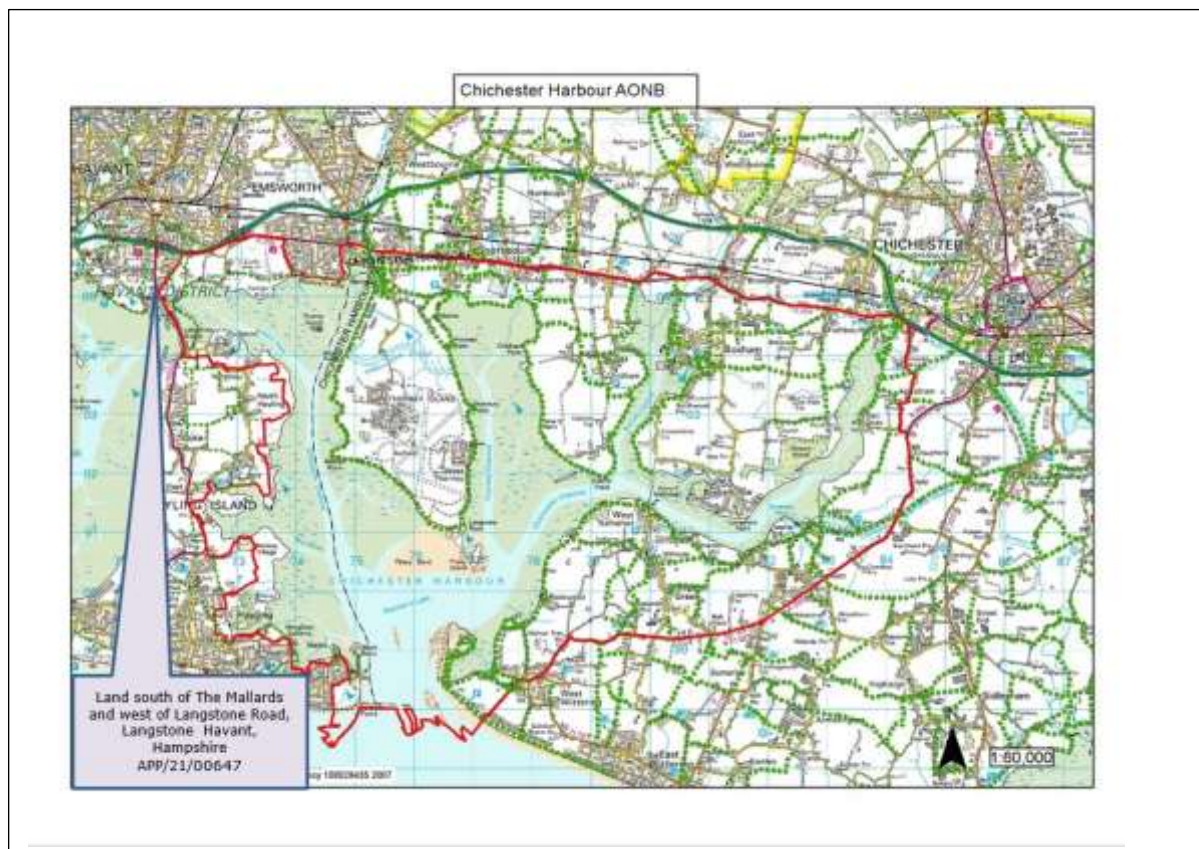


Local Planning Authority planning application reference: APP/21/00647

Site: Land south of The Mallards and west of Langstone Road, Langstone, Havant, Hampshire

Proposals: Outline (all matters reserved except for access) application comprising 65 No. dwellings with access from The Mallards, together with car parking, landscaping, electrical substation, public open space and associated work.



