

Special Planning Committee

Update Sheet

10th September 2015

The information set out in this Update Sheet includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.



Winchester
City Council

Working in Partnership



South Downs
National Park Authority

Item No	Ref No	Address	Recommendation
	15/00485/OUT	North Whiteley Urban Extension, Botley Road, Curbridge	PERMIT

Officer Presenting: Simon Avery

Public Speaking

Objector: Wendy Backwell

Curbridge Preservation Society

Roy Roberts

Alison Wilson

Ian Small

Sarah Moorhouse (on behalf of Whiteley Co-Ownership)

Melanie Mitchell

Ann Ailes (Buridge & Swanick residents association)

Terry Silvester/Richard Grant (from one of units on site)

Mrs Hatch

Parish Council representative: Cllr Colin Mercer – Botley PC
Cllr Kevan Bundell – Curbridge PC
Cllr Mike Evans – Whiteley PC

Ward Councillor: Cllr Vivian Achwal

Supporter: Martin Miller (agent) & Neil Thorn (agents office)

UPDATE:

1. Conditions

Highways England have recommended additional and amended conditions as set out below. The changes are considered acceptable.

46. No part of the development hereby permitted shall be occupied until a Travel Plan has been approved in writing by the local planning authority (who shall consult with Highways England on behalf of the Secretary of State) and implemented, and shall include arrangements for monitoring and effective enforcement, as detailed within the Framework Travel Plan version 3 (May 2015).

Reason: To minimise traffic generated by the development and ensures that the M27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

47. No more than 1000 dwellings of the development hereby permitted shall be occupied until the completion of the delivery of the R1 signalised roundabout shown on drawings 16659/ISL/WW01-09 Whiteley Way Preliminary Highway Design Sheets 1 – 9 (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport).

Reason: The signalised roundabout will provide support to the bus lane provision

and sustainable transport. It will also provide improved coordination to M27 Junction 9, therefore ensuring the junction continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. The solutions for the Whiteley corridor must support the operation of the M27 Junction 9 and not cause queuing back to the M27 mainline, ensuring that vehicles from the M27 can join the local road network without difficulty.

48. No more than 1000 dwellings of the development hereby permitted shall be occupied until the completion of the delivery of Swanwick rail station access improvements to be agreed with Highways England (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority (who shall consult with Highways England on behalf of the Secretary of State for Transport).

Reason: The improved access to Swanwick rail station will provide support to the sustainable transport for the development.

The 4th Highways England condition has been incorporated into amended condition 18:

18 s) i: Each Phase application shall be accompanied by:

a Construction Environmental Management Plan (CEMP) that is specific to the Phase area and which accords with the general measures set out in the approved strategic Construction Environmental Management Plan found within Appendix K of the Environmental Statement and Environmental Statement Addendum. In particular, the CEMP must include:

- i. A Construction Traffic Management Plan, to be approved in consultation with Highways England, setting out details of the routes to be taken by construction traffic entering and leaving the site, access arrangements to the site, on-site traffic management procedures, a travel plan for construction workers, the estimated number of vehicles per day/week, details of vehicle holding areas and call-up procedure where necessary, details of any diversion, disruption or other abnormal use of the public highway during construction, protocols for managing large or abnormal loads and a work programme and/or timescale for the construction period

2. Affordable Housing

There is also an update from the Council's Strategic Housing officer on the affordable housing numbers, mix and tenure provided. This is as follows:

- Total Offer: 25% affordable housing (875 units), 60% on-site (525 units), 40% off-site (350 units)
- 60% on-site affordable housing provision equates to 15% of the 3,500

- homes proposed on-site
- 40% off-site affordable housing provision is for 350 homes with £50K subsidy per unit

Rented Affordable Housing – 210 units, 40% of the on-site affordable housing offer

Affordable rent – 210 units

Unit Size	% on-site	No. on-site
1bf	15	32
2bf	10	21
2bh	40	84
3bh	30	63
4bh	5	10
TOTAL	100	210

The applicant has accepted The Council's preferred percentage mix for rented affordable homes on-site. This is reflective of the need for rented housing from applicants wishing to live in Whiteley and registered on Hampshire Home Choice, the Council's choice based lettings system.

Intermediate Affordable Housing – 315 units, 60% of the on-site affordable housing offer

Shared ownership – 131 units

Discounted Market Sale (DMS) – 184 units

Unit Size	% on-site	No. on-site
1bf	5 (DMS)	16 (DMS)
2bf	21	66
2bh	50	157
3bh	24	76
4bh	0	0
TOTAL	100	315

The discounted sale units, as part of the intermediate package, will be affordable housing in perpetuity for eligible households and this will be secured in the s106 agreement. All intermediate units will be subject to an affordability test

Overall Housing Mix

Unit Size	Rented (40% onsite)	Intermediate (Shared Ownership 25%, Discount Sale 35%)	TOTAL
	%	%	%
1 bed flat	15	5	9

2 bed flat	10	21	17
2 bed house	40	50	46
3 bed house	30	24	26
4 bed house	5	0	2
TOTAL	100	100	100

3. Legal Opinion Provided by Curdridge Parish Council

Curdridge Parish Council submitted a Preliminary Counsel's Opinion on the Shadow Habitat Regulations Assessment (SHRA) on Monday 7th September 2015. This raised the following concerns about the SHRA:

Summary of Key Criticisms:

1. Based on available evidence, in particular the Ramsar Progress Report of January 2010 - October 2011, the little egret qualifies for inclusion as a protected feature of the Solent and Southampton Water SPA. While it is not formally recognised in the SPA classification documentation it cannot lawfully be ignored in any assessment of the nature conservation interest of the site, or of the assessment of the impacts of a proposal on that interest.
2. The assessment relies upon an analogy with the Thames Basin Heathland to justify the extent of alternative provision.
3. It is far from clear that a generic financial contribution to an interim mitigation strategy is capable of satisfying the strict precautionary approach required by European law.
4. The Shadow HRA relies upon the financial contribution to the interim Solent Recreation Management Strategy both to make up the shortfall in alternative greenspace actually provided and to mitigate in-combination impacts.

