considered acceptable. The works would be delivered via a S278 agreement with the Highway Authority.
- 7.78 The roads and footways relating to this application are being put forward for adoption by the developer. HCC have assessed the submitted drawings and the internal layout is now considered acceptable in principle.
- 7.79 From a wider perspective a significant level of objection has been raised to the application on the basis of additional traffic generated and its impact on the flow of traffic on and off Hayling Island and up to the Langstone roundabout. The application was submitted prior to approval of the Hayling Island TA Addendum, prepared to support the Havant Borough Local Plan. The initial Transport Assessment submitted with the application was critically reviewed in response to negotiations with HCC Highways and the requirement to understand how the proposed development allocation on Hayling Island (including the Sinah Lane site) would be suitably mitigated. The Hayling Island Transport Assessment Addendum identifies interventions at the following locations:
- Northney Road/A3023;
 - Langstone Road/Woodbury Avenue/Technology Park;
 - West Lane/A3023;
 - Mill Rythe Roundabout; and
 - 'Friction Reduction' Schemes along the A3023.
- 7.80 The Transport Assessment Addendum (TAA) produced by the applicant provides junction modelling outputs for those junctions and in accordance with the ongoing work associated with the Hayling Island TA, and to ensure a holistic approach is adopted towards funding the identified mitigation measures on the island, a proportionate contribution sum of £679,000 has been agreed towards the mitigation measures identified within the TA. This is considered sufficient, when considered with the additional funding available from CIL arising from the development, to mitigate the forecast traffic generated by this application. The contribution value is based on the proposed measures within the Hayling Island TA. The Highway Authority have advised that the mitigation measures identified within the TA sufficiently mitigate vehicular traffic from the proposed allocation on Hayling Island.
- 7.81 Updated Personal Injury Accident (PIA) data has been submitted by the applicant through the TAA for the agreed study area. The Highway Authority advises that the PIA data does not indicate an existing safety concern on the highway which could be exacerbated by the development. As a result, they advise that no further action is required.
- 7.82 In respect to Walking and Cycling the submission provides for a contribution of £35,000 to a crossing point on Station Road and improved wayfinding through Hayling Park, which connects the development site to Station Road and to the catchment Mengham infant and junior schools, to provide a safe walking route to school.
- 7.83 Additionally, in respect to the Hayling Billy Trail the submission provides for 2 connections from the site and a contribution of £8,800 to provide for future maintenance. Such linkage would assist in integrating the development and promote the use of alternative means of transport to the car to access facilities and services on Hayling Island and Havant.
- 7.84 In respect to bus facilities the nearest bus stops have recently been improved as part of 'The Oysters' development and there is little scope to provide any further improvements towards the bus stops in the vicinity. As such, a contribution is not sought. The Hayling Island TA has identified long term improvements for bus provision on Hayling Island, which could be funded through CIL funds from developments on the Island to which the proposed

development would make provision.

7.85 The application is accompanied by a Travel Plan, reviewed by the Highway Authority and to be the subject of a S106 obligation.

7.86 The Highway Authority has raised no objection subject to S106 contributions and obligations as set out above and a condition in respect to a Construction Traffic Management Plan is proposed.

7.87 Extensive representations have been submitted by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular concerns are raised that the existing highway network on Hayling island with only one road onto the Island is unsuitable for the extra traffic that would be generated by the development resulting in severe congestion, and safety issues. The proposed application, cumulatively with other proposed developments on Hayling Island in the Havant Borough Local Plan, are projected to increase journey times. Nonetheless, whilst inconvenient to road users, it is not considered sufficient to trigger the 'severe' test set out in the NPPF in its own right. The highway submission in respect to the application has been reviewed and amended in response to the findings of Hayling Island TA and is now considered to appropriately address the highway considerations and safety issues.

(vi) Flooding and Drainage

7.88 The site is not located within an area at risk from flooding and the latest Environment Agency 'Flood Zone Map' (March 2019) indicates the site is located within the lowest risk category - Flood Zone 1. 'Flood Zone 1' is land assessed as having a less than 1 in 1000 (<0.1%) annual probability of flooding from a main river in each year and is not within an area of recorded river flooding.

7.89 Whilst the site lies wholly within Flood Zone 1, it is recognised that vehicular access on and off Hayling Island is only via Havant Road and Langstone Road, located further north of the site. Part of this route lies within Flood Zone 3, considered at high risk of Tidal Flooding. As a result, early consultation was carried out with Statutory bodies regarding flood risk and drainage matters relating to the development, and the proposal provides a Flood Emergency Plan, setting out early flood warning systems and procedures for the development in the event of a peak tidal surge. This would inform and assist future residents in the event of a peak tidal flood event.

7.90 Searches of the EA Risk of Flooding from Surface Water flood map confirm that the site lies mainly outside of any risk of flooding from surface water with exception of areas within the south eastern part which indicate to be a low risk of flooding from surface water (between 0.1% to 1% probability). The areas are reflective of localised low points within the site and the risk to the future development can be mitigated thorough the detailed design of the finished ground levels of the development. A condition requiring further details in respect to levels is recommended.

Surface Water Management

7.91 The surface water management proposals have been developed in consultation with the Environment Agency (EA) and the Local Lead Flood Authority (LLFA), and SuDS in the form of attenuation pond/basin and bio-retention areas have been incorporated within the scheme. The surface water network will convey the flows, under gravity, north eastwards towards a new attenuation basin and SuDS swales which will provide attenuation of the restricted flow prior to discharging to an existing ditch system located on the eastern boundary of the site, which in turn flows northwards into an existing ordinary watercourse and a final outfall into Langstone Harbour (Sinah Lake). A surface water pumping solution has been proposed to overcome the limited fall available on the site. The system has been designed in accordance with guidance which requires assessment against a 1 in

100 year event, plus a 40% allowance for climate change to mitigate any residual risk of surface water flooding to the site in its developed state.

- 7.92 The pumping station would be located in the north east part of the site adjacent the proposed swales and attenuation basin and would be offered up for adoption. A management company is proposed, and a Section 106 Agreement will require full details of how the SUD's are managed and maintained to ensure the optimum operation of the system.
- 7.93 In respect to tidal locking and tidal pressure, the development site is not located adjacent the coast, but lies beyond existing properties in North Shore Road and is set back from the coast. In response to this matter the concerns have been raised with the applicant's drainage engineer who has advised:

"The existing clay does not act as a "seal" to prevent groundwater and any potential tidal sea water from mixing. The Geotechnical Engineer has already advised that the existing groundwater is shallow but that the impact from tidal variation is minimal. This means that due to the distance of the site from the sea edge, the effect of tidal changes becomes minimal as it takes time for water to travel through soil and interact with the shallow groundwater between peak high tides. The effect of the tidal changes and ingress of sea water in the lower ground of the site does not act as some form of pressurised medium as simply this is not how hydraulics work. Any presence of sea water would be not higher than the adjacent sea levels and certainly would not be at or above existing ground levels. This is already confirmed by the EA per their Flood Maps which clear shows that this site does not lie within an area of tidal flooding. As confirmed by the Geotechnical Engineer, building the foundations into the ground will not have any adverse impact to the ground nor will it impact the proposed drainage system."

This response has been reviewed by HBC officers and given the development site is not located adjacent the coast, but lies beyond existing properties in North Shore Road and is set back from the coast, the impact from tidal locking is not considered material. Subject to conditions the relevant consultees do not raise objection and there is no basis on this matter to support a reason for refusal.

Foul sewerage

- 7.94 The new housing development parcel will seek to connect to the nearest existing Southern Water foul sewer via an onsite adoptable pumping station to the existing 200mm diameter sewer located just north west of the development site. Southern Water has reviewed the proposal and raised no objection subject to an informative.

(vii) The Effect of Development on Ecology and Trees

- 7.95 The site comprises cropped farmland, and with the exception of habitat for over wintering birds is of generally limited ecological value. The site has been shown to support foraging/commuting bat species (primarily around the vegetated margins), a range of widespread bird species, and a small population of slow worms. A biodiversity plan accompanies the application and identifies mitigation, enhancement and management measures for the identified ecological receptors, entailing timing vegetation removal to avoid nesting bird impacts and the use of habitat modification to encourage the translocation of reptiles from the northern boundary
- 7.96 The proposed landscaping scheme would provide a number of areas of open greenspace within the site. This will include areas of species rich grassland, wildflower planting, native hedgerow, trees and scrub and wetland features and should provide a valuable range of habitats.

- 7.97 In respect to over-wintering birds, the site forms part of the larger Solent Waders & Brent Goose Strategy (SWBGS) Site H34C, which is listed as a Primary Support Area, with the northern portion supporting a high concentration of birds. The proposed development will result in the loss of 5.85ha of H34C Special Protection Area (SPA) supporting habitat, but 6.79ha? would be permanently managed to provide a wader and brent goose refuge. This refuge would provide suitable habitat annually (rather than every other year as currently provided by the winter wheat), and has been developed in consultation with the RSPB. It is intended that this body would take over the long-term management and monitoring of the site. Additionally, the proposed mitigation package would improve the quality of the retained area of Primary Support Area by reducing disturbance from farm operations (bird scaring and shooting) and prevent disturbance by providing fencing to restricting access. Management by the RSPB would allow for more effective maintenance of the fencing and hedging to control unauthorised access.
- 7.98 HBC Ecologist, RSPB and Natural England have confirmed that the proposed mitigation, compensation and enhancement measures are acceptable. In respect of habitat for over wintering birds, the proposal would secure a site in perpetuity which cannot be relied on at present as it is dependent on farming practices. This represents a clearly identifiable benefit.
- 7.99 All of the trees relating to this proposed development are offsite boundary trees. The form of the trees and the pruning they have had over the years is typical of agricultural pruning. A comprehensive report has been submitted, and providing it is strictly adhered to the development should not impact on the trees health or amenity value and the Council's Arboriculturalist has no objection to the proposal.

(viii) Impact on archaeology

- 7.100 The site has been considered for its below ground archaeological potential as part of an Archaeological Desk Based Assessment which has been submitted as part of this planning application. This report concludes that there are no designated archaeological assets on or particularly near to the study site, but the site has a moderate archaeological potential for the Roman periods and a low to moderate potential for the later Prehistoric. The County Archaeologist concurs with the conclusions of the study and advises that there is no indication that archaeology presents an overriding concern. In accordance with standard practice he advises that there is no objection subject to conditions in respect to the assessment, recording and reporting of any archaeological features affected by construction.

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

- 7.101 The impacts of the proposed development on key infrastructure have been assessed and an Infrastructure Delivery Statement submitted. The infrastructure provision in respect to highways, education, flood risk/drainage, health, open space, leisure and utilities has been considered and mitigation for the potential impacts on infrastructure is proposed which would be the subject of a legal agreement as set out below.
- 7.102 The CIL liability for this site currently stands at £1,708,186 - this is net of Mandatory Social Housing Relief. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect of the following matters: -
1. Affordable Housing (30%)
 2. Provision of Bird refuge
 3. Provision of Open Space, including orchards, play area and associated

- infrastructure and arrangements for management including measures to ensure that the open space is managed in a Nutrient Neutral manner
4. Solent Recreation Mitigation Strategy contribution currently £129,545.75 (subject to appropriate increase in the event that the decision is made on or after 1st April 2021)
 5. SUDS maintenance and bond
 6. A contribution towards Health of £31,2000
 7. Permissive paths
 8. A contribution towards a Community worker of £48,750
 9. Delivery of site access works via a S278 agreement, prior to commencement of development
 10. Off site Highways contribution of £679,000 towards improvements along the A3023 corridor up to, and including, the A27 roundabout
 11. Contribution payment of £35,000 towards improvements on the walking route from the development to Mengham Infant School and Mengham Junior School
 - 12.. Hayling Billy connection and contribution of £8,800
 13. Travel Plan and payment (by developer) of HCC fees in respect of the approval (£3,000) and monitoring (£15,000) of the Framework Travel Plan plus bond.
 14. Skills and Employment Plan
 15. Education contribution of £860,550
 16. Traffic Regulation Order contribution of £5,000
 16. S106 monitoring fee

8 Conclusion

- 8.1 In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal have to be weighed. The development lies outside of the built-up area and is not provided for in the current adopted Local Plan policy - as a result the proposal is contrary to development plan policy. Although weight must be attached to this start point for considering the proposal, it is tempered by the findings that a number of material considerations also weigh in favour of recommending permission.
- 8.2 Notwithstanding that the site is located outside of the urban area in the development plan in the countryside, it is proposed for development in the emerging Havant Borough Local Plan. Additionally, it provides partial if not complete compliance with the emerging standards in the emerging local plan. It is reasonably proximate to facilities and services. There are no overriding environmental objections to its development. It would also deliver significant economic and social benefits. Furthermore the Borough's five year housing land supply figure was updated in February 2021. This shows that the Borough now has a 4.2 year housing land supply with the necessary 20% buffer applied based on the results of the housing delivery test. The development proposed by this planning application is included within these five year supply calculations and is equivalent to 0.36% of that 5 year supply. As such, without the proposed development at Sinah Lane, the Borough would have a 3.84 year housing land supply, further reducing the ability of the Borough to demonstrate its required housing land supply. This is a material consideration of great weight, especially in the light of the acute need for affordable housing and the 30 per cent contribution of this scheme, and falls to be part of the planning balance in the determination of this planning application. The changed 5 year supply position is also a consideration which did not apply to the determination of the earlier Application APP/18/00724. On that basis, officers consider that in the particular circumstances that prevail at this time, if the applicant's scheme is granted planning permission, it would constitute sustainable development, and this is a compelling material consideration, which indicates that that a decision could be taken that departs from the development plan.