Recommendation – Objection

(a) Harmful to character of the area, through erosion of a natural green space in an otherwise continuous line of built frontage to Langstone Road and thus harmful to the setting of the Mill Lane Conservation Area and setting of the Chichester Harbour Area of Outstanding Natural Beauty. Paragraph 27 of the applicant's landscape impact assessment notes this marked change in landscape character. This would be contrary to Policies CS1, CS11, CS12, CS13, DM1, DM8, DM9 and DM20 of the Council's adopted Development Plan;

(b) contrary to Policy DM23, by erosion of habitat for overwintering birds using Langstone and Chichester Harbour Special Protection Areas, notwithstanding the creation of a pond as part of the layout; and,

(c) the proposals would appear to be speculative and premature in nature, being as the site - (UE54 in the SHLAA and HB15 in an earlier version of the emerging local plan) - appears to have dropped out of the new local plan process. Development of this scale ought to come forward as part of a local plan. The Strategic Environmental Assessment of the options paper quite rightly identified Landscape and Biodiversity impacts as

constraints to developing this site. Those matters still remain important and relevant. The applicant has wrongly deduced that the council's only remaining concern to be mitigated is flood risk.

Conservancy Officers' comments and reasoned justification

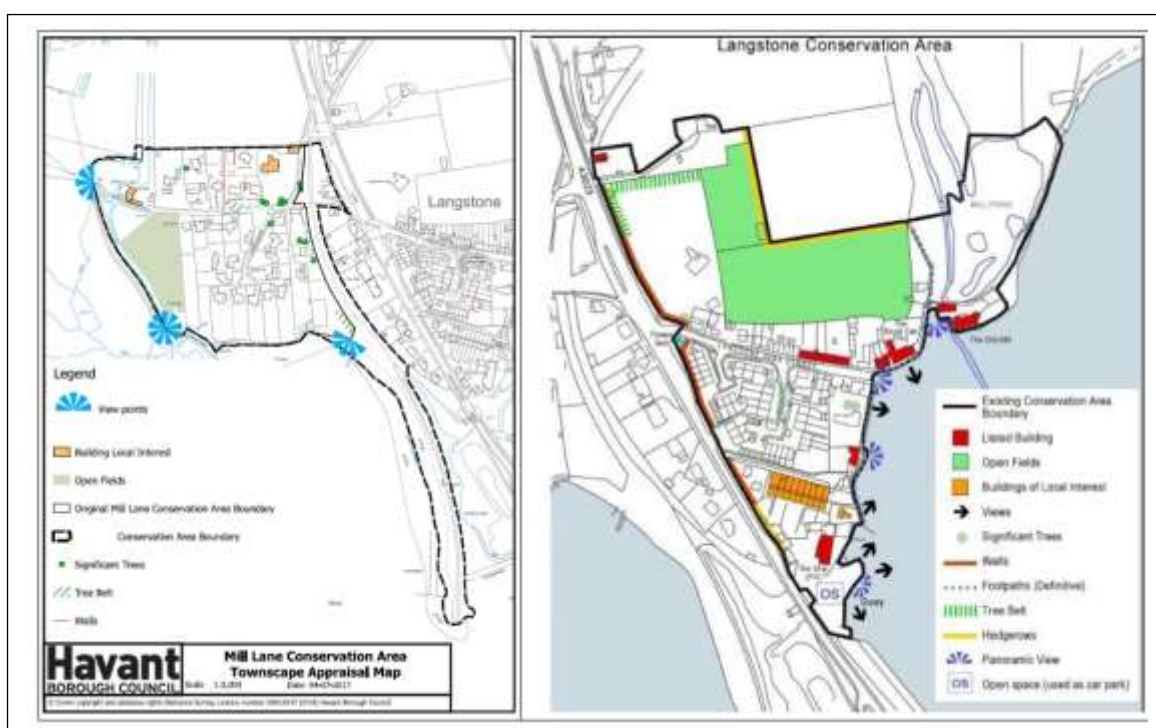
1.0 Site and its context

- 1.1 This 2.91ha site, lies to the west side of the heavily trafficked Langstone Road (A3023), south of its junction with The Mallards and north of the junction with Mill Lane. The applicant describes the existing use of the land as grazing (making the answer to question 18 on the application form incorrect). It forms a very pleasant and significant natural green space and break in built form in the local landscape. Boundaries are marked by wooden post and rail fencing, contributing to an almost semi-rural character. The site is within the defined Borough urban area and defined Policy DM9 coastal zone, some 30 m from the Area of Outstanding Natural Beauty boundary to the south-east. The site is not visible from Chichester Harbour. Much of the site is within the Environment Agency's flood zone 1 (least risk of flooding), with the southern part of the site in zones 2 and 3, when modelled for the effects of climate change.
- 1.2 The site location plan is shown edged red below, with an aerial photograph alongside for context. Boundaries of the two Conservations Areas follow below that. Two TPO's have been made in 1979 and 1993. 32 trees were surveyed from ground level only on the site and the other land between the site and Mill Lane in July 2018. The applicant proposes to remove 4 graded 'C' and 3 graded 'U'. The application is a formal request to remove those 7 trees (which the applicant has been advised should not occur during the bird breeding/nesting season). Trees on the application site edged red only exist on the western and eastern boundaries of the site.



