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REPLY TO: 1 EMBANKMENT WAY, RINGWOOD, BH24 1EU TEL: 01425 322095

gian.b@theplanningbureau.ltd.uk

6th December 2017

Mrs Rachel McMurray : Principal Planner
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX

Dear Mrs McMurray,

PA APP/17/00633 ERECTION OF 25 RETIREMENT LIVING APARTMENTS WITH COMMUNAL FACILITIES AND CAR PARKING. THE ORCHARD HOUSE, WESTERN AVENUE, EMSWORTH,

I refer to the above mentioned application. I note that you have received a number of additional letters/comments to the revised plans. I am writing to pick up on a few points from the latest letters of objection.

Mrs Sarah Sanders of 70 Brook Gardens. The comments raised regard drainage are similar if not the same to those previously raised. In this respect I would advise as follows:

Surface Water & Sewerage: *"In addition, all tests carried out on the site re water percolation, water table etc were carried out at a time following a relatively dry season. Further tests should be carried out after a time of continuous heavy rainfall to show a more realistic picture."*

Sewerage: *"We feel strongly still that unless it can be proved beyond any doubt that we will not be adversely affected by this development that planning permission should be refused. It is very easy to produce figures showing the amount of surface water drainage etc, but this should in no way be comparable with the knowledge and experience of local residents who have had years of dealing with this situation"*.

The drainage has assumed the worst case and designed accordingly i.e. that the ground is not suitable for soakaway drainage therefore all surface water goes via an attenuation tank to surface water sewer system. Further tests during heavy rainfall will only confirm the design approach. The boreholes and infiltration test were carried out February 2017.

It is understood that the problem is with the foul sewer system and confirm that the net impact of the proposed development on flow into the foul sewer system is a reduced flow. The proposed development is downstream of Brook Gardens and the system has been designed to prevent flows in the direction of Brook gardens.

In addition to the above, I would advise that the approach to drainage has been explained to Mrs Sanders and if I recall correctly, my colleague Mrs Dunn also met Mrs Sanders to do this in some detail. I also attach 3 items of correspondence regarding this matter (17 April, 7 June and 20 Sep 2017).

In summary, the proposed development has an appropriately designed drainage system as accepted by the consultees. It cannot however resolve existing upstream problems.

Mr Simmonds of Claremont, Western Avenue. In order to clear up the apparent confusion caused to Mr Simmonds in my letter

1: Errors.

- *Page 1 - Paragraph 2 states that the amendments result in "25 x 2 bed to 24 x 2 & 4 x 1 bed units". It should of course read 21 x 2 and 4 x 1 bed units (as the plans clearly show – and also referred to at page 2 para 4) .*
- *Page 1 - Paragraph 4 mentions the removal of a single car parking from the rear of the property but then fails to mention that 3 car parking spaces have also been removed from the front of the site. That is because I was commenting about the landscaping next to bungalow adjacent to the access drive. It follows that if the Chestnut T12 is retained that the parking spaces previously shown there can no longer be retained. The parking provision is therefore 24 spaces for 25 apartments or 0.96 spaces per unit. This for example compares to for example to a recent appeal decision at 108-110 Elm Grove, Hayling Island the Inspector concluded that parking ratio of 0.40 spaces per unit would be appropriate. In addition there is a buggy store.*
- *On Page 2, paragraph 2 mentions "the retention of T2 Chestnut". T2 is a Sycamore that was already being retained as it is sited in the wood to the west of the site. Of course I did not mean T2 but I am surprised at the confusion it has caused. I of course meant T12 Chestnut (as denoted on the submitted plans and referred to on page 1 para 2).*

2. Overlooking. Whether there is a difference between "active" or "passive" overlooking, I leave it to the Council to consider. From my perspective I think there is a difference and from recollection various Planning Inspectors have shared my view.

3. Affordable Housing S106 Payment: I note the comments about the quantum and the implicit suggestion that the sum should be higher. We do all have our personal views on what I will loosely call taxation but I am sure that the information and clarification set out below will remove the expressed concern.