- 8.3 In respect to highways, following extensive review and consultation to address highways concerns, and having regard to the Hayling Island TA, measures to mitigate the impact of the proposed housing development have been agreed with Hampshire Highways. The proposal would be subject to a legal agreement to provide a contribution to measures to improve traffic flow and road safety, and would also deliver CIL funding which could be used to support the Hayling Island TA mitigation proposals. Overall, the impacts on the highway network could not be considered to be severely harmful to the safety or free flow of the highway network and as such, and having regard to the NPPF, the development should not be refused on highway grounds.
- 8.4 In respect to the general provision of infrastructure, the proposal provides for contributions to education, health, and a community officer, to accommodate the impacts of the proposed residents. Additionally, the proposed affordable housing of 58 dwellings (30% of the units) in accordance with housing policy, would make a sizeable provision towards the Borough's affordable housing need.
- 8.5 The introduction of new dwellings north of Sinah Lane will alter the landscape and increase the urban boundary eastwards towards the Hayling Billy trail and countryside to the north and west, but does not extend north of the adjoining development in North Shore Road to the west. Additionally, the site is well contained by existing housing to the west and south, and the tree planting to the Hayling Billy Trail to the east. In respect of land to the north the northern part of the site would be secured as permanent habitat for over wintering bird.
- 8.6 This containment limits views into the site and the additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area.
- 8.7 The Appropriate Assessment has concluded that the avoidance and mitigation packages proposed are sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.
- 8.8 The above conclusions are consistent with those in respect to APP/18/00724 when the application was considered by the Development Management Committee (DMC) on the 29 October 2020. The current application is very similar to that application where the DMC resolved that the Head of Planning be authorised to inform the Planning Inspectorate that had an appeal not been lodged the Local Planning Authority would have been minded to GRANT PLANNING PERMISSION for Application APP/18/00724 subject to a Section 106 Agreement.
- 8.9 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are public benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging and complex balance of impacts and sustainable development principles, and notwithstanding the development plan position in relation to the site, the application is recommended for permission.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PLANNING PERMISSION** for Application APP/20/01093 subject to:-

(A) a Section 106 Agreement as set out in paragraph 7.102 above; and

(B) the following conditions (subject to such changes and/or additions that the Head of Planning considers necessary to impose prior to the issuing of the decision):

1

The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2

Planning Documents and Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Architectural plans

Site Location Plan	PL-01
Proposed Site Layout Plan (Roof Plan)	PL-02 P12
Materials Plan	PL-03 P13
Boundary Treatment Plan	PL-04 P13
Proposed Streetscene Elevations	PL-05 P6
Proposed Site Layout Plan (Coloured Version)	PL-06 P12
Bin and Cycle Storage Plan	PL-07 P11
Affordable Layout Plan	PL-08 P11
Storey Height Plan	PL-09 P11
Chimney Location Plan	PL-10 P11
Adoption Plan	PL-11 P11
Developable Area Plan	PL-12 P5
Electric Charging Point Plan	PL-13 P10
Sinah Lane Housetype Booklet	November 2020
Design and Access Statement	2020-03-04 rev P 2020-11-20

Landscape /arboricultural drawings

Landscape masterplan	BDWS20660 10M
Soft landscaping	BDWS20660 11V
Open Space areas	BDWS20660 13B
Public Open space phasing Plan	PL-14 P3
LAP proposals	BDWS20660 15B
Winter Bird Mitigation Plan	BDWS20660 22J

Engineering drawings

– Drainage planning layout	10162/102 Rev P1
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Levels Planning Layout	10162/101 P1
Highway Layout Review 1 of 2	BSO-E4513-016H
Highway Layout Review 2 of 2	BSO-E4513- 017G
Fire Tender Swept Path Analysis 1 of 2	BSO-E4513-018J
Fire Tender Swept Path Analysis 2 of 2	BSO-E4513 019H
Refuse Vehicle Swept Path Analysis 1 of 2	BSO-E4513-020G
Refuse Vehicle Swept Path Analysis 2 of 2	BSO-E4513-021G

Statements

Archaeological Desk Based Assessment	June 2018
Arb Impact Assessment + Method Statement	Rev 8 9 Mar 2020
Tree Report	BDWS20660trC
Bat Survey Report	Nov 2020
Winter Bird Mitigation Strategy	Nov 2020
Biodiversity Action Plan	June 2018
Biodiversity Checklist	June 2018
Extended Phase 1 Habitat Survey	June 2018
Reptile Presence/Likely Absence Report	November 2020
Information to inform HRA	November 2020
Biodiversity Net Gain Assessment	November 2020
Ecological Mitigation and Management Plan V2	November 2020
Flood risk assessment	17134-Rev D
Utilities Assessment	June 2018
Soft Landscape Management and Maintenance Plan	June 2018
Air Quality Screening Assessment	July 2018
Noise Assessment	July 2018
Transport Assessment	June 2018, supplemented November 2020
Travel Plan	July 2019 update November 2020
Economic Benefit Statement	June 2018
Landscape Visual Impact Assessment	June 2019 revision A

Reason: - To ensure provision of a satisfactory development.

3

Landscape and materials

Notwithstanding the submitted details no above ground development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
- ii) Planting methods, tree pits & guying methods,
- iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
- iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- v) Manner and treatment of watercourses, ditches and banks,

- vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
- vii) Means of enclosure, in particular boundary walls, fencing and planting around properties and including their frontages, including any retaining structures,
- viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution
- ix) A timetable for implementation of the soft and hard landscaping works.
- x) Fencing to the proposed links to Hayling Billy Trail and fencing to prevent the creation of unauthorised access.
- xi) Specification including detail of size and planting density for the landscaped tree belt along the southern boundary of the bird refuge and northern boundary of the housing site.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework.

4

Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework .

Ecology and trees

5

Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Mitigation and Management Plan, Biodiversity Action Plan and Winter Bird Mitigation Strategy (all WYG, November 2020). Ecological enhancement features shall be installed as per ecologists instructions and retained in perpetuity in a location and condition suited to their intended function.

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.

6

Prior to the commencement of development activities a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. This CEMP shall include (but not be restricted to): specifications for construction timing and logistics;

pollution prevention measures; measures to control surface water run-off and the emission of dust and noise; and specific measures to avoid or mitigate damage and disturbance to species and habitats. The CEMP should clearly detail the roles and responsibilities associated with the protection of the natural environment during construction, and mechanisms for monitoring and reporting.

Reason: To protect biodiversity 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.

7

Prior to the commencement of development activities, a Lighting Plan shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall include lighting contour modelling and lighting specifications and shall be in accordance with the outline recommendations detailed within the Ecological Mitigation and Management Plan (WYG, November 2020).

Reason: To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

8

Prior to any demolition, construction or groundwork (including exploratory tasks such as archaeological survey digs etc) commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Tree report ref BDWS20660trC shall be installed and agreed on site with the Arboricultural Consultant, and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

9

Development shall proceed in strict accordance with the ecological avoidance and mitigation measures detailed within the approved Report to Inform Habitats Regulations Assessment Stage unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

Environmental

10

The acoustic mitigation measures to be employed with regard to the building envelope and external amenity areas, including fenestration / ventilation, and fencing /walls for all residential units, shall meet BS8223:2014 standards as recommended for indoor and outdoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms; and external amenity space 50 / 55 dB LAeq,16 hour (50 dB is preferable)

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels, especially noise from any commercial / business premises existing alongside the development, traffic noise and noise from pump stations and the like and having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

11

No development shall commence until a Construction Management Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall make comprehensive provisions for:

i) The control of dust setting out the measures for the control of any dust that might emanate from the development site, to include for a suitable and adequate water supply being available at the site prior to works commencing. Furthermore, the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities. It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also be kept damp at all times.

ii) Temporary lighting;

iii) No burning on-site;

iv) Scheme of work detailing the extent and type of any piling proposed;

v) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;

vi) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

vii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

The approved Construction Environmental Management Plan shall be adhered to at all times throughout the construction of the development.

Reason: To protect the amenities of the area and of occupants of all nearby residential receptors from pollution and having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Drainage and Flood risk

12

No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the approved documentation, has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:

a. Confirmation that the attenuation basin low flow channel will not be affected by groundwater either through lining or the provision of groundwater monitoring information.

b. Confirmation of any boundary drainage features to ensure existing flow paths are not obstructed.

c. Details for the long term maintenance arrangements for the surface water drainage system including confirmation that the proposals identified for adoption by Southern Water are acceptable.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water

is provided, to reduce the risk of flooding from blockages to the existing culvert, and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

13

No dwellings shall be occupied until the following drainage details have been submitted to and approved in writing by the Local Planning Authority: Details of consent from the Sewerage Authority for a connection to the public sewer for the development. The development shall be implemented in accordance with the approved details

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriately mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Highways

14

A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period.

Reason: In the interests of Highway Safety and to avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

15

No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16

The garages hereby permitted shall be retained and kept available for the parking of cars at all times and shall not be converted to living accommodation.

Reason: To ensure the retention of adequate on-site car parking in the interests of highway safety and residential amenity and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

17

The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Archaeology

18

No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with the approved Written Scheme of Investigation (L-P Archaeology, ref LP3519L-WSI-v1.3, dated March 2020).

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

19

Following completion of archaeological fieldwork, a report shall 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.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Water efficiency/sustainability

20

The development hereby permitted shall not be occupied until:

(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;

and

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

21

At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. 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. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that necessary avoidance measures are provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

Electric Charging points

22

Prior to first occupation of any dwelling with provision for an Electrical Vehicle Charging point full details of the Electrical Vehicle Charging point, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appropriate siting of such points and that the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

Other

23

Notwithstanding the submitted Levels Strategy, no development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

24

Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order (as amended), no extension, building or structure permitted by Part 1, Classes A and E of the 2015 Order, as amended, shall be erected within the curtilage of Plots 112 to 116 inclusive, without the prior written approval of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

Appendices:

- (A) Location Plan
- (B) Layout Plan
- (C) Street Scenes
- (D) Winter Bird Mitigation Plan
- (E) Hampshire Highways response to APP/18/00724

Appendix 3 - Bedhampton Appeal Decision letter

Appeal Decision

Inquiry Held on 2 – 5 February 2021

Site visits made on 15 January and 16 February 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2021

Appeal Ref: APP/X1735/W/20/3259067

Land at Lower Road, Lower Road, Bedhampton, Havant PO9 3NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bargate Homes against the decision of Havant Borough Council.
 - The application Ref APP/19/00427, dated 17 April 2019, was refused by notice dated 26 March 2020.
 - The development proposed is 50 new dwellings together with access, landscaping and open space.
-

Decision

1. The appeal is allowed and planning permission is granted for 50 new dwellings together with access, landscaping and open space at Land at Lower Road, Lower Road, Bedhampton, Havant PO9 3NB in accordance with the terms of the application, Ref APP/19/00427, dated 17 April 2019, subject to the conditions in the attached Schedule.

Procedural and Preliminary Matters

2. The Council's second refusal reason concerned the absence of planning obligations entered into under a legal agreement relating to: affordable housing; S106 monitoring fee; open space; the Solent Recreation Mitigation Strategy; sustainable drainage; healthcare; the Solent Waders and Brent Goose Strategy; permissive paths; a community worker; site access works; and improvements to the route to school.
3. The Council, through the giving of its oral evidence, confirmed that the completed legal agreement¹ (s106) overcomes their second refusal reason in its entirety. The appellant has not objected to the justification for the planning obligations as set out by the Council in their Community Infrastructure Levy (CIL) Compliance Statement². I have, therefore, treated those matters referred to in the Council's second refusal reason as not being subject to any dispute between the appellant and the Council. I will consider the planning obligations secured by the s106 later in this decision.
4. The Bedhampton Heritage Alliance (BHA) were accorded Rule 6(6) party status and presented evidence in support of their objections to the proposals. These objections included matters in relation to the Council's first refusal reason in

¹ Dated 27 January 2021

² Received 28 January 2021

respect of the effect of the proposal on the setting of the Old Bedhampton Conservation Area (OBCA). BHA's objections also covered other matters that were not contested by the Council or Hampshire County Council (HCC) in its capacity as highway authority. These additional concerns related primarily to the effect of the development on the setting of listed buildings, archaeology, highway safety and efficiency, accessibility, ecology, character and appearance.

5. I am not restricted to considering the appeal with regards to the Council's refusal reasons only. Considering the extent of the BHA's and interested parties' highway concerns, I have addressed such matters as a main issue. An 'Agreed Statement on Transport Matters'³ (ASoTM) between the appellant and HCC was submitted during the appeal process. To address matters raised in the BHA's proof of evidence,⁴ the appellant submitted an additional proof of evidence with regards to transport matters⁵. There were no objections to the appellant's highway proof being accepted and I am satisfied that no parties were prejudiced by its submission.
6. The appellant submitted an updated written application for full costs during the inquiry. The appellant's closing maintains the view that the Council has acted unreasonably but confirmed that any previous application for costs against the Council was to be treated as withdrawn.
7. The appellant submitted an amended site plan with the appeal⁶ and amended landscape plans⁷ as appeal core documents. These amended plans show amended plot boundaries and landscaping adjacent to Narrow Marsh Lane to better accommodate the alignment of the track which is subject to a current Definitive Map Modification Order application. Having regard to the 'Wheatcroft Principles'⁸, the amendments are not, however, significant and do not materially alter the nature of the planning application to the point that it would require further consultation. The Council and BHA were given the opportunity to comment on the amendments as part of the appeal process. Indeed, the Council and Appellant have suggested an agreed wording for a condition to be applied to secure final landscaping details. Consequently, I am satisfied that accepting the amended site plan and landscape plans would not prejudice the interests of interested parties and have therefore determined the appeal based on the amended details.