- 1.3 The character of development in the vicinity is mixed. To the north of the site is a The Mallards, a two-storey development of houses, built out in the 1980's, but of vernacular styling, and its landscaped margins now fully established. To the south of the site lies older housing, again of two storey scale at a lower density

than the Mallards and within the Mill Lane Conservation Area. A line of mature trees marks the western boundary, with public open space and a nature reserve beyond, also containing a significant drainage ditch west of the trees, which then fringes the shoreline of Langstone Harbour. On the opposite side of Langstone Road to the east lies a tree planted median before the parallel/sleeved detached, 1.5/2 storey housing of Langstone Avenue is seen in a mature planted setting. At the southern end of that run of properties lies the site of the Grade II Listed, fire-damaged Railway Cottages, which is being redeveloped as a single detached dwelling. This marks the northern boundary of the Langstone Conservation Area, which coincides with the AONB boundary. A public footpath linking back to the Havant Arts Centre runs along the AONB boundary and is well used.



2.0 Planning History

- 2.1 During the preparation of the emerging local plan's site allocations DPD, the site was promoted for housing development as a draft allocation reference 'UE54, Langstone' in an early iteration of the plan. The Conservancy's objection to such an allocation in that previous round of consultation is reproduced as **Appendix 'A'** to this report.
- 2.2 GEN/19/00287 – Erection of 65 dwellings: The Conservancy sent an objection to the pre-application enquiry made to Havant Borough Council, again enclosing **Appendix 'A'**.

3.0 Proposed development

- 3.1 The application is made in outline with only means of access (from The Mallards) listed for consideration. 65 dwellings are proposed, 19 of which would be provided on an affordable basis. 10% would be fitted with bat bricks and bird boxes. No breakdown of housing mix is given on the application form, but is set out at Table 4.1 in the transport assessment (16 x 1 bed, 8 x 2 bed, 27 x 3 bed and 14 x 4 bed). The rest of the site would be a 1.2ha area of public open space.

An illustrative site layout has been provided for information purposes, to demonstrate the quantum of development would fit on the site. Otherwise, its only relevance is to indicate access to the site. The illustrative site layout (structure diagram) is shown below. It is interesting to note that a further open piece of land exists beyond the site's southern boundary and Mill Lane properties. That land has ***NOT*** been shown to have a blue line around it (i.e. other land which is within the ownership or control of the applicant). Ownership Certificate 'C' has been completed by the applicant. That is to say, the applicant knows some of the owners of the land, but not all of them (albeit paragraph 5.6 of the Planning Statement says the site is in single ownership). The owner served Notice is Hampshire County Council. An advertisement has been placed in The Hampshire Independent newspaper giving Notice to any other owners, inviting them to make comment on the proposals. The applicant has thus discharged their legal duty to give Notice to those who own the application site.

