

David Eaves  
Development Management  
Havant Borough Council

By email: [david.eaves@havant.gov.uk](mailto:david.eaves@havant.gov.uk)

Chapman Lily Planning Ltd  
Unit 5 Designer House  
Sandford Lane  
Wareham  
BH20 4DY

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Your reference: APP/20/00658  
Our reference: BS-2038

M: 07881 892745  
T: 01929 553818  
E: [steve.tapscott@clplanning.co.uk](mailto:steve.tapscott@clplanning.co.uk)  
W: [www.clplanning.co.uk](http://www.clplanning.co.uk)

Dear Mr Eaves,

**APP/20/00658 (Bartons Rd, Havant)**

You will be aware that I submitted revised block/location, site and McDonald's plans to you on 18<sup>th</sup> November, with the promise that additional technical work will follow. Regrettably, there have been some delays in obtaining the information, for which I apologise. This is owing to the scheme being shaped by feedback from consultees, such that sub-consultants are updating their respective reports to all tie in.

I am, however, in a position to provide you with the following updated reports:

- Landscape plan ref. LANDP001 rev. 001 and planting plan ref. PP001 rev. 001.
- Noise Impact Assessment ref. 8443/PR/BL November 2020.
- Preliminary Ecological Appraisal report ref. 7673 October 2020.
- Planning, Design and Access Statement, incorporating affordable housing statement, employment and skills plan, sustainability statement and utilities assessment V3.
- Site investigation and remedial strategy report ref. HAV164.D/SI/002 rev. 3.
- Viability report.

Still to follow are:

- Arboricultural method statement and tree protection plan.
- Flood risk assessment.
- Framework travel plan.
- Transport assessment.
- Ventilation and extraction plan for the McDonald's building.

In addition, I have been monitoring online responses in respect of the above application and thought that as the statutory consultation period has expired, now would be a good opportunity to provide a response to a number of the matters raised. I note that there are no objections raised from the CCG,

the EA, Early Years and Economic Development, so I shall focus below only on the substantive issues raised by other consultees.

### **Ecology**

I am somewhat surprised at the Council's ecologist's conclusions about the lack of ecological enhancement or biodiversity net gain, when it is clear the existing site is bereft of ecological value. I am told by the landscape architect working on the project that a total of 73 new trees and 3,200 native hedging plants are proposed. The only ornamental planting is close to the buildings and is made up of evergreen shrubs, many of which flower and have ecological benefits. Given this context, I would hope you will agree that the development would very clearly lead to ecological enhancements and biodiversity net gain.

The Council's ecologist mentions tree T005 in their comments. This tree is now excluded from the red line of the application.

### **Fire and Rescue**

The Fire and Rescue Service's comments appear to relate to matters that fall under the remit of the Building Regulations.

### **Hampshire Constabulary**

The submitted comments discuss the requirements for boundary treatments of at least 1.2m high. While it is unclear what the policy basis is for this height of enclosure, I would suggest that this could be dealt with by a planning condition, if you are minded to.

I note that the officer has provided comments in respect of highway safety, which I would respectfully challenge as falling under the remit of Hampshire County Council as the highway authority. They then go on to set out a preference for locating the parking within the curtilage of the individual blocks and separated from the through road. I would question why this would be beneficial, when natural surveillance is a key way to deter crime and the fear of crime. The layout of the proposed development in fact allows for natural surveillance of the parking spaces by multiple units, whereas consolidating the parking would reduce the number of surveillance opportunities. Furthermore, denser groups of parking would result in larger areas of hard surfacing, which would be less desirable than the current layout.

In addition, I would respectfully disagree that the large cycle stores would be vulnerable to crime. The officer talks about providing the cycle stores within each apartment block, but that is already the case. Only one is not integral, situated outside block C and well overlooked. In any event, storage areas would be accessible only with a key/security code and would be suitably lit.

Finally, I note that the Designing Out Crime officer has lifted their objection in terms of the perceived impacts from the proposed drive-throughs, further to correspondence sent from McDonald's security and licencing team.

### **Highways**

The applicant's transport consultant has been liaising with the highway authority in respect of a specific technical work, which is currently underway. I hope to be able to submit it to you imminently.

### **Housing**

I note your colleague's comments in respect of the aspirations of adopted and draft policies to achieve 30-40% affordable housing and a tenure mix of approximately 70% affordable/social rented accommodation and 30% shared ownership. I also note their in-depth comments on the current demand on the housing waiting list. However, as the officer states, the submitted viability appraisal shows that the scheme would be unable to support any affordable housing and therefore the tenure mix and housing register figures are not relevant to this particular application.

I have checked with the viability consultant in respect of the query raised by your colleague in terms of the testing of a 50 rented and 7 shared ownership mix. I am told that this was a typo and that the maths is based on an affordable price of 65% of private GDV, which is a typical blended average for this mix.

### **Lead Local Flood Authority (LLFA)**

The LLFA has provided initial comments, which I have forwarded to the applicant's drainage consultant. They provided a response, which was submitted to you on Friday, 30<sup>th</sup> October. The drainage consultant will liaise directly with the LLFA to ascertain if any further clarifications are needed and I will subsequently formally submit any updated figures/supplementary information to you.