Main Issues

8. The main issues are:
 - the effect of the proposed development on heritage assets, with particular regard to the setting of the Old Bedhampton Conservation Area;
 - the effect of the proposed development on the efficient and safe operation of the highway network in the vicinity of the appeal site;
 - whether any adverse effects of the proposal, including any conflict with the development plan when considered as a whole, would be outweighed by other material considerations.

³ CD P7 Agreed Statement on Transport Matters (signed by Bargate Homes & HCC 17 December 2020)

⁴ Received 05 January 2021

⁵ Circulated to all main parties on the 28 January 2021

⁶ Dwg no. 17.043.102 Rev S

⁷ CD P15a (Dwg no. 1860-TF00-00-DR-L1002 Rev07A) and CD P15b (Dwg no. 1860-TF-00-00-DR-L1005 Rev07A)

⁸ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Planning Policy Context and Approach to Decision Making

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Havant Borough Core Strategy (the HBCS), adopted in March 2011, and the Allocations Local Plan (the ALP), adopted in July 2014.
10. The Housing Land Supply Statement of Common Ground (HSoCG) between the appellant and Council states that the Council is not able to demonstrate a five year supply of deliverable housing land⁹. Furthermore, the Housing Delivery Test¹⁰ results for 2020 show that just 72% of the requirement was achieved, which is significantly below the expectation in the National Planning Policy Framework (the Framework). As such, it is common ground between the Council and appellant that footnote 7 of the Framework is engaged. Whether subsection i) or ii) of paragraph 11d of the Framework applies will depend on my conclusions with regards to the effect on heritage assets.
11. The Council's five year housing land supply (5YHLS) position is agreed to be between approximately 3 years (appellant) and no more than 4.1 years (Council). The agreed range of shortfall in the 5YHLS is based upon the standard methodology and a 20% buffer. The Council and appellant agree the shortfall in the Council's 5YHLS is significant and that significant weight should be attached to the housing delivery of the appeal scheme. No party submitted detailed 5YHLS position evidence to question the agreed range of shortfall in the 5YHLS and I have considered the appeal on that basis.
12. Both the HBCS and the ALP pre-date the current Framework. Paragraph 213 of the Framework states that due weight should be given to the relevant policies of the development plan depending on their degree of consistency with the Framework. The Council's first refusal reason refers to HBCS Policies CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) and CS16 (High Quality Design). It also refers to ALP Policy DM20 (Historic Assets).
13. HBCS Policy CS11 is a permissive policy and advises that planning permission will be granted for development that, amongst other things, protects and where appropriate enhances the borough's statutory and non-statutory heritage designations. HBCS Policy CS16 requires all development to demonstrate that its design, amongst other things, identifies and responds positively to existing features of natural, historic or local character. These policies fail to provide for the balancing of any harm to designated heritage assets against public benefits as required by Framework paragraph 196. Nevertheless, these policies do broadly follow the advice in Framework paragraph 185 which advises plans should set out a positive strategy for the conservation and enjoyment of the historic environment, taking into account, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets. As such, whilst I am not persuaded they attract full weight, they must be given significant weight.

⁹ For the period 01 April 2020 to 31 March 2025.

¹⁰ The 2020 Housing Delivery Test results were published on 19 January 2021. They show a result for Havant of 72%, which remains significantly below Framework expectations.

14. ALP Policy DM20 states that planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough. The policy's supporting text refers to the Council having a positive strategy for the historic environment in line with the Framework. On that basis, both the Council and appellant are satisfied that the policy attracts full weight and I see no reason to disagree.
15. The statement of Common Ground between the Council and appellant also refers to HBCS Policy CS17 and ALP Policy AL2 as relevant. HBCS Policy CS17 sets out the settlement strategy for the area administered by the Council, explaining where development proposals are considered acceptable in principle. The strategy seeks to concentrate new development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island. The urban area boundaries are defined by ALP Policy AL2 and the associated Policies Map. It is agreed that the appeal site lies outside the defined urban area boundary of Havant and Bedhampton. As such, on the face of a plain reading of these policies, the proposal is in conflict with HBCS Policy CS17 and ALP Policy AL2 by virtue of its location outside of an urban area boundary. It is notable, however, that the Council's refusal reasons do not refer to these policies and objection to the principle of residential development on the site does not form part of the Council's case.
16. The appellant asserts that no weight should be given to HBCS Policy CS17 and ALP Policy AL2 because the urban area boundaries were drawn up based on an out of date housing requirement of 6300 homes between 2006 and 2026 (315 dwellings per annum), as set out in HBCS Policy CS9 (Housing). The Framework requires local housing need to be calculated using the standard method when the strategic policies are more than 5 years old¹¹. Using the standard method, the Council's Five Year Housing Land Supply Update (December 2020)¹² advises the annual housing need figure for Havant is 504 dwellings per annum. This is a considerable increase over the figures in HBCS Policy CS9.
17. The Council accepts that the current housing objectively assessed need (OAN) cannot be accommodated within the urban area boundaries that are identified by ALP Policy AL2 and the Policies Map. In this context, whilst I accept that the objectives of Policies CS17 and ALP Policy AL2 are broadly consistent with the Framework in so far as they seek to primarily focus new developments within existing urban areas, I find they should be given limited weight by virtue of their reliance on the out-of-date urban area boundaries.

Emerging Plan

18. The Council has been engaged in the preparation of a new Local Plan, currently known as the Pre-Submission Havant Borough Local Plan 2036 (PHBLP). The Council published the PHBLP¹³ for public consultation between 1 February 2019 and 18 March 2019. A further Regulation 19 version of the PHBLP with proposed changes¹⁴ (PHBLPC) recently concluded its public consultation on 17 December 2020. Whilst the emerging local plan had not been submitted for examination at the time of the inquiry, I acknowledge that submission occurred

¹¹ Framework para 73 and footnote 37.

¹² CD P17

¹³ Regulation 19

¹⁴ ID10

shortly after on 12 February 2021. Furthermore, I note that the Examination in Public (EiP) hearings will begin on 12 July 2021.

19. The emerging plan includes the Council's proposed new housing allocations. PHBLPC Policy H20 identifies the appeal site as a proposed allocation for residential development of about 50 dwellings. During the Inquiry there were discussions regarding the weight to be given to relevant policies of the PHBLPC and, in particular, Policy H20.
20. Paragraph 48 of the Framework advises that the weight given to relevant policies in emerging plans is dependent on: the stage of preparation of the emerging plan; the extent of unresolved objection to individual policies; and the degree of consistency with the Framework. Whilst I note that extensive preparatory work has occurred, it is clear that unresolved objections remain to the PHBLPC. The emerging plan, therefore, is at a stage where there is still potential for significant modifications and, as such, I can give only limited weight to the PHBLPC in my decision-making.

Heritage

21. The appeal site relates to part of an arable field located off the southern side of Lower Road at the southern edge of Bedhampton. The Portsmouth to London railway line runs adjacent to the southern boundary of the site. The eastern edge of the site is defined by a mature 'shelterbelt' of coniferous trees. The remainder of the arable field adjoins the site to the west but is not defined by any intervening boundary treatment. Significant highway infrastructure is located in close proximity to the site, including junction 5 of the A3(M) to the west and the dual carriageway Havant Bypass (A27) to the south. The Havant Bypass separates the site from Langstone Harbour to the south.
22. Whilst the built form of Bedhampton has expanded significantly through the 20th Century, that development has been located predominantly to the north of Lower Road. Development to the south of Lower Road is predominantly limited to the converted Old Manor Farm buildings, a terrace of 3 associated farm worker cottages and a recently built dwelling (Manor Barn). A further modern corrugated sheet metal clad building of utilitarian form is located to the west of Old Manor Farm.
23. Whilst there are no designated heritage assets within the boundary of the appeal site, the Old Bedhampton Conservation Area (OBCA) is located immediately adjacent to the site. The extent of the OBCA was recently revised by the Old Bedhampton Conservation Area Appraisal (OBCAA)¹⁵. The revised OBCA comprises 5 'Character Areas (CA)': CA1 'Historic Settlement'; CA2 'Mill and environs'; CA3 'Bidbury Mead'; CA4 'Bedhampton Road'; and CA5 'Old Manor Farm'. Character Areas 3, 4 and 5 were added to the OBCA as part of the OBCAA.
24. The appeal site wraps around the southern and eastern boundaries of CA5 'Old Manor Farm'. CA1 'Historic Settlement' extends westward up to and including the bend in Lower Road adjacent to the north-eastern corner of the site. CA2 'Mill and environs' is separated from the site by the railway line and intervening agricultural land. There is agreement between the main parties that the development would affect the setting of Character Areas 1 and 5. The Council

¹⁵ Agreed at Full Council (25 September 2019).

and the appellant agree that the development will not affect the setting of any listed buildings. The BHA has, however, expressed concerns at the impact of the proposal on the setting of The Elms, a Grade II* Listed Building located on the western side of Lower Road. I will deal with this matter later in my decision.

25. Any impact on the settings of the OBCA and The Elms would not necessarily detract from the significance of these designated heritage assets because that depends on the extent to which their settings contribute to their significance. Their settings are not designations in themselves. The Framework defines significance 'as the value of the asset because of its heritage interest.' This interest may be archaeological, architectural, artistic or historic. The setting is defined as the surroundings in which the asset is experienced, which may change as the asset and its surroundings evolve.

Old Bedhampton Conservation Area

26. S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In identifying the degree to which the appeal site contributes to the significance of the OBCA, both heritage witnesses rely on the OBCAA. The OBCAA provides a list of features¹⁶ that contribute to the special interest of the OBCA, including, amongst others: the network of early lanes and routes that survive including sections of a surviving network passing east-west through the heart of the settlement; the relatively tranquil setting afforded by the informal layout of the roads and light traffic movements; protected trees; natural springs, ponds and network of streams; The Mill complex of buildings and water features, a number of which are listed; the Victorian railway bridge along Mill Lane; a range of listed buildings that add character through their historic structure and large plots which give the historic centre a more open grain than later development.
27. The OBCAA describes CA1 as, 'concentrated around the loose nucleus of residential properties, associated gardens, the main laneway that flows through the settlement including Bidbury Lane, Lower Road, Brookside Road and Mill Lane.' The OBCAA advises that Old Manor Farm was built around the turn of the 20th Century and that the buildings, now converted to residential use, retain the farmyard layout combined with cottage style fenestration to positive effect. The OBCAA also advises that the distinctly separate nature of CA5 reflects the former agricultural use of Old Manor Farm and its set apart position from the historic village centre.
28. The OBCAA states that, '*The immediate setting of the conservation area is an important aspect of its significance, particularly areas such as Bidbury Mead, lands to the south of Bidbury Lane and farmlands to the south and south west of Lower Road.*' (para 2.8). The OBCAA goes on to advise, '*The farmlands to the south and south west of the current lanes are considered to reinforce the rural origins of the settlement. This role is evidenced by the surviving farm group to the south side of Lower Road and the farmland with the historic route / footpath leading to another bridge providing access to the severed area south of the railway line. The presence of the line of non-native conifers intrudes into this setting but does not remove the sense of that connection.*' (Para 4.12).

¹⁶ Page 30 OBCAA

29. The appellant has drawn my attention to the report¹⁷ prepared on behalf of the Friends of Bidbury Meadow that proposed that land to the south of Lower Road (including Lower Road and the agricultural lands) be included in the extensions to the OBCA. I note that this proposal was not taken forward in the final OBCA boundary revisions. Indeed, the OBCAA advises that these fields do not have the special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance¹⁸. Whilst the fields are not of individual special interest, the OBCAA includes numerous references to the importance of the surrounding farmlands in reinforcing the rural origins of Bedhampton and, as such, they represent an important aspect of the significance of the OBCA.
30. The evidence suggests that there is a historic ownership and functional link between the Old Manor Farm, the farm workers' cottages and the adjacent farmlands. Whilst the residential conversion of the agricultural buildings has inevitably weakened their significance in terms of function and character, the grouping retains its distinctly agricultural courtyard layout and appearance. The cohesive converted farm complex and agricultural workers' cottages are rooted in the surrounding agricultural land. The layout of the fields remains broadly as illustrated in historic mapping dating back to 1840. Whilst residential development has occurred to the north of Lower Road, CA5 maintains a sense of physical separation and detachment from the main part of the village. That detachment forms part of the way in which CA5 is experienced and is of importance in understanding the origins of the farm and the wider settlement.
31. The open farmland to the south and south west of Lower Road adjoining the western edge of CA1 also contributes to the significance of CA1. Given the nearby major highway infrastructure and the urban expansion of Bedhampton, the agricultural setting of the historic core of Bedhampton has been much diminished over the 20th Century. The remaining agricultural land to the south of lower road acts as a buffer to the highways infrastructure and enables the rural character and agrarian origins of Bedhampton's historic core to be understood. Furthermore, the ongoing agricultural use of the fields aids the understanding of the farm's historical functional relationship with its surroundings and the development of the wider settlement. As such, I find that the agricultural land of the appeal site makes a high degree of positive contribution to the ability to experience and appreciate the significance of the OBCA as derived from its setting.
32. In terms of relevant key views, the contribution of the appeal site to understanding the significance of the OBCA is primarily experienced from Lower Road and Lodge Road. Whilst there is a mature high hedge on the boundary of the site with Lower Road, the link between CA5 and the surrounding agricultural land is clearly perceived in views from Lodge Road and Lower Road, including upon leaving CA1. These views and the unfolding visual experience during travel through Bedhampton towards the site make a moderate degree of positive contribution to the ability to appreciate the OBCAA as derived from its setting.
33. The OBCAA includes reference to other vistas and views within its 'Townscape Appraisal'. Views from Narrow Marsh Lane reveal the evidence of the historic

¹⁷ BHA Appeal Statement Document - Extracts from Consultant's Conservation Area Review 25 October 2018

¹⁸ OBCAA Paragraph 7.8

farm buildings' tie to the adjacent fields. Given the modern addition of Manor Barn is to the rear of CA5, the views from Narrow Marsh Lane make a moderate positive contribution to the ability to appreciate the OBCAA as derived from its setting. Other views of the site and the OBCAA, including from the Mill Lane Bridge, make only a limited contribution to the ability to appreciate the OBCAA given their longer distance nature and the substantial intervening planting.