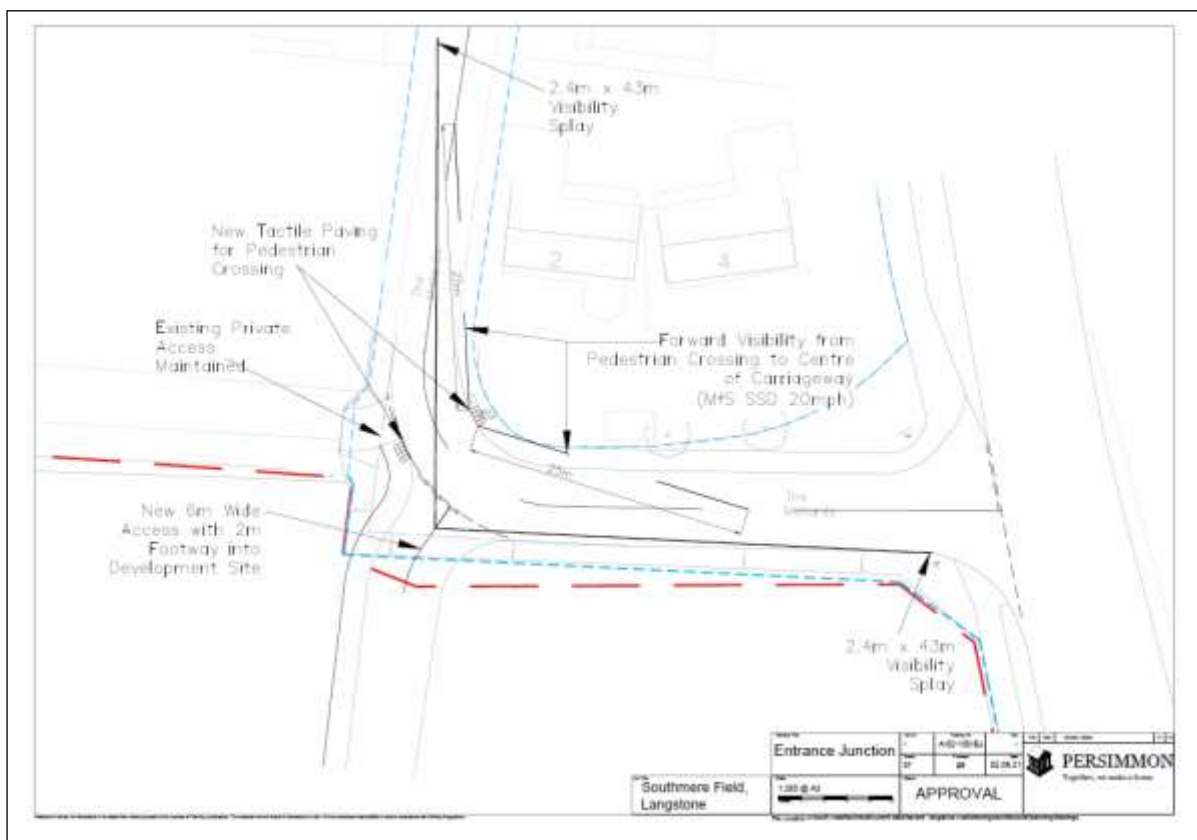
- 3.2 Although scale is not listed for consideration, a building heights diagram has been submitted and that is shown beneath the structure diagram.



- 3.3 The main plan listed for consideration is therefore the proposed site access plan showing the main junction to The Mallards, shown below. The transport assessment produced at Table 4.2 indicates the housing would be served by 154 car parking spaces (including 26 visitor spaces) and predicts the peak flows set out below and concludes at paragraph 5.5.1 that movements on and off the site would not have a significant impact on the adjoining highway network necessitating highway alterations.

