

Our ref: 50947/RO
Your ref: APP/21/00678

Planning Services
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Sent by email to: david.eaves@havant.gov.uk
planning.development@havant.gov.uk

24 May 2022

Dear David

Application for Reserved Matters Approval pursuant to Outline Planning Permission APP/19/00007 for the layout, scale, appearance and landscaping of 70 dwellings and associated works. Request for approval of details pursuant to Conditions 5 (Arboriculture); 7 (landscaping); 8 (drainage); 10 (boundary treatments); 13 (levels); 15 (highways); 17,18 and 19 (archaeology); 21 and 32 (lighting).

I write regarding the above and further to our recent discussions.

Revised Layout

I understand that you have received comments from a Ward Member which raise concern regarding the following:

- Lack of fencing around proposed LAP
- Parking arrangements
- Interchange between adopted/unadopted surfaces

LAP – a 1m timber palisade fencing around the proposed LAP is now proposed (see plan ref.JSL3850-200-J Hard Landscape Proposals).

Parking – the parking arrangement has been amended. Triple tandem parking is not required to meet the relevant parking standards (see plan ref.REDR2008-PAL.01-J Parking Allocation Layout) but has been added to over-provide against parking standards in some instances, so that visitor parking is taken off-street and instead provided within individual plots themselves.

Adopted/Unadopted surfaces – the hard landscaping proposals have been amended to remove the areas of granite setts which are perceived to cause a hazard. These have been replaced with an inverted HB2

curb to delineate the change from an adopted surface to an unadopted surface (see plan ref.JSL3850-200-J Hard Landscape Proposals).

Policy

In our telephone conversation of 22/4 we agreed that updating the schedule of compliance with an emerging local plan that has now been withdrawn will serve no purpose. Instead, you suggested that a note should be provided which addresses accordance with the interim Housing Delivery Position Statement (March 2022).

The interim statement is drafted to consider the principle of development. It states¹:

*“A key action identified by the Council’s Housing Delivery Action Plan is to support the principle of residential development on emerging allocations in advance of the Local Plan being adopted. In such cases, proposals should comply with the new requirements and standards in the emerging Local Plan which is necessary to justify a departure from the Development Plan. **The objective of this Position Statement is to make this expectation clear to applicants and developers for decision making purposes** (emphasis added).”*

In this instance the principle of development has been established by the OPP and therefore the RM should not be required to accord with any emerging standards.

Further, we are concerned that this interim statement has not been subject to any formal consultation, and consider that it should not be used as a decision-making tool.

Nevertheless, and in the interests of working with the Council to deliver much needed new homes, we have reviewed the Position Statement and make the following observations regarding its 6 decision-making principles:

Decision Making Principle 1 - Application of the Tilted Balance and the Habitat Regulations

With reference to the flowchart:

- The development plan does contain relevant policies;
- These policies are out of date so NPPF#11d(i) is engaged;
- There are no adverse impacts of approval which would significantly and demonstrably outweigh the benefits so NPPF#11d(ii) is engaged;
- An HRA has been carried out by the LPA and concluded that the proposals are unlikely to have a significant effect on internationally designated sites. Following updated guidance from Natural England (NE) a revised nutrient budget has been prepared (attached with this letter) and surplus nitrogen will be mitigated through the removal of agriculturally productive land and the purchase of nutrient credits from a locally approved supplier. It is anticipated that following a further HRA, the LPA will conclude that the proposals are unlikely to have a significant effect on internationally designated sites.
- Planning permission should be granted without delay

¹ Paragraph 1.7

Decision Making Principle 2 - Sites not in accordance with the Development Plan where the Council accepts the principle of development

The principle of development has already been established by the granting of outline planning permission (ref.APP/19/00007). No further input to DMP2 is required.

Decision Making Principle 3 - Assessment of summertime transport implications of development on Hayling Island and in Langstone

The application site is not on Hayling Island or in Langstone so DMP3 is not relevant.

Decision Making Principle 4 - Sites not in accordance with the Development Plan where the principle of development has not been previously identified

The principle of development has already been established by the granting of outline planning permission (ref.APP/19/00007). The site is available. It is a suitable location for development now, and there is a realistic prospect that housing will be delivered on the site within 5 years. Therefore, the site is considered to be deliverable.

Decision Making Principle 5 - Development quality

The proposal represents a high-quality development. With reference to the list of expectations:

- a) The proposed development delivers infrastructure and makes financial contributions;
- b) The proposed development is designed to a high standard, and in a manner that reflects the character, density and appearance of the local area;
- c) The proposed development has a net developable area of approximately 34dph. This could be higher if the dark corridor and root protection areas along the western boundary, and the water supply easement along the southern boundary, are removed from the developable area. In any event, the 40dph target is more appropriate for urban centre locations. Edge of settlement locations should be designed with a reduced density to reflect a more suburban or rural edge character;
- d) A new shared pedestrian/cycle link along the Bartons Road frontage is proposed;
- e) The proposed development achieves a net gain in biodiversity through:
 - the removal of agricultural land, and the provision of a comprehensive landscaping scheme which delivers connectivity between areas of high biodiversity off-site;
 - the retention of important trees and hedgerows; and
 - the mitigation of protected species, including buffers.
- f) The applicant has committed to the delivery of EV charging infrastructure for each new residential unit with private off-street parking;
- g) The proposed development meets the nationally described space standards for new homes;
- h) The proposed development makes provision for private and communal outdoor amenity for all new homes;
- i) The proposed development incorporates energy efficiency measures that are set to reduce energy demand, with a 15% improvement in fabric energy efficiency over the Part L 2013 notional dwelling. As a result, carbon emissions associated with the scheme are set to be reduced by at

least 5% over Part L 2013. A Home Quality Mark assessment broadly identifies a 3 Star rating, with some dwellings achieving a 4 Star rating. However, the adverse impacts of not achieving the desirable standards do not outweigh the benefits;