34. Narrow Marsh Lane, a historic route through the appeal site, is highlighted within the OBCAA¹⁹ as having existed in circa 1770 and as historically providing a link to the Langstone Harbour. The historic map dated 1797²⁰ clearly shows Narrow Marsh Lane and Lower Road. Whilst both Lower Road and Narrow Marsh Lane have been truncated by modern highways infrastructure, they remain part of the network of early lanes and routes that survive and give significance to the OBCAA. Lower Road remains a clearly legible element of the historic east-west network passing through the heart of the settlement. The raised hedgerow on Lower Road boundary of the site is indicative of the sunken lanes found in the area. I find Lower Road makes a moderate degree of positive contribution to the significance of OBCA and the appreciation of that significance via its setting. Narrow Marsh Lane has been much diminished by its severance from the harbour by the A27 and its route and extent was not easily legible on my site visit. As such, I find Narrow Marsh Lane to make a low degree of positive contribution to the ability to appreciate the significance of the OBCA as derived from its setting.
35. The appeal proposal would introduce a modern, suburban form of development into the currently open agricultural setting of the OBCA. The plans show green buffers would be provided adjacent to the Lower Road boundary and to the south of Old Manor Farm. The majority of the existing Lower Road hedgerow would be retained, and significant areas of open green space are planned at the southern and eastern edges of the site. The scheme, overall, is of a comparatively low density. These factors would help maintain an open aspect in the immediate foreground, but the new houses would be apparent behind. Much of the retained open land will not be visible from Lower Road. Old Manor Farm and the associated cottages will, to a large extent, be surrounded by the built form of the proposal.
36. The development would, therefore, erode the ability to understand and appreciate the historical and functional relationship between CA5 and its immediate surroundings. The relative separation and isolation of CA5 from the core of the village would be harmed. Furthermore, the rural buffer to the highways infrastructure would be diminished and this would be harmful to the understanding of the rural character and agrarian origins of Bedhampton's historic core as protected by CA1. I find these effects of the development would represent a moderate degree of harm to the positive contributions of these elements to the OBCA's setting.
37. The loss of open setting would be particularly apparent in views travelling along Lower Road, including upon leaving CA1 in a westward direction, and from Lodge Road. Whilst in spring and summer the Lower Road boundary hedge would provide increased levels of screening, additional openings are proposed

¹⁹ OBCAA para 2.11

²⁰ OBCAA Figure 7

in the hedgerow. The openings in the hedgerow, in combination with the decreased levels of screening during winter and autumn, would result in the development being readily perceived behind the hedge. Furthermore, Lodge Road provides elevated views across the site and CA5 at all times of the year. These factors would result in a moderate degree of harm to the existing positive contributions of these views to the OBCA's setting. Views from Narrow Marsh Lane and the railway bridge to the south of the site would also be detrimentally affected, although to a more limited degree given the existing residential development of Manor Barn.

38. The ability to understand and appreciate the significance of the historic routes of Narrow Marsh Lane and Lower Road would be diminished by the proposal's suburban encroachment into their historically agrarian surroundings. This will result in a moderate degree of harm to the existing positive contributions of these elements of the OBCA's setting. Paragraph 2.10 of the OBCAA advises that the non-native coniferous trees that form the eastern edge of the site are intrusive in the historic field pattern. Their replacement with a linear woodland of native species would represent a moderate degree of enhancement to the OBCA's setting subject to an appropriate planting scheme maintaining shielding of views of the development from the railway bridge at Mill Lane.
39. I have had regard to the concerns of the BHA regarding the impact of increased traffic on the tranquillity of the OBCA. The development would not generate a significant amount of additional traffic. As such, I find only limited harm to the tranquillity of the OBCA would result from the proposal.
40. Overall, for the reasons outlined, I find that the significance of the OBCA, as derived from its setting, would be harmed. That harm would be less than substantial and at a moderate level within that spectrum. In reaching this view, I have had regard to the Planning Practice Guidance (PPG) which advises that substantial harm is 'a high test'²¹.

Effect on the setting of Listed Buildings including The Elms

41. S66(1) of the LBA requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. The Elms, a Grade II* listed building is the closest listed building to the site and is set on a prominent corner of Lower Road. The OBCAA advises that The Elms, whilst built in the 17th Century, is noted for its Gothic Revival features that were added as part of 18th century improvements. Its principal elevations include castellated parapets, gothic ovolo arched casement windows, stucco render and mouldings, friezes and niches. The listing includes the front gate piers with pineapples, and a 'Tudor' side gate within a vail, also capped with pineapples.
42. The Elms is separated from the site by modern housing along the northern side of Lower Road. The right-angle bend in Lower Road at the north-eastern corner of the site prevents, in combination with existing intervening buildings and landscaping, any intervisibility between the site and The Elms. The proposed development would not be visible directly from within the grounds of The Elms or from its approaches. I have had regard to the concerns that increased traffic passing The Elms would have detrimental impact on its setting. Given the road

²¹ Paragraph: 018 Reference ID: 18a-018-20190723 - Revision date: 23 07 2019

alignment in the vicinity of The Elms, traffic speeds are low. I am not persuaded, therefore, that the limited increase in traffic numbers would detrimentally affect the tranquillity of the setting of the Elms. The Elms does not have a direct functional or historic relationship with the application site. Given these factors, in combination with the separation distance to the site, the proposal would not result in a harmful effect on the setting of the Elms.

43. There are many other notable listed buildings within Bedhampton, including the Grade II listed buildings of the Church of St Thomas, the Old Mill House, Manor Cottage, Bidbury House, Spring Lawn and Manor House. These listed buildings are located in CA1 and are well detached from the site, with no apparent direct functional or historic relationship with the site. As such, there would be no harmful effect on the settings or significance of these listed buildings.

Archaeology & Non-Designated Heritage Assets

44. On sites where there is potential for archaeological interest, paragraph 189 of the Framework requires the submission of a desk based assessment (DBA) and field evaluation where necessary. In this case, a DBA by L-P Archaeology (dated October 2016) accompanies the proposals. The responses of the County Council's Archaeologist dispute the conclusion of the DBA that the site is likely to have remained on the periphery of human activity from the prehistoric to the early medieval. Indeed, the County Council's Archaeologist advises that the site lies in an area on the fringe of Langstone Harbour where there has been activity from the Mesolithic period right through to the Roman period. As such, the County Council's Archaeologist advises that it is inescapable that the site has a high archaeological potential.
45. I note that the BHA and interested parties are concerned that the preliminary archaeological investigation of the site has been inadequate, and that the archaeological and historical merit of Narrow Marsh Lane will be damaged by the proposal. Appendix 9 of Mr Tate's evidence is an extract from the appellant's drainage strategy that shows an element of Narrow Marsh Lane within the rear gardens of the proposed dwellings. The County Council's Countryside Access Team advise that the housing layout plan provides a reasonable identification of Narrow Marsh Lane based on the historical mapping. The Council's committee report and update sheet²² indicate that initial trial trenching has taken place, including of Narrow Marsh Lane. As a result, the proposed site plan was amended to accommodate a wider retained route for Narrow Marsh Lane.
46. The exact significance and extent of any archaeological assets on the site, including those relating to Narrow Marsh Lane, cannot be fully known at the present time. Whilst Narrow Marsh Lane is not identified by the Council in their submissions as a non-designated heritage asset, the appellant's heritage witness confirmed that it is recorded on the County Council's Historic Environment Record as a feature of interest. Furthermore, the PPG²³ advises that non-designated heritage assets may be identified as part of the decision-making process. Whilst its full extent is now much diminished, I find Narrow Marsh Lane to have a limited degree of heritage significance that merits being considered as a non-designated heritage asset of local value in my

²² Havant Borough Council Development Management Committee Report & Update - 5 March 2020

²³ Paragraph: 040 Reference ID: 18a-040-20190723 - Revision date: 23 07 2019

decision. That significance is derived from its role as a historic route connecting Langstone Harbour to Lower Road. The ability to understand and appreciate the significance of the historic route of Narrow Marsh Lane will be diminished by suburban encroachment into its historically agricultural setting. This would result in a moderate degree of harm to the significance of Narrow Marsh Lane.

47. The County Council's Archaeologist has advised that archaeology below the lane is least likely to survive as such tracks are likely to be erosive and the earliest manifestations probably removed during the continued use. As such, the evidence does not suggest it is of equivalent significance to a scheduled monument and Footnote 63 of the Framework would not apply in this case. The County Council's Archaeologist does not object to the proposal subject to conditions securing a preliminary archaeological survey, the investigation of any archaeological remains identified, and appropriate reporting and recording of those results. I have no substantive evidence before me to suggest that such an approach would not be reasonable and proportionate.

Heritage Conclusions

48. I have found that the harm to the significance of the OBCA would be less than substantial and at a moderate level within that spectrum. Given the limited significance of Narrow Marsh Lane, I give limited weight to the harm to its significance. The risk of residual harm to significance from the loss of any physical remains, including of Narrow Marsh Lane, is limited given the appropriate archaeological investigations proposed.
49. The proposals would, therefore, be contrary to HBCS Policies CS11 and CS16, and ALP Policy DM20, which taken together require, amongst other things, development to protect and respond positively to existing historic features.
50. I return to consider the proposals in respect of paragraphs 196 and 197 of the Framework later in my decision.

Highways

51. There is agreement between the Council, Hampshire County Council (HCC) and the appellant that the scheme is acceptable in terms of its effect on the efficient operation and safety of the highway network. Nevertheless, Mr Tate, on behalf of the BHA, has raised many concerns regarding this issue. Similar concerns have also been expressed by many interested parties in their representations. In particular, there are concerns that the additional traffic generated by the proposal will increase the risk of unsafe road user conflict given the existing tight bends and absence of footways in the local area.
52. The appellant submitted a Transport Statement (TS) with the application, followed by an additional Technical Note (TN) to address points raised in the initial consultation response of HCC. An 'Agreed Statement on Transport Matters' (ASoTM) between the appellant and HCC was submitted during the appeal process. The ASoTM sets out the observed existing peak hour traffic flows along Lower Road and Bidbury Lane. For Lower Road, there were 60 2-way movements in the AM peak hour (0730h to 0830h), and 58 in the PM peak hour (1630h to 1730h). Automatic Traffic Surveys on Lower Road in the vicinity of the proposed access recorded 85th percentile speeds of 20.6 mph eastbound and 18.2 mph westbound.

53. Appendix I of the TS includes the results of a 4-day pedestrian²⁴ and cycle survey on the part of Lower Road without a pavement. That survey found, during weekdays, peak hour numbers of 2-way pedestrian movements ranging from 13 to 19 per hour (AM) and 12 to 15 per hour (PM). At the weekend, morning peak hour 2-way pedestrian movements were recorded as between 12 and 27 per hour, with the evening peak hour ranging between 21 to 22 per hour. For weekday cycle movements, the morning peak hour 2-way movements ranged between 20 to 21 per hour, with 19 to 29 per hour during the evening peak hour. During the weekend, the morning peak hour 2-way cycle movements ranged between 14 to 20 per hour, with 18 to 19 in the evening peak hour.
54. These survey figures indicate that Lower Road is currently well used by pedestrians, cyclists and vehicles. HCC advises that, given the level of these traffic movements, Lower Road currently operates as a 'shared surface' in the area where there is no pavement available. The shared use of Lower Road was apparent at the times of my site visits. I observed all user group types on the highway, including highway users meeting and passing each other. I did not observe pedestrians or cyclists acting in ways, such as hurrying or edging along the highway, that would indicate they perceived an undue risk on the shared surface. I appreciate that my visits provided only a snapshot of highway conditions, however, vehicle speeds at the times of my visits were such that road users passed each other in a safe and controlled manner.
55. The appellant's highways evidence includes an assessment²⁵ of a northbound car overtaking a pedestrian on the shared space as another southbound car approaches the bend to the north of the shared space. The drawing shows that the southbound vehicle approaching the tightest part of the bend has approximately 22m forward visibility to the northbound vehicle as it safely overtakes a pedestrian. This level of visibility is in line with the Stopping Sight Distance in Manual for Streets (MfS)²⁶ for a vehicle travelling at 18mph. Such visibility is therefore commensurate with the recorded 85th percentile speed of 18.2mph westbound.
56. I understand and appreciate the concerns of the BHA that some vehicles will be travelling faster than the 85th percentile speed and that other configurations of road users within the shared space are likely. Furthermore, I accept that the width of the highway varies along the length of the shared space and that incidents or near misses in the area may well go unrecorded. Nevertheless, the substantive evidence before me, including the lack of any formally recorded accidents, does not indicate that there are any inherent highway safety issues in the vicinity of the site. The length of Lower Road without a footpath is relatively short, straight, lacking in distinct centre lines and has the benefit of streetlamps. MfS²⁷ advises that the absence of centre lines can lower vehicular speeds and that shared surfaces are likely to work well where, amongst other things, the volume of traffic is below 100 vehicles per hour.
57. The vehicular trip generation for the development has been estimated by the appellant using residential vehicle trip rates derived from the TRICS database.