Table 5.1 Proposed Development Trip Generation

Trip Type	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arrive	Depart	Two-way	Arrive	Depart	Two-way
Total Person Trips	24	56	80	54	31	85



- 3.4 The application is supported by the following technical reports –

- Arboricultural survey/assessment
- Desktop Archaeological study
- Ecological impact assessment
- Biodiversity mitigation and enhancement plan
- European site avoidance and mitigation checklist
- Shadow habitats regulations assessment
- Land contamination statement
- Built heritage statement
- Flood risk assessment (FRA)
- Landscape and visual appraisal report
- Planning obligations statement
- Utilities assessment
- Transport assessment

- Planning statement
- Design and access statement

***Policy framework**

National Planning Policy Framework (July 2021 Revision) paragraphs 1-3, 6-12, 15-21, 23, 28, 34, 38-43, 47-50, 55-57, 60-65, 68, 71, 73-77, 92-93, 98, 100, 104-105, 107-108, 110-114, 119-120, 124-126, 130-134, 152-155, 157, 159-162, 167, 169, 174-176, 179-180, 182-183, 185-186, 218-219 and 222;

National Planning Practice Guidance (2014 onwards): ID's - 2a, 3, 6-9, 12, 15, 18a, 20, 21b, 23b, 26-27, 30, 34, 37, 42, 53, 56;

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

Havant Borough Local Plan (Allocations) 2014 - AL1-AL2, DM17- DM18, DM20;

Hampshire Mineral and Waste Local Plan (2013) – Policy 15;

Draft Havant Borough Local Plan 2036 (Pre-submission version)(2019) – DR1, IN1-IN3, E1-E3, E4-E6, E8-E9, E11-E20, E22, H1-H4;

Chichester Harbour AONB Management Plan 2019-2024: 1-2, 15;

SPG/SPD – Borough Design Guide (2011); **Parking standards** (2016); **Mill Lane Conservation Area Character Appraisal** (Date of publication not known); **Langstone Conservation Area Character Appraisal Review and Management Plan** (2011).

4.0 Key issues and related Policy framework*

4.1 Safeguarding intrinsic character and beauty of Chichester Harbour AONB's setting/biodiversity from inappropriate development -

- 4.1.1 The Conservancy considers that the very principle of developing this site should be rejected. The CSA environmental illustration superimposed on an aerial photograph as CSA/3902/108 for the PREAP was telling. This showed a housing layout south of the gas mains crossing the site, in addition to the 65 dwellings. Your Officer visited the site on 31.10.2017 and again on 23.11.2017, viewing the site from the west, back through the tree line that marks the current pre-application site's western boundary. The character and appearance of the site has not changed since that time.
- 4.1.2 Although the site is not within the Chichester Harbour Area of Outstanding Natural Beauty it is very close to its boundary and is part of its setting. It also affects the setting of the Mill Lane and Langstone Conservation Areas.
- 4.1.3 The views expressed to the Council on 16 November 2017, reproduced as **Appendix A** to these comments remain relevant.
- 4.1.4 I note from the submitted site layout plan - (A-02-111-SD) - showing a drainage strategy that a high pressure gas main crosses the site. This has no doubt informed the decision not to show the southern strip of the field to be developed.

Whilst a sinuous southern edge is shown to the layout (itself driven by a flood risk assessment), the new houses would still be seen as a closely packed line of housing, urbanising this natural green space.

- 4.1.5 Very little indicative landscaping is being shown to mitigate such impact and the strategy of wide expanses of forecourt car parking and a stated reluctance to even consider rear courtyard parking areas, would only reinforce that urbanising effect. There is the offer to 'leave' the land between the gas main and new housing as an open space - (apparently for no other reason than climate change projections indicate that area could be liable to tidal flooding). Your Officer observed (Southmere Nature Reserve was waterlogged at the time of my visit). The openness of the site and the value it gives to the spatial character of the area and setting of the two Conservation Areas, would be seriously eroded, forever.
- 4.1.6 With regard to the value of the site to provide habitat for wildlife, the Conservancy's Ecologist Peter Hughes has made the following comments, having reviewed the relevant information submitted -

"Although marked as 'uncertain' by the Solent Wader and Brent Goose Strategy, the presence of curlew feeding (noted in the wintering bird survey) suggests it is an important component of the pasture and arable fields in the immediate vicinity of Langstone, and between Langstone and Warblington. These fields provide feeding and/or roosting areas for waders at high tide, their value of differing importance due to their current management. It certainly requires further survey work to determine the real value of the this parcel to waders, bearing in mind that it may well be used nocturnally by waders.