The Council's Environmental Consultant has provided the following response:

Response & Recommendations:

1. While the Shadow HRA does not recognise the little egret as a protected feature of the SPA, it recognises in Section 3 and Appendix E, that it is a species which is regularly recorded in the Upper Hamble. It also states in Section 3 and Appendix E that the proposal will not directly impact feeding or roosting habitat for the little egret; however, there is the potential for impacts on the little egret both alone and in-combination as a result of increased recreational activity. The Shadow HRA has therefore considered the little egret as part of the assessment. Para 25 of the Counsel's Preliminary Opinion concedes that given the points above, "the failure to recognise the little egret on a precautionary basis as deserving of separate protection as a feature of the SPA matters less". While the Shadow HRA has considered the likely significant effects of the proposal on the little egret, the HRA could be strengthened if considered and specifically referenced the little egret within the screening assessment for the Solent and Southampton Water SPA, in Table 5 of the Shadow HRA. This would be a prudent course of action in light of the concerns raised and clearly demonstrate that it has been given appropriate consideration. Ultimately however, it is unlikely

that its inclusion in Table 5 will significantly affect the findings of the HRA.

2. Para 4.40 of the Shadow HRA sets out the reasons why the 8ha per 1000 head of population is considered reasonable to use in the context of this proposal and the European sites being considered. This approach was discussed and agreed with Natural England, the statutory nature conservation body under the Habitats Regulations.

3. The Interim Solent Bird Disturbance Mitigation Strategy sets out the measures necessary to mitigate increased visitor pressure arising from housebuilding on the Solent SPAs. The interim package of mitigation measures is based on extensive research and will be implemented by funds secured through developer contributions, which are currently set at £174 per dwelling within a 5.6km charge zone from the Solent SPAs. The developer contributions will help to implement a range of measures, which include the following:

- a team of rangers who will work on the ground to reduce disturbance by influencing the behaviour of visitors;
- initiatives to encourage responsible dog walking and steer encourage dog owners to go to less sensitive parts of the coast;
- monitoring scheme to track the implementation of mitigation measures and to assess their effectiveness;
- a project officer who will coordinate and help implement the mitigation measures in this document, undertake monitoring and prepare the definitive mitigation strategy;
- a pilot project to test the effectiveness of providing alternative recreation opportunities.

There are appropriate legal mechanisms in place through the planning system, such as Section 106 agreements, that allow the Council to secure the developer contributions before the commencement of development. It is important to note that the Interim Solent Bird Disturbance Mitigation Strategy also states that it may be possible for developers of very large schemes to provide their own mitigation, for example, through the incorporation of greenspace within the scheme where residents can walk their dog or undertake other recreation. In summary, a 'generic contribution' is not being sought, the developer contributions form part of a targeted mitigation strategy that is based on extensive evidence, discussion with Natural England and there are legal mechanisms in place to secure its implementation.

4. As stated in Para 4.46 of the Shadow HRA, a hybrid mitigation package is proposed. The hybrid package is based on a range of evidence, which includes a recreation survey and input from Natural England. As stated above, the Interim Solent Bird Disturbance Mitigation Strategy states that it may be possible for developers of very large schemes to provide their own mitigation, for example, through the incorporation of greenspace within the scheme where residents can walk their dog or undertake other recreation. While there is a shortfall in terms of being able to solely rely on the provision of on-site greenspace to mitigate the increased recreational activity. The provision of 38.3 ha of greenspace on-site along with a developer contribution of £261,870 is considered by the Shadow HRA and Natural England to be suitable and sufficient to ensure that the North Whiteley proposals will not have likely significant effects, either alone or in-

combination, on the Solent & Southampton Water SPA, Solent & Southampton Water SPA or the Solent Maritime SAC.

4. HCC Highways

HCC Highways have provided updated comments as follows:

Whiteley Way Bus Lanes

This matter will be subject to continuing discussions between the Highway Authority and Highways England to agree the appropriate package of sustainable transport measures to support the objectives of the travel plan. Whilst the Highways Authority position on the bus lanes has not changed, they are satisfied that this provides the appropriate mechanism to resolve this matter.

Recommendation

On the basis of the Transport Assessment, the County Council is satisfied that the impact of the development on the local transport network has been appropriately quantified and assessed. A significant package of transport improvement measures has been identified and the County Council consider this adequate to mitigate the transport impact of the development and to satisfy national and local transport policies, particularly NPPF and the Winchester Local Plan.

The County Council therefore raises no objection from a transport perspective to this application subject to the following Conditions, and subject to the applicant entering into a Section 106 Legal Agreement to secure the package of mitigation.

Conditions:

49. Details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways shall be submitted to and approved by the Local Planning Authority in writing before development commences. The agreed details shall be fully implemented before the use hereby approved is occupied.

Reason: To ensure that the roads are constructed to a satisfactory standard.

50. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order) no access other than that shown on the approved plans shall be formed to the site, without the prior approval of the Local Planning Authority in writing.

Reason: In the interests of highway safety.

5. Corrections to the Report

There are 2 errors in the report to be corrected:

In paragraph 10.140 (page 52) it is stated that Barn Farm is excluded from the site. This is not the case and Barn Farm is included within the redline of the application site.

In paragraph 3.4 (page 5) of the report is gives a figure of up to 3,500 dwellings being proposed, the limit is 3,500.