The sum offered of £285,000 is the sum agreed after the viability review. This was reached before the mix of units was changed which could warrant a reduction to this sum.

In addition while the current CIL figure is approximately £232,869, this is likely to be raised by approximately 7% due to indexation in 2018 to £249,170. This increase could warrant a reduction to the AH offer which is nonetheless maintained on a without prejudice basis.

There is also a SAMM payment of £4,750 and a New Homes Bonus. It would be helpful if this latter figure could be confirmed as it forms part of the material considerations.

4. The 5 Year Housing Land Supply: *I would suggest that the Council does not accept the conclusions of the Sedgewick Associates 5 Year House Supply Report as they are no longer correct.*

Essentially, this report fails to mention the May 2017 Supreme Court Judgement - Hopkins Homes v Suffolk Coastal District Council and Richborough Estates v Cheshire East Borough Council. This judgement states that whilst the absence of a five year supply of housing land introduces a presumption in favour of the grant of planning permission, that presumption cannot be consummated until after the development has been weighed against the relevant policies of the Council's development plan. Havant Borough Council's Policy AL1 supports this position.

It is a very interesting decision, all 30 odd pages of it. I could go into substantive detail as to what the decision actually states having read it prior to my brief response on the matter on 15th August 2017. What the Supreme Court decision does not do however, contrary to Mr Simmonds' statement, is render the Sedgewick Associates Report redundant or incorrect. Mr Sedgewick explains the issue succinctly in the attached letter.

The presumption set out in paragraph 14 of the NPPF remains valid which put simply means that the tilted balance approach requires the LPA to go through a robust exercise in considering applications for residential development. The NPPF introduces a presumption in favour of granting such applications unless material considerations indicate otherwise.

5. Determination Date. In order to ensure that no one at Havant Borough Council has to work on Christmas Eve, please accept this letter as agreement to extend the determination date to 31st January 2018.

In conclusion, I hope that the above comments and attached letters are of assistance.

Yours sincerely

Gian Bendinelli
Principal Planning Associate
The Planning Bureau Ltd

07th June 2017

Mark Bradshaw & Sarah Sanders

70 Brook Gardens

Emsworth

Hampshire

PO10 7LB

Dear Mark and Sarah,

Re. Proposed development at The Orchard House, Western Avenue.

Further to my previous correspondence I am pleased to enclose hard copies of our drainage design & report and our Flood Risk Assessment that will be submitted with our planning application. In particular I draw your attention to sections 4.15 to 4.24 of the Flood Risk Assessment (pages 13 to 15), which deals with sewer flooding. I will keep you updated on the consultation and approval with the Local Authority following submission.

Please do not hesitate to contact me if you would like to discuss or if I can be of any further assistance now or throughout the planning process.

Yours sincerely,

Mrs Jackie Dunn

Senior Development Manager

McCarthy & Stone

t: 01425 322066 | m: 07469 118365 | e: Jackie.Dunn@theplanningbureau.ltd.uk

20th September

2017

Mark Bradshaw & Sarah Sanders

70 Brook Gardens

Emsworth

Hampshire

PO10 7LB

Dear Mark and Sarah,

Re. Proposed development at The Orchard House, Western Avenue.

Further to my previous correspondence I am pleased to enclose hard copies of our revision F Drainage Layout & Revision 5 Flood Risk Assessment, which were submitted to the Havant Borough Council (HBC) planning officer in August.

In response to your letter we have corrected para 4.22 which refers to when the flood incidents occurred. The 'historic flood events' quoted in the report are taken from a national database and there is not a record of the surface water flood event you mentioned that occurred in December 2013.

The drainage design, and additional drawings and calculations that were requested by the Local Lead Flood Authority (LLFA), have now been checked and approved by the Havant Borough Council Drainage Engineer and the Havant County Council Local Lead Flood Authority (LLFA). All of these documents are available to view on the Havant County Council planning website. The approval of the drainage design was confirmed by the planning officer in a meeting at the Council offices yesterday afternoon.