²⁴ Transport Statement (by i-Transport), Appendix I, Table 2.1 Pedestrian Movements

²⁵ Drawing no. ITB12174-GA-009

²⁶ Department for Transport, Manual for Streets – Table 7.1

²⁷ Department for Transport, Manual for Streets – Paras 9.3.1, 9.3.3

Table 6.1²⁸ of the ASoTM sets out that weekday peak hour trip rates are predicted to increase by 26 two-way trips both in the morning and evening. As such, the predicted peak vehicular usage of Lower Road would remain below 100 vehicles per hour. I have had regard to the concerns that the increasing use of electric vehicles and home deliveries would present additional safety issues. Given the forward visibility demonstrated in the evidence, there is no substantive evidence to support these assertions. HCC advises that the current safe operation of Lower Road as a shared surface is unlikely to be compromised by the additional vehicular trips generated by this development. I attach significant weight to that advice.

58. I have had regard to the wider concerns of the BHA and interested parties regarding the capacity of the local highway network and its ability to cope with the development. The appellant's Transport Statement advises that the development would not have a material effect on the surrounding highway network. Car parking would be provided in accordance with the Havant Borough Council Parking SPD (July 2016, revised 2019). Moreover, HCC did not object to the proposal in terms of either parking provision or the development's impact on the local road network, including along Bidbury Lane and at the Brookside Road and Bedhampton Road junction. I attach significant weight to that advice.
59. The proposals include footway connections through the site and onto Lower Road. The eastern footway connection includes an informal crossing point to the northern side of Lower Road to enable pedestrians to access the existing footway. The western footway connection onto Lower Road is opposite the pavement of Lodge Road and provides an alternative pedestrian route to Bedhampton Road via footpath 107. Whilst I note the concerns regarding the suitability of footpath 107 due to its limited width and lack of natural surveillance, it is hard surfaced and has several lights along its length. As such, it would provide a reasonable alternative pedestrian route for many and, therefore, positively contributes to the connectivity of the site.
60. Proposed highway improvements at Bidbury Lane, Brookside Road, Kings Croft Lane and Bedhampton Road²⁹ would all improve pedestrian accessibility to facilities from the site, including local schools and green space. There is agreement between the Council, HCC and the appellant that future residents would have appropriate access to local shops, services and facilities by sustainable transport modes. Table 3.1 of the appellant's TN shows that there is a good range of facilities and services within reasonable walking distance of the site (maximum 2km), including retail, schools, restaurants, public transport and outdoor recreation. The proposal would, therefore, provide appropriate access to facilities by a range of sustainable transport modes, including walking, cycling and public transport.
61. Concluding on this main issue, I find that it has been demonstrated that safe and suitable access to the site can be achieved and that the local road network has capacity to accommodate the traffic resulting from the development. The proposal is in accordance with HBCS Policy CS20 which requires development to, amongst other things, ensure the safe and efficient operation of the strategic and local road network. Moreover, in accordance with paragraph 109 of the Framework, the proposal would not have an unacceptable effect on

²⁸ Weekday AM Peak Hour Arrivals Amended at the Inquiry to 7.

²⁹ Dwg no. ITB12174-GA-007 Rev A

highway safety and would not have a severe residual cumulative impact on the road network.

Appropriate Assessment

Habitat Sites – Recreational Pressures

62. The appeal site is located near to the Chichester and Langstone Harbours (CLH) Special Protection Area (SPA), the CLH Ramsar site and the Solent Maritime SAC. SPAs and SACs are habitats protected as European sites under the Conservation of Habitats and Species Regulations 2017 (the Regulations). Paragraph 176 of the Framework identifies that Ramsar sites should be given the same protection as European sites. The Regulations require that the competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of European sites. This requires consideration of whether the proposal would have an effect on the qualifying features of the site, either alone or in combination with other plans and projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of whether the plan would affect the integrity of a European site must be undertaken, having regard to the site's conservation objectives and advice from Natural England.
63. CLH are large, sheltered estuarine basins comprising extensive mud and sand flats exposed at low tide. The qualifying features of the CLH SPA are internationally important populations of birds, including, amongst others, Dark-bellied brent goose, Sandwich tern, Common tern and Little tern. The qualifying features of the Solent Maritime SAC include, amongst others, coastal lagoons, Atlantic salt meadows and Desmoulin's whorl snail. The CLH Ramsar site's qualifying features includes internationally important numbers of migratory species and waterfowl assemblage.
64. Given the proximity of the proposal to these European sites, it is likely that future residents of the proposal would visit those areas for recreational purposes. Intensification of such activities would be likely to cause disturbance to the qualifying features of the European sites. I cannot be certain that such visits, in combination with other residential development within the district, would not have a significant effect on the internationally important interest features of the European sites.
65. The conservation objectives for the CLH SPA are to ensure that the integrity of the site is maintained and restored as appropriate, and to ensure that the site contributes to the aims of the Birds Directive. These objectives are achieved by maintaining and restoring the extent and distribution of habitats, including their structure and function, supporting processes on which the habitats rely, as well as the populations of each of the qualifying features. The conservation objectives of the Solent Maritime SAC include ensuring that the integrity of the site is maintained or restored as appropriate, including its structure and function, supporting processes on which the habitats of qualifying species rely, as well as the populations of each of the qualifying features.
66. The Solent Recreation Mitigation Strategy (SRMS) identifies that housing and population growth is likely to increase the number of visitors in sensitive coastal areas, creating the potential for impacts from increased recreational disturbance of qualifying features, including birds and their habitats, unless adequately managed. The strategy requires financial contributions from

developments and allocates payment to detailed and costed infrastructure and non-infrastructure projects, including the employment of coastal rangers; education initiatives; measures to encourage responsible dog-walking; codes of conduct for coastal activities; site-specific projects to better manage visitors and provide secure habitats for birds; the provision of new or enhanced greenspaces as an alternative to visiting the coast; and coordination of the above activities. Natural England advises that mitigation secured in line with the SRMS would avoid the development having an adverse effect on the integrity of the European Sites. The SRMS mitigation measures would be appropriately secured by the s106 submitted by the appellant.

67. I find that the proposed mitigation of increased recreational pressures would be effective having regard to designated sites' conservation objectives and, in this regard, the proposal would not adversely affect the integrity of the European Sites. The development would therefore accord with ALP Policy DM24 which provides that planning permission will be granted for development that avoids or mitigates a likely significant effect on SPAs caused by recreational disturbance.

Habitat Sites - Water Quality

68. Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources. Proposals for additional housing inevitably have implications for wastewater and, without mitigation, would contribute to the eutrophication that reduces water quality in the Solent region. Such eutrophication would likely have a significant effect on the internationally important interest features of the CLH SPA, the CLH Ramsar site, and the Solent Maritime SAC by virtue of its effect on vegetation growth and food resources for qualifying species. For the same reasons, there would also be a likely significant effect on other nearby European Sites, including: the Solent and Dorset Coast SPA; Solent and Southampton Water SPA / Ramsar; Portsmouth Harbour SPA / Ramsar; and the Solent and Isle of Wight Lagoons SPA. These European sites form part of the wider receiving waters for the appeal site and qualifying features include, amongst others, over-wintering wildfowl and waders, and a wide range of coastal and transitional habitats supporting important plant and animal communities.
69. To demonstrate that the proposal would result in no net nutrient discharge into the European sites, the appellant has provided a nitrogen calculation in accordance with Natural England's recommended methodology³⁰. The calculation shows the development will result in a negative nitrogen budget by virtue of the cessation of intensive agriculture and the provision of public open space. Natural England raises no concerns regarding the nutrient load emitted by the proposal, provided that the proposed mitigation measures are appropriately secured. The provision of open space would be secured by the s106 submitted by the appellant. I find that the proposed mitigation would be effective in achieving net nutrient neutrality and having regard to designated sites' conservation objectives. As such, in this regard, the proposal would not adversely affect the integrity of the European sites.

³⁰ Advice on Achieving Nutrient Neutrality for New Development in the Solent Region

Support Habitats

70. The appeal site forms part of an identified 'secondary support area' (H05A) for waders and Brent Geese within the Solent Waders and Brent Goose Strategy (SWBGS). Whilst the site is on land that falls outside of the nearby European sites' boundaries, it is functionally linked to the CLH SPA and Ramsar sites by virtue of providing habitat for overwintering birds designated as qualifying species for these European sites. The proposal would result in the loss of an area of functionally linked habitat. As such, it would be likely to have a significant effect on the internationally important features of interest of the CLH SPA and Ramsar sites
71. A methodology for calculating off-site mitigation, based on a financial contribution relating to the area of habitat lost, is set out in the SWBGS. The proposed contribution is in accordance with that methodology and would be used for measures to mitigate against the loss of the site as a secondary support habitat for Solent Waders and Brent Geese in accordance with the SWBGS. The BHA has raised concerns that, whilst a financial contribution towards off-site mitigation is secured by the s106, the s106 does not specify what off-site mitigation will be in place at the time development commences. The SWBGS Mitigation Guide advises, however, that where impacts on secondary support areas cannot be avoided or adequately mitigated on-site, there may be scope for a more flexible approach to off-setting the impacts to these sites, provided the continued ecological function of the network is maintained and significant enhancements additionally delivered, for example by improved long term management³¹.
72. The contribution would be payable to the Council prior to commencement of the development. I note that the PHBLPC allocates land at 'Broadmarsh'³², close to the appeal site, for a Brent Goose and Wader Refuge. The financial contribution from the proposal could be reasonably used to bring forward this refuge project and significantly improve the site for SPA species through improved management. The SWBGS advises that funding secured to mitigate the loss of secondary support habitat is to be used to enhance, manage and monitor the wider Solent wader and Brent goose ecological network.³³
73. Natural England and the Council's Ecologist advise that the secondary support area H05A has not been regularly used by SPA birds in recent years. As such, I am satisfied that the obligation is worded, in accordance with the SWBGS, to ensure appropriate mitigation is secured for the wider Solent wader and Brent goose ecological network, whether this is at 'Broadmarsh', or at other suitable sites that may come forward. Natural England is satisfied with this approach and I have no substantive reason to disagree. I find that the proposed mitigation would be effective having regard to designated sites' conservation objectives and, in this regard, the proposal would not adversely affect the integrity of any European Sites.

Habitat Sites – Construction Impacts

74. Construction noise, pollution and activity has the potential to impact on the nearby European Sites and on the secondary support site (H05A) identified by

³¹ Paragraph 25 SWBGS Mitigation Guide 2018

³² Pre-Submission Local Plan Policy E25

³³ Paragraph 35 SWBGS Mitigation Guide 2018

the SWBGS. As such, the proposal would be likely to have a significant effect on the internationally important features of interest of the CLH SPA and Ramsar Sites. Natural England is satisfied that these impacts can be appropriately mitigated by a Construction Environmental Management Plan (CEMP). I find that the proposed mitigation would be effective having regard to designated sites' conservation objectives and, in this regard, the proposal would not adversely affect the integrity of any European Sites.

Appropriate Assessment Conclusion

75. For the reasons set out above, I can safely conclude that the proposed development would not, either alone or in combination with other plans or projects, adversely affect the integrity of any European sites. The proposal would accord with ALP Policies DM23 and DM24 which taken together, amongst other things, seek to protect SPAs and sites for Brent geese and Waders.

Other Matters

Character and Appearance

76. The appellant's Landscape and Visual Impact Assessment³⁴ (LVIA) advises that the site lies within the 'Landscape Character Area (LCA) 13: Historic Bedhampton' and comprises 'Landscape Type H: Open Lower Harbour Plain'. The LVIA further advises that the HBC Landscape Character Assessment Sensitivity Report (2007) ascribes this LCA a medium sensitivity, due to, amongst other things: its open agricultural areas; long distance paths and the streams; streamside vegetation; large gardens and boundary features around historic Bedhampton; pre-1810 village areas; listed and varied buildings. I have also carefully considered the Landscape and Visual Impact Assessment³⁵ (LLVIA) submitted by the BHA. Whilst the LLVIA does not assess the effect of the current proposal, it does find that the appeal site forms part of a landscape with medium visual and landscape character sensitivity.
77. As an open area of farmland adjacent to the settlement edge, the site currently makes a positive contribution to LCA 13. The immediate effects of the proposal would be transformational, and the introduction of 50 dwellings and a new access would inevitably cause some residual landscape harm given the existing greenfield nature of the site. The low density of housing proposed, in combination with extensive areas of public open space and associated landscaping, would go some way to mitigating the landscape character harm. Whilst the planting would take many years to fully establish, the Council's Landscape Officer does not object to the proposal subject to a landscaping condition securing an appropriate tree species mix. I attach significant weight to that advice.
78. The scale and design of the dwellings proposed, with a maximum of two-storey height and a mix of gable and hipped roofs would not appear out of context with the range of existing dwelling types in the local area. The proposed materials and architectural detailing of the dwellings, including timber boarding, decorative brick detailing, chimneys and arched brickwork above windows would be reflective of locally found design details. The proposed housing is arranged so that frontages would address both the internal roads and also Lower Road. This would provide for active frontages that overlook the

³⁴ terra firma Consultancy Ltd LVIA – April 2019

³⁵ Lizard Landscape, Design and Ecology LVIA - July 2018, LLD1453-LPL-REP-001

public areas. By setting the dwellings back from Lower Road, this enables more of the existing roadside hedge to be retained and the Farm Cottages to retain some prominence. The LVIA concludes that the overall landscape effect of the proposal would be moderate adverse after these factors are considered. I see no substantive evidence that would persuade me to disagree with these findings.