### **Planning Policy**

I note that the policy team is supportive of the residential element of the scheme, but questions the drive-through element on the basis of draft Policy E8 of the pre-submission Havant Borough Local Plan. Your colleague says that the weight attributable to this plan is limited and I agree: it has yet to be shaped through the pre-submission consultation or rigorously tested through examination, such that it should not be relied upon for decision making.

Equally, I acknowledge that the proposed commercial element is not mentioned within allocation ref. L145 of the Site Allocations DPD, but weight ought to be given to the 2019 NPPF, which postdates the adoption of this plan by some five years. Compared with the 2012 version of the NPPF, the 2019 NPPF gives significantly more emphasis to economic growth, job creation and making '*optimal use*' of brownfield land. As such, because the Site Allocations DPD is an out-of-date plan, weight should be given to national guidance and the social/economic benefits of the two drive-throughs should be considered favourably.

Notwithstanding the limited weight that should be applied to the pre-submission local plan, the policy team's consultation response discusses how:

*'emerging policy E8<sup>1</sup> seeks to restrict hot food takeaways in the borough. These will only be supported in principle in town, district and local centres, and where the proposal does not bring the overall total above a prescribed level. I have seen no evidence that the applicant has considered the latter criterion, and it will not be possible for the applicant to address the former. The drive through element is therefore not supported in principle'.*

With respect, I fundamentally disagree with the officer's observations for two reasons. Firstly, the draft policy's stance on banning hot food takeaways in specific areas is directly contrary to paragraph 86 of the NPPF, which advocates a sequential assessment, in order that sites beyond centres can be given consideration. By issuing an outright ban for hot food takeaways in different locations, there is clear conflict with the NPPF and the policy is not sound.

Secondly, the draft policy specifically refers to hot food takeaways under use class A5 and the evidence underpinning the policy will be based on an analysis of this specific use class. Aside from the fact that this use class no longer exists, the submitted application is for sui generis drive-throughs, which are different from traditional A5 establishments. As such, the officer's objection is misguided and – even if the policy were to carry any weight – the proposed development would not be assessed under it.

The officer goes on to criticise the submitted planning, design and access statement for not specifying which units would provide greater accessibility standards, in line with draft Policy H1. However, I would respectfully point out that the plan has not undergone testing through the examination process and so whether the policy expectations are reasonable or viable remains to be seen. Without the testing of the examination process, it is unreasonable of the Council to attribute weight to this draft policy and simply assume that greater accessibility standards are viable. Indeed, the PPG is clear that such standards should only be required through adopted policies, so it is erroneous for them to be applied.

The officer warns against conflating outdoor amenity space figures with private amenity space figures, but given that all residential units would have either a balcony or a private area immediately outside (in the case of the ground-floor units), I am struggling to understand what the issue is. Keeping on the subject of outdoor space, the submitted PDAS sets out how the development would result in a need for around 0.321ha of amenity space. When added together, communal outdoor green spaces would result in just shy of 0.4ha, therefore comfortably meeting the indicative target.

The officer also requests further information to justify the proposed housing mix. Looking at the Council's Assessing Housing Need Paper (August 2020)<sup>2</sup>, this shows that the five-year supply requirement over the next five years is 504dpa, i.e. 2,520 homes gross. However, it also shows a shortfall of 1,865 homes from earlier in the plan period that needs to be addressed. The paper appears to advocate the Liverpool method of spreading the shortfall across the remaining plan

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<sup>1</sup> Although having checked the version of the draft plan approved by the Council on 9<sup>th</sup> September, I understand the policy reference is C8.

<sup>2</sup>

<https://www.havant.gov.uk/sites/default/files/documents/Assessing%20Housing%20Need%20Paper%20August%202020.pdf>

period, which equates to 110dpa (i.e. 1,865/17 years), or 550 over the next five years. The Council's net annual requirement is thus  $2,520 + 550 = 3,070$  homes.

The latest five-year supply calculation (December 2019)<sup>3</sup> shows that the housing land supply rests at around 2,936 homes, which points towards a lack of a five-year supply.

Given this context, paragraph 11 of the NPPF makes clear that when a council is unable to demonstrate a five-year supply, the presumption in favour of sustainable development is engaged and that policies relating to the delivery of housing are considered out of date. Furthermore, the 2014 PUSH SHMA, on which the Council's preferred mix is based, is approaching its 7<sup>th</sup> anniversary and is very clearly out of date. In the absence of a five-year supply and up-to-date evidence in terms of mix, market signals are a strong material consideration in terms of gauging the demand for particular house types at this time. The fact that the applicant has tested the market locally and found considerable demand for 1-bed properties is extremely telling. But moreover, it would not make commercial sense if they were to propose a mix that they had any doubt lacked demand.

So in summary, the Council's own evidence and policies relating to the delivery of housing are out-of-date and it appears there is a lack of a five-year housing land supply in the borough. There is clear market demand for 1-bed homes, which would meet a strong need and demand for younger people and first-time buyers. The proposed mix is therefore justified.

### **Trees**

The Council's tree officer has voiced concerns in respect of the driveway to the south of the site. I am advised that a cellular confinement system could be used, the details of which could be secured by a planning condition.

Yours sincerely,



Steve Tapscott BA (Hons) MA MRTPI  
**Senior Planner**