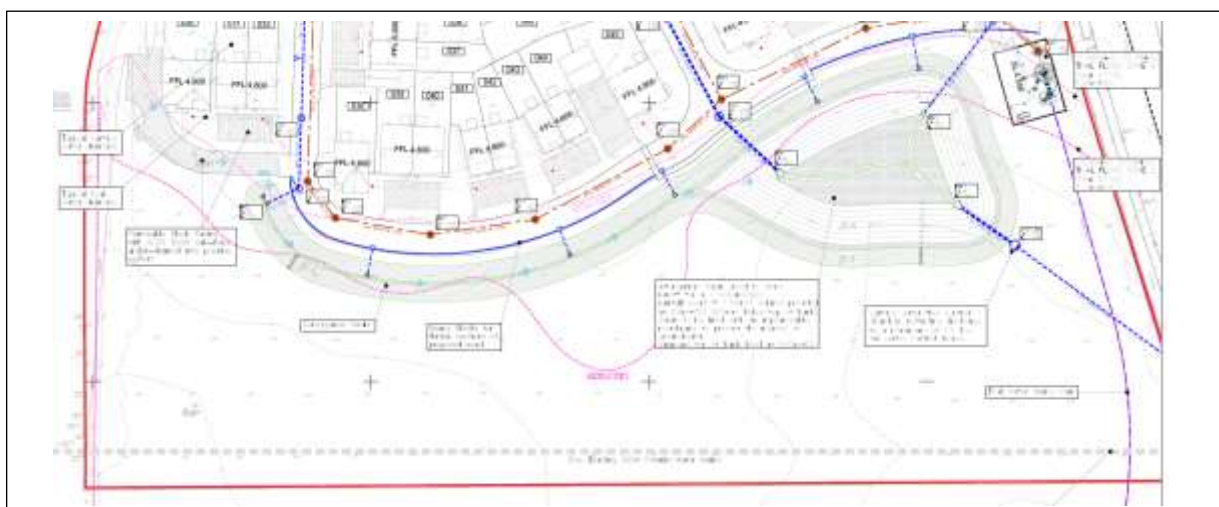
The increase in recreational pressure to the shoreline, and the aforementioned surrounding fields, around Langstone is likely to be significant, due to the proximity of the dwellings to the SPA."

- 4.1.7 The Conservancy considers that the smaller this green space becomes, the less attractive it will become to wildlife, especially for wildfowl and waders.
- 4.1.8 I note that the results from the earlier botanical survey may have been restricted owing to the field having been mowed for hay before the survey took place. I note a further survey to enable quadrat assessment was proposed late May 2019, before the hay is cut again.
- 4.1.9 Both the assessment of over-wintering birds and botanical diversity have been limited to the application site itself, not the 'potential public open space area' shown on CSA environmental plan number CSA/3902/100 under the PREAP. Mechanisms for delivering either that space or the southern green strip to the application site and who would maintain such spaces were not discussed in the Persimmon PREAP letter dated 25.3.19, but have now been within the planning obligations statement.
- 4.1.10 The site contains 2 useful habitat types, broad-leafed woodland belt to the west boundary containing an occupied barn owl box, used by breeding birds and bats (9 species identified), with potential for hazel dormouse and semi-improved natural grassland suitable for reptiles and ground nesting birds and feeding ground for over-wintering birds. Species recorded at the site have included