Southern Water has been consulted by HBC as part of the planning application process and you have no doubt seen Southern Water's responses on the HBC planning website. We originally consulted Southern Water last year and Southern Water provided us a letter dated 17/10/2016 confirming capacity for us to discharge foul into the system. When we saw the Southern Water consultation response dated 7th July, which stated there is insufficient capacity in the foul system, we asked our drainage engineer to contact Southern Water and make sure they understood our drainage design. Southern Water's engineers carried out another review of our design and another capacity check of the local sewers. Southern Water confirmed that our proposed flow rate for foul flows was accepted

and the capacity check done for this rate confirms capacity. Southern Water issued a revised consultation response (PLAN-019283, which supersedes the previous response, PLAN-018817) dated 26th July confirming approval for us to connect our foul drainage to the public foul sewerage system at existing manhole SU74050801 in Western Avenue at a discharge rate of 0.0651 l/s.

I think it is really important to highlight that none of our surface water will enter the public foul sewer system. The surface water from the development will be collected in a large underground storage (attenuation) tank on our site and discharged via a new surface water drain to the existing public surface water sewer in Havant Road at an attenuated flow not exceeding 3.9 litres / second. Our storage tank is 252m³, which allows for 1:1000 year flood events plus a % increase for climate change. The actual amount of storage required by surface water runoff calculations is 147m³, so you can see that we have a huge amount of extra capacity. Southern Water has checked the capacity of the surface water sewer in Havant Road and has confirmed in writing that there is capacity for our proposed flow rate.

We do understand the problems faced by you, and your neighbours in Brook Gardens, when the public foul sewer system surcharges during periods of high rainfall. None of our surface water is going into the public foul water system, so no matter how much it rains, our development will not adversely affect you or your neighbours.

Our drainage design has been approved because it will result in a reduced amount of water going into the public foul sewer system.

Please do not hesitate to contact me if you would like to discuss or if I can be of any further assistance now or throughout the planning process.

Yours sincerely,

Mrs Jackie Dunn

Senior Development Manager

McCarthy & Stone

t: 01425 322066 | m: 07469 118365 | e: Jackie.Dunn@theplanningbureau.ltd.uk

Enclosures: -

Drainage layout Rev F

Flood Risk Assessment Rev 5

Mark Bradshaw & Sarah Sanders
70 Brook Gardens
Emsworth
Hampshire
PO10 7LB

Dear Mark and Sarah,

Re. Proposed development at The Orchard House, Western Avenue.

Further to my telephone call with Sarah this morning I am writing to summarise our findings to date in relation to the drainage issues in the vicinity of Brook Gardens, and how the drainage design for our proposed development at The Orchard House provides a 'betterment' to help reduce the current problem.

Existing problem in public foul sewer

Lucy Joyce at Southern Water has confirmed to me that the Anti Flooding Devices (AFDs) in the 3 foul drainage manholes in Brook Gardens/Western Avenue have been fitted to stop surcharge into the Brook Gardens system if the 225Ø public foul sewerage system in Havant Road (A259) surcharges. This happens from time to time due to surface water storm events. The AFDs will stop the surcharge entering Brook Gardens public foul sewer. The capacity in the Brook Gardens foul system is capable of accommodating a percentage of storage on such events. In prolonged events when the surcharging of Havant Road has not subsided a tanker will be called to relieve Brook Gardens of its stored sewerage. Lucy advised me that the problems in the system are being investigated by Southern Water, but that no long-term solution has been identified. The public surface water sewer in Havant Road has no capacity or flooding problems.

Local Authority consultation

Our drainage engineer contacted Havant Borough Council (HBC) on 13th April asking if their drainage engineer could review and comment on our proposed drainage design in light of your concerns. The planning officer has advised us that they "would formally consult the HBC Drainage Engineer and the HCC Local Lead Flood Authority (LLFA) during the course of the application, so I am therefore unable to provide any reassurance at this stage but will endeavour to do so once the application is up and running."