- j) A suitable drainage strategy has been submitted;
- k) A S106 Agreement has been completed as part of the OPP. A Deed of Variation (DoV) has been submitted to facilitate the current RM;
- l) The RM delivers 30% affordable housing;
- m) All affordable units submitted as part of the RM have been designed to meet the National Described Space Standard (NDSS) and M4(1) of Part M (Access to and use of buildings) of the Building Regulations. This equates to 30% of all new homes.
- n) The proposed development makes provision for 27% 2 bedroom units against a desirable standard of 35%. The applicant has provided evidence of local need to support this approach;
- o) A contribution towards a community officer will be made;
- p) The proposed development delivers 'significantly above' the POS requirement. The level of provision was accepted at OPP stage;
- q) The 'Leadon' housetype (plots #30 & #32) include a ground Floor (1b2p) maisonette which is suitable for tenants with mobility issues as facilities are all on one level. This equates to nearly 3% of all dwellings. The proposed development does not exceed 100 dwellings.

Therefore, whilst we question the reasonableness of using this interim statement as a decision-making tool, it has been shown that the proposed development is in accordance with its principles.

Nitrate Neutrality

An updated nitrate budget is enclosed with this letter. Surplus nitrogen will be mitigated through the removal of agriculturally productive land, landscaping and the purchase of nutrient credits from a locally approved supplier. Once the LPA has confirmed its acceptance of the level of mitigation required, then this will be provided and secured via a Unilateral Undertaking from the Meon Springs facility. This approach has been approved by Natural England.

Condition #5

It is understood that the arboricultural officer has no objections to the information submitted and therefore condition #5 can be discharged accordingly.

Condition #7

In further comments dated 13/4, the Council's landscape officer has expressed concern over the removal of some existing soft landscaping along the Bartons Road frontage. As you know, this work is necessary to deliver the shared cycleway/footway link required by the Highways Authority.

Replacement planting is constrained by an existing water supply easement that follows the boundary with Bartons Road. Nevertheless, a further soft landscaping is now proposed (see plan ref.JSL3850-502-K Softworks Proposals Sheet 2 of 3).

The applicant has introduced a native shrub species easement mix which will be managed up to 2m in height and included some specimen tree planting to plots backing on to the cycle path which in time will help retain a green corridor along the south of the site.

A 1.5m wide mown strip is proposed alongside and parallel to the cycleway for a neat edge and to avoid vegetation encroaching onto the surface of the cycle way.

Condition #10

In further response to the landscape officer's latest comments, boundary plots which adjoin the streetscape will be constructed from brick.

There is no boundary treatment proposed where plots front onto the central POS.

The boundary between the rear housing plots and the cycleway will be close board timber fence. However, most of this length of fencing will be screened by existing vegetation parallel with Bartons road therefore the 'green corridor' along the road frontage will be retained.

There is currently no vegetation along the Bartons Road frontage adjacent to the site access (to the south of plots 1-5. Landscaping cannot be proposed here due to sightlines and the easement. On plot planting (comprising trees and hedgerows) is proposed to the front of these properties, outside of the sightlines and the easement (see plan ref.JSL3850-502-K Softworks Proposals Sheet 2 of 3).

Condition #29

All units have been designed to meet the National Described Space Standard (NDSS). With regard to the Marlow and Windsor housetypes, these were mistakenly annotated to show Net Internal Area (NIA) rather than Gross Internal Area (GIA). Updated plans showing GIA in accordance with the NDSS are enclosed.

Garden Sizes

A schedule of garden sizes is enclosed. This shows that a total of 54 no. units (out of 70) have gardens that exceed 10m in length. Of the remaining, 9 no. are 1-2 bed maisonettes/flats which would not normally be expected to deliver private amenity space. A further 5 no. units fall slightly short of the 10m garden but are compensated by wide gardens, each providing in the region of 100m² of private amenity. There are 2no. terraces units which have 8.3m gardens but are in excess of 5m wide which is commensurate with a 2 bedroom dwelling.

Summary

The interim statement confirms that the Council is a 'pro-development' authority². This site already has planning permission for 70 much needed homes, granted in response to the need to significantly boost housing supply locally.

This application for the remaining RM was submitted in May 2021. Since that time, the applicant has engaged with and continually listened to officers, giving consideration to all comments made on the submitted proposals. Amended information has been provided to address comments and concerns where they have been justified and are appropriate. The RM now includes provision of:

- Affordable housing;

² Paragraph 1.5

- Family homes to meet an identified local need;
- Open space in excess of the requirement;
- Community orchard;
- A shared cycle/pedestrian route linking the site to the strategic cycle network;
- A significant landscape buffer to the crematorium access (agreed in collaboration with the operator of the crematorium).

The site is available now. The site is deliverable now.

Mindful of the Council's current five-year housing land supply and Housing Delivery Test measurement, there are no adverse impacts of approving the remaining RM which would significantly and demonstrably outweigh the benefits. In addition, information has been provided which shows that the proposals will not have a significant effect on internationally designated sites. As such, the RM should be approved without delay. Any further delay in approving this application would not accord with the NPPF and would be unreasonable. The additional/amended information can be downloaded here:

[REDACTED]

We look forward to your recommendation for approval and Members resolution to grant consent shortly.

Yours sincerely,

[REDACTED]

RICHARD OSBORN
ASSOCIATE DIRECTOR
richardo@pro-vision.co.uk

encs.