79. In visual terms, the main effects would be experienced by those travelling along, and residents of, Lower Road and Lodge Road. Wider views of the site are largely prevented by the railway line to the south and by highways infrastructure to the west. Views from the east would be filtered by the proposed replacement of the coniferous tree belt with broadleaved and native species trees. The main visual effects are, therefore, relatively localised and the proposed built elements would be substantially softened as proposed landscaping matures. The LVIA concludes that residual visual effects would be limited to no more than moderate adverse from public viewpoints, and major adverse on a very limited number of dwellings on Lower Road. I see no substantive evidence that would persuade me disagree with these findings.
80. The Framework sets out at paragraph 170 that planning decisions should recognise the intrinsic character and beauty of the countryside, amongst other matters. The site itself is not a 'valued' one within the meaning of national policy³⁶, and has no specific landscape designation. The site forms only a small proportion of the LCA 13 and substantial areas of agricultural land would be retained to the east and west of the proposed dwellings. Furthermore, I have found the sensitivity of the scheme's design to its immediate setting to somewhat offset the harm to the character and appearance of the area arising from the loss of the open agricultural land. The pedestrian linkages to Lower Road and the extensive public open space would provide good permeability with the existing village and allow existing and new members of the community to easily mix. I am satisfied the proposal would provide a high quality environment for future residents and visitors. Nevertheless, residual landscape character and visual harm would remain by virtue of the erosion of Bedhampton's rural setting.
81. In this way, the locally distinctive character of the landscape would be diminished contrary to HBCS Policy CS16 which requires development to respect local context, identifying and responding positively to existing features of natural, historic or local character within or close to the proposed development site. This identified harm must, therefore, weigh against the proposal in the planning balance.

Agricultural Land

82. The Framework requires that decisions contribute to and enhance the natural and local environment by recognising the economic benefits of the best and most versatile agricultural land. HBCS Policy CS11 criterion (10) also seeks to protect the best and most versatile agricultural land. The Council advises that the development would result in the loss of 3.8 ha of Grade 1 and 2 (Best and Most Versatile) agricultural land. I have no evidence before me regarding the agricultural quality of the site in comparison to other land in the borough.

³⁶ Framework para 170 a)

83. Nevertheless, I find the loss of this relatively small area of agricultural land does represent a minor adverse impact and represents conflict with HBCS Policy CS11 criterion 10. It must, therefore, weigh against the proposal in the planning balance.

Air Quality

84. The Council's Environmental Health Manager has considered the proposal in terms of both the effect of existing air quality upon the future occupants (as introduced sensitive receptors), and the emissions associated with the occupation of the proposed dwellings. Subject to the provision of sufficient green infrastructure to provide absorption and 'sink' services, the Environmental Health Manager does not object to the proposal. The required mitigation measures can be appropriately secured by condition and planning obligation. As such, I see no substantive reason to disagree with the Environmental Health Manager and find the proposal would not have a significant effect upon air quality.

Ecology

85. The application was accompanied by an ecological assessment³⁷ which found potential habitat for protected species was recorded on, and adjacent to the site. The assessment indicates potential for, and records of, birds, bats, reptiles and invertebrates. To mitigate any harm to protected species, an ecological strategy is proposed by the appellant. That strategy includes: creation of new habitats on the site's open space areas; mitigation method statements for protected species during construction phases of the development; payment provisions to local offsetting and avoidance projects on the adjacent protected coastal designated wildlife sites; the creation of species rich grasslands and tree planting; and the installation of bat and bird boxes and reptile refuges. The Council's Ecologist does not object to the proposal subject to conditions securing an appropriate ecological mitigation strategy and a Construction and Environmental Management Plan (CEMP). I see no substantive reason to disagree with the Council's Ecologist.
86. I am, therefore, satisfied that, subject to conditions securing the mitigation measures outlined within the ecological assessment and an appropriate CEMP, the development would achieve a net gain in biodiversity over the existing agricultural use. In this regard, the proposal would accord with HBCS Policy CS11 criterion 2 and HBCS Policy CS16 criteria 1b), which taken together, amongst other things, seek to support habitats, wildlife and biodiversity.

Flood Risk and Drainage

87. I have had regard to interested parties' comments highlighting that Lower Road has previously flooded following heavy rain and after a water main ruptured. No objections have been received from statutory consultees regarding the submitted Flood Risk Assessment and Development Drainage Strategy. The site is at low risk of flooding (Zone 1) and the drainage strategy proposes a SuDS scheme to collect, attenuate and convey the surface water runoff using swales and attenuation basins. Sewage would be connected to the mains. A

³⁷ Aluco Ecological Report 2019

management company would be secured by the s106, requiring details of how the SuDS would be maintained.

88. I see no substantive reason to disagree with the responses from statutory and technical consultees. I am, therefore, satisfied that an appropriate surface water and sewage drainage scheme could be provided, ensuring that there would be no resultant unacceptable risk of flooding or pollution to controlled waters. Details can be controlled by condition.

Living Conditions

89. I note the concerns of interested parties with regards to the effect of the proposal on existing residents living conditions by virtue of overlooking, loss of privacy and over dominance. The separation distance between the development and the existing dwellings on the northern side of Lower Road would be sufficient to prevent any unacceptable impact in these regards. The dwellings opposite the proposed access are set back and on raised ground in comparison to Lower Road. These factors would significantly reduce the noise and light impacts of cars entering and exiting the proposed development. Given the limited number of vehicular movements the development would generate, I am not persuaded that unacceptable harm to existing residents would result by virtue of additional vehicular noise and lights.
90. The proposed dwellings adjoining Manor Barn are separated from the common boundary by their rear gardens and a landscape buffer. The separation distance would be sufficient to prevent any unacceptable overbearing impact or loss of privacy. The proposed dwelling adjacent to the rear gardens of Farm Cottages would be a bungalow and would be set off the common boundary such that it would not be overbearing.
91. Construction would cause some disruption, but this would be temporary and would be mitigated by a CEMP, which can be secured by condition. I am therefore satisfied that appropriate living conditions would be maintained for existing surrounding residents.

Affordable Housing

92. HBCS Policy CS9 requires between 30-40% of new dwellings on new residential schemes of 15 or more units to be provided as affordable housing. In relation to major development involving the provision of housing, paragraph 64 of the Framework states that planning policies should expect at least 10% of the homes to be available for affordable home ownership as part of the overall affordable housing contribution from the site, subject to criteria and exceptions. PHBLPC Policy H2 requires 30% of new dwellings on new residential schemes of 10 or more outside of Havant, Waterlooville and Leigh Park town centres to be affordable housing.
93. The appeal scheme proposes 30% affordable housing (5 shared ownership and 10 affordable rented). The s106 secures this mix and includes an affordable housing plan showing the plot locations of the affordable housing. Delivery of the affordable housing is linked to the disposal of the market dwellings to ensure progress in the availability of the affordable dwellings.
94. I note comments from some local residents who dispute that the proposed affordable housing is genuinely affordable. The legal agreement which accompanies the application uses a definition of affordable housing which is in

line with the definition of that in the Framework. I am therefore satisfied that this would ensure that such housing would meet the Government's criteria for affordable housing. Furthermore, I note that the Council's Housing Manager does not object to the proposal and that there are a significant number of people on the waiting list for affordable housing³⁸.

95. As such, the development would make an adequate provision of affordable homes in accordance with HBCS Policy CS9, PHBLPC Policy H2 and the Framework.

Public Open Space

96. The proposal includes the provision of approximately 2ha of open space including children's allotments, a community orchard and other landscaped areas. The s106 secures public access to these areas, their retention and management. The open space would include new and enhanced planting and landscaping, resulting in some net biodiversity gain. The proposed open space would include linkages through to Lower Road and would attract users from nearby existing residential development. This would result in health and well-being benefits beyond the future residents of the new development.
97. PHBLPC Policy E9 sets out the requirements for new residential development of 50 dwellings or more to provide public open space. Amongst other things, the policy requires: high quality on-site public open space is provided to a standard of 1.5ha per 1,000 population; and on greenfield sites, part of the requirement is provided in the form of a community food growing space to a standard of at least 0.2ha per 1000 population. The proposal generates a need of approximately 0.3ha and the overall level of open space to be provided would, therefore, be significantly in excess of that required by Policy E9. A significant proportion of the open space is for green buffers along the boundaries of the site and provides some mitigation of harm to landscape and heritage assets. As such, I find that the public open space is necessary to make the development acceptable in planning term and is compliant with Policy E9, CIL regulation 122 and the tests of Framework paragraph 56.

Planning Obligations

98. Broad local concern is raised about the infrastructure capacity of Bedhampton to cope with the existing development levels and the proposed additional 50 units. While I note that Bedhampton is set to expand, there is no justification to withhold consent based on this specific point. Healthcare and highways contributions are incorporated into the s106. Furthermore, the County Council advises that the educational demands arising from the development can be met in local schools. There is no substantive evidence to support claims that, with the proposed planning obligations, there would be an undue strain on local services including highways, education and healthcare.
99. A signed and dated s106 was submitted prior to the Inquiry. The s106 would secure the provision of: 30% affordable housing; site access works; s106 monitoring fee; open space including an orchard, children's allotments, associated infrastructure and management plan to ensure that the open space is managed for nutrient neutrality; SUDS bond and permissive paths. The s106

³⁸ Registered on Hampshire Home Choice.

also secures financial contributions towards the Solent Recreation Mitigation Strategy, healthcare, the Solent Waders and Brent Goose Strategy; a community worker; and improvements to the route to school. The Council has set out the relevant planning policy support/justification related to these obligations.

100. I have considered the s106 in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), Paragraph 56 of the Framework and the PPG regarding the use of planning obligations. Having done so, I am satisfied that the obligations would be required by, and accord with, the policies set out in the Council's and the appellant's submissions in this regard. Overall, I am satisfied that the obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Other issues

101. Whilst I appreciate the concern raised regarding the issue of the impact of the proposal on existing local property values, I have no substantive evidence to suggest that local property prices would be adversely affected. Furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property or private views. I appreciate the desire to protect the OBCA in order to maintain tourism, however, I have no substantive evidence before me to suggest that tourism would be adversely impacted by the development.
102. I have considered the BHA's assertions that the proposal would result in parcels of space left over after the development that would be less viable and vulnerable to future development. I have also had regard to concerns relating to light pollution from the scheme. However, I have no substantive evidence before me in these regards. Each application and appeal must be determined on its individual merits, and generalised concerns such as these do not justify withholding permission in this case.
103. I have had regard to the concerns that the development would harm the viability of The Elms. Given the distance between the site and The Elms, and my conclusions on highways impact, I am not persuaded that the development would have a detrimental impact on the occupancy levels of either the reception room or residences at The Elms.
104. I have also considered concerns with regards to the need for the replacement of the tree shelter belt to be appropriately managed. The replacement shelter belt planting forms part of the open space that would be supervised by a management company. The s106 requires submission of proposals for the management plan within 6 months of commencement of the development. A condition has also been agreed by the appellant and Council that requires a strategy and planting program for the replacement of the tree shelter belt to be approved by the Council prior to above ground development commencing. Subject to these controls, I find that any short term harm in this regard to heritage assets, and to the character and appearance of the area, could be appropriately minimised. Furthermore, any effects from the construction period would be short-term and could be mitigated by careful construction management also secured by condition.

105. There is no firm evidence to suggest that the proposal would create an unsafe environment for children by virtue of access to the railway bridge or that the proposed water features would result in insect borne diseases. Whilst I am aware that an amended planning application on the site has been submitted to and refused by the Council, I have reached my own conclusions on the appeal proposal based on the evidence before me.

OVERALL CONCLUSIONS AND PLANNING BALANCE

Assessment Against the Development Plan as a Whole

106. I have found that the proposal conflicts with the most relevant policies within the development plan, as set out in the SoCG, namely HBCS Policies CS11, CS16 and CS17, and ALP Policies AL2 and DM20.
107. The proposal would be on greenfield land outside the urban area boundary for Bedhampton and, in this respect, delivery of homes on the site would not accord with the spatial strategy within the development plan. However, I have afforded very limited weight to the conflict with both HBCS Policy CS17 and ALP Policy AL2. This is due to their reliance on urban area boundaries predicated on out-dated levels of housing need.
108. I give great weight to the conflict of the proposal with HBCS Policies CS11 and CS16, and ALP Policy DM20, primarily by virtue of the proposal's harmful effect on the setting and significance of the OBCA, but also due to the moderate harm to the limited significance of Narrow Marsh Lane. The proposal would fail to protect and respond positively to existing historic features as required by these development plan policies.
109. The landscape is of local value and there would be harm arising both to landscape character and to visual amenity. The proposal would provide additional landscape planting and the replacement of the harmful coniferous shelter belt with native broadleaf trees would represent enhancement. The landscape character and visual impact of the proposal would be significant in the short-term. Longer term impacts would be somewhat mitigated as landscaping matures. Nevertheless, residual landscape character and visual harm would remain by virtue of the erosion of Bedhampton's rural setting. These harms would be visually contained and localised. As such, I give only limited weight to these harms and the conflict with HBCS Policy CS16 which requires development to demonstrate that it integrates with existing local landscape features. I also afford limited weight to the harm that would result from the loss of a relatively small area of BMV agricultural land and the conflict with HBCS Policy CS11 criterion (10).
110. The development would provide 30% affordable homes in an area with a significant waiting list for such homes. As such, I give significant weight to the delivery of affordable homes in accordance with HBCS Policy CS9 criterion (2).
111. It would also provide net bio-diversity gains through habitat creation on a site which is currently predominantly open arable land. I give moderate weight to the development's promotion of wildlife and biodiversity in accordance with HBCS Policy CS16 criterion (1b).
112. Furthermore, the proposal would not offend other development plan policies, including relating to air quality, designated European Habitats, accessibility, transport and highways safety.