As discussed, after our planning application is registered the HBC Drainage Engineer and the HCC Local Lead Flood Authority (LLFA) should provide their consultation within 21 days, and their consultation feedback will be public (available on the planning website). I am sorry that we haven't been able to get any reassurance prior to submitting our application, but I will keep you updated after the application has been submitted.

McCarthy & Stone Retirement Lifestyles Limited, Southern House,
1 Embankment Way, Ringwood, Hampshire, BH24 1EU
T. 01425 322000 – www.mccarthyandstone.co.uk
Registered Office: 100 Holdenhurst Road, Bournemouth, Dorset, BH8 8AQ
Registered in England and Wales No. 6622231

Our proposal

As discussed, our proposal will result in a reduced amount of water going into the public foul sewer.

At present The Orchard House discharges surface water and foul water into the public foul sewer. Our development will discharge NO surface water into the public foul sewer.

EXISTING FLOWS

The 4 bed Orchard House currently has a discharge into the foul system of:-

4 people x 150 litres/day = 600 litres / day or 0.0069 litres/second

Surface water discharge into the Foul sewer: -

On a 50mm rainfall event with approximately 132m² area contribution

0.014 l/s x 132 = 1.85 litres/second

Total Existing flows into the public foul sewer = 1.857 litres/second

PROPOSED FLOWS

McCarthy and Stone retirement flats: -

2 bedroom apartment x 1.50 people

25 x 1.5 x 150 = 5,625 litres/day or 0.0651 litres/second

Surface water discharge into the Foul sewer:-

ZERO

All surface water will be redirected to either soakaways if feasible or to the 375Ø Public Surface Water Sewer located in Havant Road.

Total Proposed flows into the public foul sewer = 0.065 litres/second

The above calculations show that on a rainy day our development will discharge 154,828 litres/day less than the existing house into the public foul sewer. The flow rate is based on a 50mm storm event but will have an even more significant reduction in a more severe storm event.

Southern Water has confirmed there is adequate capacity in the local sewerage network to accommodate this reduced full flow rate at manhole reference SU74050801 on Western Avenue.

Summary

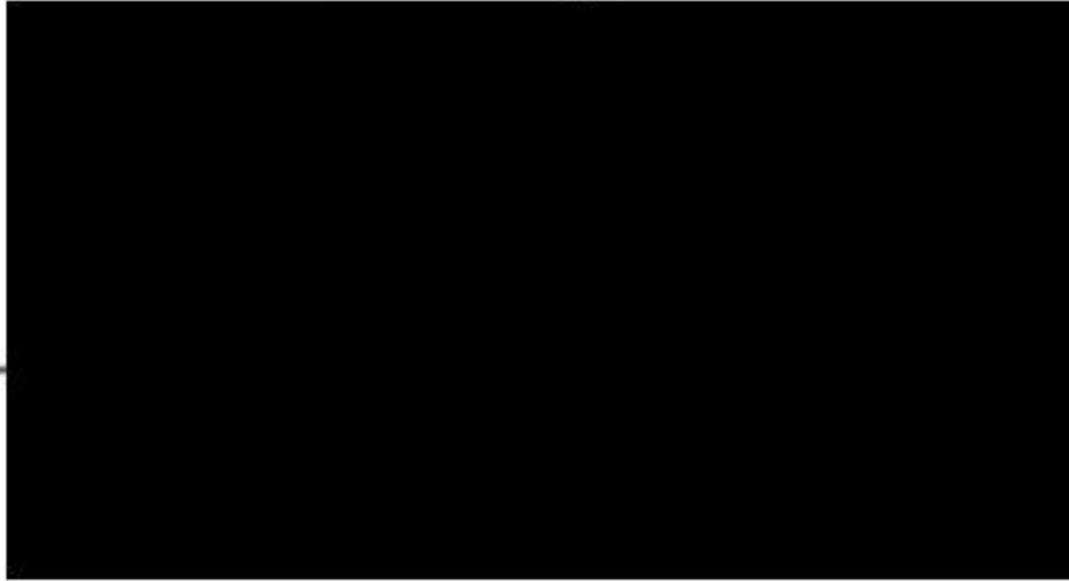
In summary, our investigation shows that the problem is the capacity of the public foul sewer, which surcharges during surface water storm events. The drainage design for our proposed development will remove all of the surface water discharging from The Orchard House site into the public foul sewer and discharge it either to soakaways or to the surface water sewer in Havant Road. This will be subject to the approval of the HBC Drainage Engineer and the HCC Local Lead Flood Authority as part of the planning process.