curlew, oystercatcher and brent goose. Only one slow-worm was found at the site. It has not been possible to fully specify the ecological mitigation, as the application has been made in outline and landscape design has yet to be formulated. Such matters would be controllable under a Reserved Matters application. A 5 m buffer to the woodland on the western boundary is intended, planted up with a thicket (not to include any residential garden) and could easily be conditioned with a regimen of on-going maintenance. No external lighting should be close to this zone, or if intended kept to a 0.5 lux limit to maintain the usefulness of this zone for foraging bats and other wildlife. Fencing to protect trees being retained could likewise be conditioned. The intention is to sow the proposed public open space forming the southern part of the site with a diverse grass seed mix and planted with 30 native species trees, with permanent mown paths reducing pressure off the greater part of that area. It would be possible to condition that minimum number of new trees. Finally, new hedgerow planting would be intended along the northern and eastern boundaries. Any reptiles found would be translocated to the new public open space in accordance with the submitted method statement and 4 new hibernacula created. This area would also provide opportunities for ground nesting birds (albeit predation of such birds by domestic cats and dogs in this marginalised area is not discussed). It is recommended that gaps are left in domestic fencing to allow hedgehogs to continue to move around the site.

4.1.11 Were the Council minded to grant outline planning permission, the applicant has agreed in principle to make a developer contribution to mitigate recreational disturbance to the Langstone and Chichester Harbours SPA and loss of this secondary site for brent geese and waders. These issues are all fully addressed in the shadow habitats regulations assessment that has been submitted. It would be for the Council as the appropriate authority to conduct its own assessment and agree compensatory habitat with the applicant under the Solent Wader and Brent Goose Strategy guidelines.

4.2 Foul drainage and surface water flooding considerations



flood zone 1. However, ground conditions show that use of soakaways would not be tenable. It is therefore proposed that all surface water run-off predicted at 1 litre/second - (accounting for climate change up to the year 2115) - is attenuated

and treated to remove – for example – hydrocarbons from residential driveways, to a calculated volume of 1160m³ on site via SUDS, sealed with an impermeable membrane, and then subsequently discharged into the existing Southern Water public surface water sewer in Langstone Road. The swales and attenuation basin are intended to be located in the public open space, shown in the illustrative drainage strategy document (extract shown above).

- 4.2.2 A new pumping station will be built on site to pump wastewater from the dwellings into the public sewer in Mill Lane. The applicant has also agreed to a Grampian style planning condition to address matters of nitrate neutrality.



4.3 Impact to heritage assets

- 4.3.1 Your Officer noted under the PREAP that the County Archaeologist was critical of no desktop analysis being undertaken of the potential for below ground

artefacts/evidence. The Baseline Heritage Statement does report harm to the setting of the Mill Lane Conservation Area (CA) and significance of that designated heritage asset. However, the currently submitted Built Heritage Statement reverses that opinion: your Officer disagrees. Impact to the Langstone Conservation Area, although it is acknowledged that impact there is likely to be less significant than to the Mill Lane Conservation Area. The Built Heritage Statement concludes the Langstone Conservation Area derives most of its significance from its waterfront and historic street pattern radiating away from that. Whilst some green space would still exist north of the Mill Lane Conservation Area boundary, the Conservancy considers the extent of eroding that open aspect as one moves south to Hayling Island to be too harmful.

- 4.3.2 The potential for archaeological remains ought to be properly investigated if the development is approved and appropriately archived in the Council's Historic Environment Record, required under Policies CS11 and DM20 of the adopted Development Plan. The Archaeological desktop study revealed that evidence of a possible roman villa was found within 200m of the application site. The site is only thought by the applicant to have potential for roman and post-medieval remains, but the County Archaseologist considers earlier finds may be possible, related to settlement by those exploiting Langstone and Chichester Harbours.

4.4 Economic and social needs –

- 4.4.1 The Government's key imperative for the town and country planning system is sustainable economic growth to provide for housing needs and it is acknowledged that construction jobs would be created, having the potential to create short term local employment opportunities. Furthermore, those who would come to live at the site could help sustain local businesses in Havant.
- 4.4.2 However, the emerging local plan – currently under examination – has demonstrated sufficient deliverable housing land will come forward during the plan period and on that basis a five year supply of such land is not in question, even if the applicant points to the latest February 2021 monitoring report that says between 4.2 to 4.8 years supply was then available. The applicant is challenging the Council's position at the examination and asking the Inspector to allocate the application site for housing development and open space purosses. The 'tilted balance' of the NPPF cannot be said to apply in this case, although the applicant relies on the February 2021 monitoring report to challenge that. The proposals are considered premature, the site having not been taken forward in the emerging local plan, but rather discarded by the Council at this time. Your Officer considers there are also material considerations in landscape terms that militate against the proposed development, even if the tilted balance was applicable.