113. Overall, however, I find that the harm to heritage assets and the resulting policy conflicts, in combination with the other lesser policy harms identified, are such that the proposal cannot be regarded to accord with the development plan when taken as a whole.
114. I now turn to consider whether there are material considerations that would determine that my decision should be made otherwise than in accordance with the development plan.

The Heritage Balance

115. Paragraph 196 of the Framework requires that the less than substantial harm to the OBCA be weighed against the public benefits of the scheme. Whilst I have identified that the less than substantial harm is at a moderate level within that spectrum, I attribute great weight³⁹ and importance to the conservation of designated heritage assets, understanding that heritage assets are an irreplaceable resource. As such, I give great weight to the harm to the setting and significance of the OBCA.

Public Benefits

116. The PPG⁴⁰ advises that, 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework'.
117. Amongst the benefits of the proposals would be the provision of a significant number of homes in a borough where there is not a 5 year supply of deliverable housing sites by a considerable margin. Wherever the actual deliverable housing land supply figure may lie within the agreed range, even a most favourable position of 4.1 years, which includes provision of homes on the appeal site, is still notably deficient.
118. Whilst there is uncertainty regarding allocations in the emerging plan, it is clear that the Council will not be able to significantly boost its supply of homes and meet its housing needs without the development of currently unallocated countryside sites beyond existing development boundaries. Whilst the requirement to achieve nutrient neutrality has previously been a significant constraint to housing delivery and a strategic mitigation strategy in this regard has now been adopted, there is no clear evidence that a 5YHLS will be achieved imminently. Indeed, the Council's current proposed housing strategy includes housing delivery on the appeal site. The Housing Delivery Test results for 2020 are significantly below the expectation in the Framework and the borough's housing needs continue not to be met. The proposal would help to rectify this situation more quickly than waiting for the emerging local plan to allocate sites across the borough.
119. The Framework⁴¹ is clear that the Government's objective is to significantly boost the supply of homes to meet peoples' housing needs. The scheme would provide 35 units of much-needed market housing and 15 units of affordable housing in an area where there is a significant waiting list for affordable housing. The Council and appellant agree that the delivery of the proposed housing, in an area where housing delivery requirements are not being met, is

³⁹ Framework paragraph 193

⁴⁰ Paragraph: 020 Reference ID: 18a-020-20190723 - Revision date: 23 07 2019

⁴¹ Framework Paragraph 59

a material consideration of substantial weight. The proposal would provide a high quality environment for future residents and good access to local services and facilities. As such, I give substantial weight to the provision of both the affordable and market housing on the site.

120. The proposed development would include significant areas of public open space, including the provision of children's allotments, a community orchard, the removal of the harmful coniferous shelter belt and provision of other landscaped areas. This approximate 2 hectares of open space would make appropriate provision for prospective residents and would, given the linkages through to Lower Road, also attract users from the wider community. The open space would, therefore, promote health and well-being within the wider community in accordance with Framework paragraph 91. I afford moderate weight to the benefits derived from the public open space.
121. The site is of limited ecological value and proposed enhancements to biodiversity include introducing species rich grassland, native hedgerow, new trees and water features. Bird and bat boxes would also be provided. The cessation of intensive agriculture and the provision of public open space will also benefit the habitats of the nearby European sites. The proposed ecological enhancements go beyond just mitigation for the effects of the development. As such, I find the net biodiversity gain resulting from the proposal is supported by Framework paragraph 170(d) and afford this benefit moderate weight.
122. The development would result in supporting direct and indirect jobs during construction, with additional contributions to the economy generally through the activity and spending of future occupiers. Although the economic benefits may be ones that would result from any residential development, they are nonetheless important and are ones to which I attach moderate weight.
123. I acknowledge that the development includes a significant number of electric vehicle charging points and water efficiency will be secured by condition. I give some weight to these measures given their support within paragraph 148 of the Framework which requires the planning system to support the transition to a low carbon future.

Heritage Balance Conclusion

124. Overall, I find that the delivery of the proposed housing would yield significant social, economic and environmental benefits. Furthermore, I find that the public benefits would be of sufficient importance to outweigh the harm that would arise to the significance of the OBCA.

The Tilted Balance

125. By virtue of the agreed absence of a 5YHLS and the Council's most recent Housing Delivery Test result, the tilted balance under paragraph 11 d) of the Framework is engaged and the policies most important for determining the application are thereby deemed to be out-of-date. In view of my conclusions on the heritage balance, and taking account of my findings concerning the Appropriate Assessment under the Habitats Regulations, the relevant approach is to consider the balance in accordance with paragraph 11d)ii). This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

126. I give great weight to the harm to the significance of the OBCA as set out above. In the case of non-designated heritage assets, paragraph 197 of the Framework makes clear that a balanced judgement should be made, having regard to the scale of any harm and the significance of the asset. As such, given the limited significance of Narrow Marsh Lane, I give limited weight to the harm to its significance.
127. Framework paragraph 170(b) requires planning decisions to recognise the intrinsic character of the countryside and the economic benefits of the best and most versatile agricultural land. Given a relatively small area of BMV agricultural land would be lost and the landscape harm would be localised, I attach limited weight to these harms.
128. Weighing against these negative impacts are the public benefits listed above in the heritage balance. In particular, the delivery of housing to address the supply shortfall, even taking the most favourable position of 4.1 years supply, is a benefit of substantial weight.
129. Overall, the adverse impacts of granting planning permission in this instance would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Final Planning Balance

130. I have found the proposal conflicts with the development plan as a whole. However, whilst I recognise the importance of the plan-led system⁴², it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.
131. I acknowledge the strength of local opposition to the proposal and have given significant consideration to the many concerns raised.
132. I also acknowledge that the principle of developing the site with the quantum of development proposed is currently supported by the emerging plan. Nevertheless, given the potential for modifications to Policy H20, I afford that policy's support for the development only limited weight.
133. There is, however, substantial policy support for the proposal within the Framework given the economic, social and environmental benefits of the proposal as variously set out above. The presumption in favour of sustainable development, as set out at paragraph 11d)ii) of the Framework, provides very substantial weight in favour of the proposal.
134. As such, overall, I find that the conflict with the development plan as a whole is outweighed by other material considerations.

⁴² Framework Paragraph 15

Conditions

135. I have considered the conditions agreed between the Council and the appellant against the requirements of the PPG and the Framework. Where necessary, I have amended the set of conditions for clarity, to ensure compliance with national policy and guidance, and in light of the discussions at the inquiry. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG. The numbers in brackets relate to the conditions in the schedule.
136. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant plans and documents as this provides certainty (2).
137. A number of the detailed plans suggested to be included in condition 2 reflect a superseded site plan and do not, therefore, provide complete detail in relation to the amended site plan. I have therefore omitted those plans from condition 2 and have secured submission of the relevant detail through other conditions where necessary. The omitted plans are:
- MJA Consulting Drawing No: 5992: P92 Estate Car Tracking
 - MJA Consulting Drawing No: 5992: P05 Rev A Surface Strategy
 - MJA Consulting Drawing No: 5992: P03 Rev A Kerb Strategy
 - MJA Consulting Drawing No: 5992: P02 Rev A Levels Strategy
138. In the interests of heritage, character and appearance, it is necessary to attach conditions in relation to: landscaping (4, 10, 16); materials to be used externally on the buildings (11); removal of permitted development rights (23) and finished floor levels (14). I have considered the removal of permitted development rights for the dwellings on plots 26 to 41 but do not find that there is clear justification to do so given their separation from the OBCAA.
139. In the interests of ecology, a condition ensuring appropriate protection of biodiversity and habitats is necessary (3). Conditions 3 and 4 are pre-commencement conditions as ecology and tree protection measures will need to be agreed before works begin to prevent the development resulting in harm in these regards.
140. In the interests of living conditions, ecology, highways safety and efficiency, a condition requiring a Construction and Environmental Management Plan Statement is necessary to appropriately address potential pollution and other environmental effects (5). It is necessary that details are approved prior to the commencement of development as the arrangements must be put in place at the outset of the development commencing to avoid harm.
141. It is necessary to include a condition to address potential issues of contaminated land (17) to ensure the development can be safely occupied. A condition requiring details of noise attenuation measures (18) is necessary to ensure the satisfactory living conditions of future residents.
142. In order to prevent increased risks of flooding and pollution, and in the interests of the principles of sustainable drainage, conditions are necessary to ensure the appropriate surface water drainage of the site (6, 7). These conditions are pre-commencement due to the environmental risk of inappropriate surface water run-off.

143. In the interests of highway safety and accessibility, conditions are necessary to ensure visibility splays (19), surfacing (20), car parking (21), delivery of permissive paths (13), appropriate kerbing and vehicle tracking (15).
144. In the interests of water efficiency and sustainable transport, conditions are necessary to secure water efficiency measures (12) and to secure provision of electric charging points (22).
145. In the interest of protecting and recording archaeology, conditions are necessary to secure archaeological surveying and recording (8, 9). These details need to be agreed before works begin to prevent the development resulting in harm in this regard.

Conclusion

146. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/X1735/W/20/3259067
Land at Lower Road, Lower Road, Bedhampton, Havant PO9 3NB

Standard Time Limit

- 1) The development must be begun not later than three years beginning with the date of this permission.

Details and Drawings

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details unless otherwise required by the conditions below:
 - HGP Drawing No: 17.043.100 Site Location Plan Rev A
 - HGP Drawing No: 17.043.101 Topographical Survey
 - HGP Drawing No: 17.043.102 Rev S – Proposed Site Layout
 - HGP Drawing No: 17.043.200 House Type A Rev D
 - HGP Drawing No: 17.043.201 House Type B Rev C
 - HGP Drawing No: 17.043.202 House Type C Rev C
 - HGP Drawing No: 17.043.204 House Type E Rev E
 - HGP Drawing No: 17.043.205 House Type F Terrace Rev D
 - HGP Drawing No: 17.043.205A House Type F Terrace Rev D
 - HGP Drawing No: 17.043.205B House Type F Terrace AFF Rev A
 - HGP Drawing No: 17.043.206 House Type F Semi AFF Rev D
 - HGP Drawing No: 17.043.207 House Type G Rev C
 - HGP Drawing No: 17.043.208 House Type H Rev B
 - HGP Drawing No: 17.043.209 House Type J Rev C
 - HGP Drawing No: 17.043.210 House Type K Rev A
 - HGP Drawing No: 17.043.211 House Type K Elevations Rev B
 - HGP Drawing No: 17.043.212 House Type L Rev B
 - HGP Drawing No: 17.043.213 House Type L Elevations Rev C
 - HGP Drawing No: 17.043.214 House Type M AFF Rev B
 - HGP Drawing No: 17.043.215 House Type N AFF Rev D
 - HGP Drawing No: 17.043.216 Car Barn 5 Bay Rev E
 - HGP Drawing No: 17.043.218 Double Garages Rev B
 - HGP Drawing No: 17.043.219 Single Garages Rev B
 - HGP Drawing No: 17.043.220 House Type HA Rev D
 - HGP Drawing No: 17.043.221 House Type AA Rev B
 - HGP Drawing No: 17.043.222 House Type JA Rev B
 - HGP Drawing No: 17.043.223 House Type O Rev C
 - HGP Drawing No: 17.043.225 Sub Station Rev B
 - HGP Drawing No: 17.043.226 Street Scenes 1 of 2 Rev B
 - HGP Drawing No: 17.043.227 Street Scenes 2 of 2 Rev B
 - HGP Drawing No: - EV Charging Point Plan Rev P
 - MJA Consulting Drawing No: 5992: P11 Rev A Attenuation Basin Sections
 - MJA Consulting Drawing No: 5992: P01 Rev G Drainage Layout

- MJA Consulting Drawing No: 5992: 601 Rev C Highway Arrangement
- MJA Consulting Drawing No: 5992: P91 Fire Appliance Tracking
- MJA Consulting Drawing No: 5992: P90 Rev A Refuse Vehicle Tracking
- MJA Consulting Drawing No: 5992: P93 Entrance Footways
- MJA Consulting Drawing No: 5992: P60 Rev A Construction Access Tracking
- MJA Consulting Drawing No: 5992: P20 Highway Construction Details
- MJA Consulting Drawing No: 5992: P10 Road and Sewer Sections
- Terrafirma Landscaping Scheme Drawing No: 1860-TF-00-00-DR-L-1002 Rev 07A Sheet 1 of 5 – Amended Plan
- Terrafirma Landscaping Scheme Drawing No: 1860-TF-00-00-DR-L-1003 Sheet 2 of 5
- Terrafirma Landscaping Scheme Drawing No: 1860-TF-00-00-DR-L-1004 Sheet 3 of 5
- Terrafirma Landscaping Scheme Drawing No: 1860-TF-00-00-DR-L-1005 Rev 07A Sheet 4 of 5 – Amended Plan
- Terrafirma Planting Schedule Drawing No: 1860-TF-00-00-DR-L-1006 Sheet 5 of 5
- Tree Survey Drawing No: BJH 01/02 Sheets 1 – 3
- Tree Protection Plans Drawing No: BJH/03/04 Sheets 1 – 4