In simple terms, if the local authority believes our development will have a negative impact on the current drainage/flooding issues, they will not approve our drainage design and our development.

As discussed, I will provide you with hard copies of our drainage design and our Flood Risk Assessment when we submit our planning application. I will also keep you updated on the consultation and approval with the Local Authority following submission.

Please do not hesitate to contact me if you would like to discuss or if I can be of any further assistance now or throughout the planning process.

Yours sincerely,



Mrs Jackie Dunn

Senior Development Manager
McCarthy & Stone

t: 01425 322066 | m: 07469 118365 | e: Jackie.Dunn@theplanningbureau.ltd.uk

Sedgwick

Associates

Chartered Town Planners

PO Box 237, Bolton BL1 9WY

Tel 01204 373366 or 07967 828635 Email:

paul.s@sedgwickassociates.co.uk

Mr Gian Bendinelli

Principal Planning Associate

The Planning Bureau

1 Embankment Way,

RINGWOOD,
BH24 1EU.

Your ref:

Our ref: sa/pks/4798

05/12/2017

Dear Gian,

LAND AT THE ORCHARD, WESTERN AVENUE, EMSWORTH

You have asked for my comments on point 4 of an objection letter from Graham Simmonds and dated 28/11/2017. That point states:

I would suggest that the Council does not accept the conclusions of the Sedgewick Associates 5 Year House Supply Report as they are no longer correct.

Essentially, this report fails to mention the May 2017 Supreme Court Judgement – Hopkins Homes v Suffolk Coastal District Council and Richborough Estates v Cheshire East Borough Council. This judgement states that whilst the absence of a five year supply of housing land introduces a presumption in favour of the grant of planning permission, that presumption cannot be consummated until after the development has been weighed against

the relevant policies of the Council's development plan. Havant Borough Council's Policy AL1 supports this position.

I can confirm that my report was being prepared on 30/05/2017 which was subsequent to the Supreme Court judgement that was handed down on 10/05/2017. I read the judgement on the day it was handed down as it had been eagerly awaited by many planning professionals because it would rule on whether a broad or narrow interpretation of the term 'Relevant policies for the supply of housing' in §49 of the Framework.

It was not necessary for me to refer to that decision in my report as it had no material bearing on my assessment. It had been found in the previous appeal that Policy CS9 did not provide an FOAN. This was not consistent with §47 of the Framework and the policy was therefore out-of-date. There is no question on whether or not that is a policy relevant for the supply of housing, which it clearly is, and therefore Richborough did not impact on my assessment and the tilted balance of §14 of the Framework was in force.

Under the terms of §14 the next step, as set out in the ultimate paragraph of my report, is to assess whether there are any other material considerations, including development plan policies that, in the professional opinion of the decisionmaker, significantly and demonstrably outweigh the benefit of the proposed development. However, that was not for me to assess as my role was solely to deal with housing land supply issues. It seems probable that Mr Simmonds statement '*...that presumption cannot be consummated until after the development has been weighed against the relevant policies of the Council's development plan.*' refers to this stage, but as that is enshrined in the wording of §14 it has not been changed by the Richborough judgement.

I trust that this response to Mr Simmonds' concern is of assistance.

Yours sincerely,



Paul Sedgwick

Dip TP MRTPI