4.5 High quality, low carbon design –

- 4.5.1 It is clear that the applicant is committed to incorporating sustainable measures as part of the build.

4.6 Other matters

- 4.6.1 As a final observation, I note from the Core Strategy Proposals map that the site is also allocated from the Proposals Map of the Hampshire Minerals and Waste Local Plan (M & WLP - 2013) as being likely to be underlain by 'Soft Sand', affected by Policy 15 of that plan. Your Officer considers that Hampshire County Council ought to be approached for its views on developing the site.

5.0 Conclusions

- 5.1 Just because a site is sustainably located does not mean it should be developed, especially when the council has already identified sufficient housing land as part of formulating the replacement local plan. The site represents a green lung and helps to give relief from urban built form when travelling towards Hayling Island and the openness of both Chichester and Langstone Harbour. It is noted that Langstone Harbour Board and the Council's own Landscape Architect have objected to the application along similar lines.

SRL – for 6.9.21 Planning Committee

Comments requested by: 15 September 2021.



CHICHESTER
HARBOUR
CONSERVANCY

Adrian Ellis

Planning Department – DM Team

Havant Borough Council

Public Service Plaza

Civic Centre Road

Havant, PO9 2AX

N.B. - By email only

6 September 2021

Dear Adrian,

Land south of The Mallards and west of Langstone Road, Langstone, Havant, Hampshire

APP/21/00647 – Outline (all matters reserved except for access) application comprising 65 No. dwellings with access from The Mallards, together with car parking, landscaping, electrical substation, public open space and associated work

Thank you for consulting The Conservancy.

At the meeting of its Planning Committee today, Conservancy Members resolved the following in terms of the above planning application –

“Recommendation - Objection:-

(a) the proposals, which constitute major development, would appear to be speculative and premature in nature, being as the site - (UE54 in the SHLAA and HB15 in an earlier version of the emerging local plan) - appears to have dropped out of the new local plan process. Development of this scale ought to come forward as part of a local plan. The Strategic Environmental Assessment of the options paper quite rightly identified Landscape and Biodiversity impacts as constraints to developing this site. Those matters still remain important and relevant. The applicant has wrongly deduced that the council's only remaining concern to be mitigated is flood risk;

(b) Harmful to character of the area, through erosion of a natural green space in an otherwise continuous line of built frontage to Langstone Road and thus harmful to the setting of the Mill Lane Conservation Area and setting of the Chichester Harbour Area of Outstanding Natural Beauty. Paragraph 27 of the applicant's landscape impact

Chichester Harbour Conservancy

The Harbour Office, Itchenor, Chichester,
West Sussex PO20 7AW

01243 512301

info@conservancy.co.uk
www.conservancy.co.uk

assessment notes this marked change in landscape character. This would be contrary to Policies CS1, CS11, CS12, CS13, DM1, DM8, DM9 and DM20 of the Council's adopted Development Plan; and,

(c) contrary to Policy DM23, by erosion of habitat for overwintering birds using Langstone and Chichester Harbour Special Protection Areas, notwithstanding the creation of a pond as part of the layout."

Please note that the above resolution differs slightly from the Officer recommendation set out in the report also sent with this letter by email.

Yours sincerely

Steve Lawrence MRTPI
Principal Planning Officer
Chichester Harbour Conservancy AONB Unit

Visit our webpage – www.conservancy.co.uk/page/planning
Chichester Harbour Conservancy manage and advise on the
Chichester Harbour Area of Outstanding Natural Beauty
One of the UK's National Landscapes
Stay safe, Stay well, Stay home, Keep your distance,
Avoid the spread of the coronavirus Covid-19