Pre-commencement

- 3) Prior to the commencement of development, 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 Assessment (Aluco, April 2019) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be implemented in accordance with the agreed details and an agreed timetable and shall be maintained for the lifetime of the development in a condition suited to their intended function.
- 4) Prior to the commencement of development, the approved tree protective measures, including fencing and ground protection, in accordance with the submitted Arboricultural Method Statement (Bernie Haverson Arboricultural Consultant, ref: BJH.1010.June19) and Tree Protection Plan (dwg no. BJH 03/04, Sheets 1 to 4) shall be installed and maintained throughout the duration of the construction period. No arboricultural works shall be carried out other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
- 5) No development shall take place until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to, and

approved in writing by, the Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, April 2019) and must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall include, but not be limited to, details of the:

- a) Programme for carrying out of the works;
 - b) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - c) Measures to minimise the noise (including vibration) generated by the construction process;
 - d) Construction traffic routes and their management and control;
 - e) Arrangements for deliveries associated with all construction works;
 - f) Loading and unloading of plant and materials;
 - g) Storage of plant and materials used in constructing the development;
 - h) Location of temporary site buildings, compounds, construction material, and plant storage areas;
 - i) Access and egress for plant and machinery;
 - j) Protection of pedestrian routes during construction;
 - k) Delivery and construction working hours;
 - l) Procedures for emergency deviation of the agreed working hours;
 - m) Control measures for dust and other air-borne pollutants;
 - n) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
 - o) Parking and turning of vehicles of site operatives and visitors;
 - p) Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - q) Measures to prevent mud being deposited on the highway;
 - r) Provision for addressing any abnormal wear and tear to the highway;
 - s) A scheme for recycling/disposing of waste resulting from the construction works.
- 6) The development hereby permitted shall not be commenced until a surface water drainage scheme has first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and an agreed timetable and retained thereafter.
- 7) The development hereby permitted shall not be commenced until a scheme for water quality monitoring of site surface water drainage discharging to boreholes has been submitted to, and approved in writing by, the local planning authority. The approved monitoring scheme shall be carried out in accordance with the agreed details.

- 8) The development hereby permitted shall not be commenced until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) the programme and methodology of site investigation and recording
 - b) the programme for post investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation
 - f) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

Above ground/slab level

- 9) No above ground development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- i) Written specifications (including cultivation and other operations associated with plant and grass establishment;
 - ii) Planting methods, tree pits & guying methods;
 - iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland;
 - v) Manner and treatment of watercourses, ditches and banks;
 - vi) Details of all hard-surfaces, such as paths, internal access roads, seating areas and parking spaces, including their finished level, appearance, depth and permeability;
 - vii) Means of enclosure, in particular boundary walls and planting around properties and including their frontages, including any retaining structures;
 - viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution;
 - ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced in the next planting season with another of similar type and size.

- 10) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details / samples.
- 11) No development above slab level shall occur until a water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development has been submitted to and approved in writing by the Local Planning Authority. All measures necessary to meet the agreed water efficiency calculation must be installed before first occupation of each dwelling and the measures retained thereafter.
- 12) No above ground development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (a) a specification of the type of construction for the permissive path(s), including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels together with details of the method of disposing surface water;
 - (b) a programme for making up the permissive path.

The works shall be carried out in accordance with the approved details and an agreed timetable.
- 13) No above ground development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 14) No development above slab level shall occur until details of the internal access roads and parking areas, including the kerb strategy and car tracking details, have been submitted to and approved in writing by the local planning authority. The internal access road(s) shall thereafter be constructed in accordance with the approved details and an agreed timetable and shall be managed and maintained as approved for the lifetime of the development.
- 15) No above ground development shall take place until a strategy and planting program for the replacement of the tree shelter belt (as shown on dwg no. 17.043.102 Rev S) has been submitted and approved in writing by the Local Planning Authority. The strategy shall set out the program and timing for the phased removal of the conifer belt and

provide details of the replacement planting including species, size, and planting density. The planting shall be carried out in full accordance with the approved details. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced in the next planting season with another of similar type and size.

Pre-occupancy

- 16) The development hereby permitted shall be carried out in accordance with the recommended Remedial Works and Contamination Discovery Strategy outlined in sections 11.2 & 13.0 of the Geo-Environmental Services Ltd. Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0, dated 08/11/2017). Prior to the occupation of any part of the permitted development subject to remediation, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
The verification report must;
 - a) demonstrate the adequate segregation of made soils deemed inappropriate for use in private garden areas, and either the appropriate 'off-site disposal' or 'within-development placement' of this material to ensure that no unacceptable exposures arise, and;
 - b) document any assessments &/or remedial actions required to be taken in accordance with the Contamination Discovery Strategy, or if no actions were required; provide a positive declaration that no relevant discoveries of previously undocumented 'suspected contaminated' soils were made.
- 17) The development shall be carried out in accordance with the specification measures outlined in Parts 5.7 - 5.10 of the submitted Noise and Vibration Impact Assessment (Technical Report: R6954-1 Rev 1, dated 28th March 2019). The sound attenuation works shall be completed for each dwelling before it is occupied and shall be retained thereafter.
- 18) Prior to first occupation of the dwellings hereby approved, the visibility splays shown for the vehicular access and two pedestrian accesses onto Lower Road shown on Dwg no.5992-601-C (General Highway Arrangements) shall be provided so that any obstruction within the splays between 0.6m and 3m above the level of the carriageway shall be removed. These splays shall be maintained in such condition thereafter.
- 19) Prior to first occupation of the dwellings hereby approved, the first 16m of the vehicular access onto the site, measured from the nearside edge of the carriageway of the adjacent highway, shall be surfaced in a non-migratory material and shall be maintained in such condition thereafter.
- 20) The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first occupied and shall be retained thereafter for those purposes.

- 21) Prior to the first occupation of the dwellings hereby approved, full details of the Electrical Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Conditions relating to post occupancy

- 22) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), no development permitted by Part 1, Classes A, B, C and E of the 2015 Order (as amended) shall be carried out within the curtilage of Plots 7, 10, 11, and 22 to 25 inclusive without the prior written approval of the Local Planning Authority.

APPEARANCES

FOR THE APPELLANT:

Mr Sasha White of Queens Counsel	Landmark Chambers, instructed by Bargate Homes
He called: Mr John Trehay BA MCIfA	Technical Director, Terence O'Rourke Ltd
Mr David Jobbins BSc (Hons) Dip TP Dip EM MRTPI	Director, Luken Beck MDP Ltd
Stephen John Jenkins MSc MRTPI MCIHT	Partner, i-Transport LLP

FOR THE LOCAL PLANNING AUTHORITY:

Mr Timothy Leader of Counsel	St John's Chambers, instructed by Havant Borough Council
He called: Mr Jack Hanson BA MA AssocIHBC	Senior Heritage Consultant, Node Urban Design Ltd
Mr Simon Wood, Honours Degree in Urban and Regional Planning, Bachelors Degree in Town Planning, MRTPI	Director of Planning and Building Control, Capita, Breckland Council

FOR BEDHAMPTON HERITAGE ALLIANCE:

Mr Ronald Tate, BA(Hons) DMS(Dist) FRTPI(rtd)	Bedhampton Heritage Alliance
Mr David Hindley BSc(Hons) Physics; Chartered Engineer CEng (IET)	Trustee of the Manor Trust Charity

INTERESTED PERSONS:

Mr Mayor	Local Resident
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DOCUMENTS SUBMITTED DURING THE COURSE OF THE INQUIRY

ID01	Opening submissions on behalf of the appellant
ID01A	Appendix 1 – Chronology of Key Events
ID01B	Appendix 2 - R. v. Hammersmith and Fulham London Borough Council, ex p. People Before Profit Ltd. Queen’s Bench Division, Comyn J, May 12, 13, 14 and 20, 1981
ID01C	Appendix 3 - Monkhill Ltd v Secretary of State for Housing, Communities and Local Government and another, [2019] EWHC 1993 (Admin), Holgate J, 2019 July 9; 24
ID01D	Appendix 4 – Monkhill Ltd v SSHCLG [2021] EWCA Civ 74, 28 January 2021
ID02	Opening submissions on behalf of the Havant Borough Council
ID03	Opening submissions on behalf of Bedhampton Heritage Alliance
ID04	HBC Housing Delivery Action Plan (January 2021)
ID05	Gladman Developments Ltd v Secretary of State for Housing, Communities; and Corby Borough Council; and Uttlesford District Council, [2021] EWCA Civ 104, 03 January 2021
ID06	Policy H20 (Land south of Lower Road) – Pre-Submission Havant Borough Local Plan with Changes.
ID07	Closing submissions of Bedhampton Heritage Alliance
ID08	Revised list of plans and documents
ID09	Bedhampton Heritage Alliance E-mail correspondence regarding the amended landscape plans.
ID10	Havant Borough Local Plan Pre-Submission Version with Changes
ID11	Closing submissions on behalf of Havant Borough Council
ID12	Closing submissions on behalf of the appellant
ID13	List of conditions

DOCUMENTS SUBMITTED AFTER INQUIRY SESSIONS:

1. Natural England Habitat Regulations Appropriate Assessment Comments – received 22 February 2021
2. BHA Additional Habitats Regulations Comments – received 25 February 2021
3. Appellant Additional Habitats Regulations Comments – received 25 February 2021

Appendix 4 - Summary Policy/Guidance Tables

Policy/Guidance	Weight	Compliance Level
		Full ✓✓ Partial ✓ Non -Compliance x
NPPF – 2019		
Achieving Sustainable Development	Significant	✓✓
Plan-making	Significant	N/A
Decision-making	Significant	✓✓
Delivering a sufficient supply of homes	Significant	✓✓
Building a strong, competitive economy	Significant	N/A
Ensuring the vitality of town centres	Significant	N/A
Promoting Healthy and safe communities	Significant	✓✓
Promoting sustainable transport	Significant	✓✓
Supporting high quality communications	Significant	✓
Making effective use of land	Significant	✓✓
Achieving well-designed places	Significant	✓✓
Protecting Green Belt land	Significant	✓✓
Meeting the challenge of climate change, flooding and coastal change	Significant	✓✓
Conserving and enhancing the natural environment	Significant	✓✓
Conserving and enhancing the historic environment	Significant	✓✓
Facilitating the sustainable use of minerals	Significant	N/A

Policy/Guidance	Weight	Compliance Level Full ✓✓ Partial ✓ Non -Compliance x
Adopted Havant Local Plan (2011)		
CS8 (Community Safety)	Significant	✓✓
CS9 (Housing)	Limited	✓
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)	Significant	✓✓
CS13 (Green Infrastructure)	Significant	✓✓
CS14 (Efficient Use of Resources)	Significant	N/A
CS15 (Flood and Coastal Erosion)	Significant	✓✓
CS16 (High Quality Design)	Significant	✓✓
CS17 (Concentration and Distribution of Development within the Urban Areas)	Limited	x
CS20 (Transport and Access Strategy)	Significant	✓✓
CS21 (Developer Requirements)	Significant	✓✓
DM6 (Coordination of Development)	Significant	✓✓
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)	Significant	✓✓
DM10 (Pollution)	Significant	✓✓
DM11 (Planning for more Sustainable Travel)	Significant	✓✓
DM12 (Mitigating the Impacts of Travel)	Significant	✓✓

DM13 (Car and Cycle Parking on Residential Development)	Significant	✓✓
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Policy/Guidance	Weight	Compliance Level Full ✓✓ Partial ✓ Non -Compliance x
Adopted Havant Local Plan - Allocations (2014)		
AL1 (Presumption in Favour of Sustainable Development)	Significant	✓✓
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)	Limited	x
DM18 (Protecting New Developments from Pollution)	Significant	✓✓
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)	Significant	✓✓
DM23 (Sites for Brent Geese and Waders)	Significant	✓✓

Policy/Guidance	Weight	Compliance Level Full ✓✓ Partial ✓ Non -Compliance x
Emerging Local Plan (2014)¹		
DR1 (Delivery of Sustainable Development)	Significant	✓✓
H2 (Affordable Housing)	Significant	✓✓
H3 (Density)	Significant	✓✓
H1 (High Quality New Homes)	Significant	✓✓

H4 (Housing Mix)	Significant	✓✓
IN3 (Transport and Parking)	Limited	✓✓
IN5 (Future Management and Management Plans)	Limited	✓✓
E3 (Landscape and Settlement Boundaries)	Limited	✓
E9 (Provision of Public Open Space in New Developments)	Limited	✓✓
E12 (Efficient Use of Resources & Low Carbon Design)	Limited	✓✓
DR2 (Regeneration)	Limited	✓

- 1) Whilst overall we ascribe limited weight to the emerging Plan, we recognise that certain important emerging policies could be assigned 'Significant' weight in the context of the consideration of this application and the presumption in favour of sustainable development.