

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 10 September 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard and Lowe

Other Councillors Present:

Councillor(s): Lloyd and Patrick

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Declarations of Interest**

There were no declarations of interest relating to items on the agenda.

### **3 Minutes of the Site Viewing Working Party**

The Committee received the minutes of the Site Viewing Working Party held on 3 September 2020.

### **4 APP/18/01033 - Land East of, Castle Avenue, Havant**

The site was the subject of a site briefing by the Site Viewing Working Party.

Proposal: Residential development comprising 69 No. dwellings with access from St George's Avenue together with access, car parking, landscaping, electrical substation and associated works.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which:

- 1) included an additional comment received from the owner of 27 St Georges Road;
- 2) included a copy of the presentation given to the Site Viewing Working Party held on 3 September 2020;
- 3) included the minutes of the Site Viewing Working Party held on 3 September 2020;

- 4) updated the officers report with amended plans and a revised recommendation to reflect these plans; and
- 5) gave responses to the additional information requested at the Site Briefing which included:
  - a. clarification of the distance from the centre of the site to the bus stop at Green Pond Corner;
  - b. clarification of the timetables for buses serving the bus stops in Southleigh Road and Green Pond Corner;
  - c. clarification on the definition of sustainability in relation to bus services;
  - d. a slide indicating the separation distances from 27 St Georges Avenue to plot 69;
  - e. clarification on the potential for adopting the proposed link road into the remainder of site H15 as a highway maintainable at the public expense;
  - f. clarification on the nutrient neutrality aspect of this application.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and individual members of the Committee since the agenda was published. The officers brought the Committee's attention to the fact that at Full Council on 9 September 2020 the Council had approved the changes to the pre-submission Local Plan and these changes could now be given limited weight. The officers also drew the members' attention to the amended plans received which had rectified the external garage sizes to meet the correct parking space size.

With regards to the 5 deputations and 1 comment received, the officers commented that:

- i. the proposal included electric vehicle charging points for the majority of dwellings;
- ii. given that the Local Plan had not yet been submitted to the Secretary of State for approval, and given the level of unresolved objections to the policies, only limited weight could be afforded to the emerging policies;
- iii. 70% of the dwellings complied with the technical space standards;

- iv. Policy H15 which identified the site as a site for development had no unresolved objections and so could be given more weight in the planning balance;
- v. a contribution would be given by the developer towards the work in the community;
- vi. the area to the south of the development was not available to the developer to use as an access point to the site, and so could not be used as a link at the time of the meeting;
- vii. the Local Lead Flood Authority and Southern Water had raised no objections to the proposal which would improve the existing greenfield run off rates; and
- viii. a traffic regulation order was being sought in the event that any issues did arise during or following construction.

In response to questions by Members of the Committee, the officers answered that:

- 1. the exact nature of the TRO would be determined when an issue had taken place either during or post-construction;
- 2. while 30% of the dwellings did not comply with technical space standards, not all of these dwellings were affordable housing, and some of the smaller dwellings were found by the green space;
- 3. the parking spaces which did not comply with technical space standards had been altered in order to meet them, but as they only required enlarging between 0.2-0.4m not much additional green space and amenity was lost to parking spaces;
- 4. the affordable housing was spread across different areas of the site, and so each dwelling's impact from noise varied depending on where it was placed;
- 5. the garages were the correct size according to the parking supplementary planning document in order to be counted as parking spaces for the development;
- 6. the permitted development rights at the time of granting permission would remain the same throughout construction and would not be impacted by changing laws and so the conditions would be protected; and
- 7. a condition could be included to ensure the access road is built to an adoptable standard.

It was therefore RESOLVED that Application APP/18/01033 be granted planning permission subject to:

- (A) a Section 106 Agreement as set out in the submitted report;
- (B) the following conditions (subject to such changes and/or additions that the Head of Planning considered necessary to impose prior to the issuing of the decision):

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location plan 507-01-A-02-001-SL REV A  
TENURE PLAN 507-01-A-02-010-TP REV J  
MATERIAL PLAN 507-01-A-02-011-MP REV F  
BOUNDARY TREATMENTS 507-01-A-02-012-BT REV J  
SITE PLAN 507-01-A-02-020-SP REV E  
STREET ELEVATIONS 507-A-02-030-SE REV A  
Chalet Bungalow Plots 067 & 069 1385A- 001  
HOUSE TYPE ALNWICK – PRIVATE ALN-001 A  
HOUSE TYPE ALNWICK - HA ALN-HA-002 A  
HOUSE TYPE ALNWICK - HA MIDTHERRACE ALN-HA-002 A  
HOUSE TYPE ALNWICK - HA  
ENDTERRACE ALN-HA-004 A  
HOUSE TYPE CHEDWORTH – PRIVATE CHED-001  
HOUSE TYPE CHEDWORTH – PRIVATE CHED-002 A  
HOUSE TYPE CLAYTON – CORNER CLAY-C-001 A  
HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55  
CLAY-C-002 Rev: B  
HOUSE TYPE CLAYTON – CORNER – PRIVATE PLOT-55  
floor plans CLAY-C-003 Rev: B  
HOUSE TYPE CORFE – PRIVATE COR-001  
TWIN GARAGE GAR-001 Rev: B  
SINGLE GARAGE GAR-002 Rev: B  
TRIPLE GARAGE GAR-003 Rev: A  
HOUSE TYPE HANBURY – PRIVATE HAN-001 A  
HOUSE TYPE HANBURY - HA MIDTHERRACE HAN-HA-002 A  
HOUSE TYPE HANBURY - HA ENDTERRACE HAN-HA-003 A  
HOUSE TYPE HANBURY - HA MIDTHERRACE HAN-HA-004  
HOUSE TYPE HATFIELD – PRIVATE RENDER HAT-001  
HOUSE TYPE KENDAL - PRIVATE KEN-001 Rev: C  
HOUSE TYPE MOSELEY - PRIVATE MOS-001 A  
HOUSE TYPE SOUTER – PRIVATE SOU-001 A SOUTER  
SECTION SOU-SECTION  
HOUSE TYPE STAFFORD – PRIVATE STAFF-001 A

SUBSTATION SUB-001 A  
LUMLEY – HA 4620a-001 B

Landscape

LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 1  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 2  
LANDSCAPE PROPOSALS PERSC22164 11G-SHEET 3  
SOFT LANDSCAPE MANAGEMENT AND MAINTENANCE  
PLAN - PERSC22164 Man Revision: A PERSC22164 (Soft  
Landscaping Specification document)

Ecology

ECOLOGICAL ASSESSMENT REV.4 ECOSA TECHNICAL  
NOTE – Ecological Construction and Management Plan Third  
Addendum DATED 21ST AUGUST 2019 Cranleigh Road,  
Portchester - ECMP Addendum FINAL 210819

Trees

ARBORICULTURAL ASSESSMENT AND METHOD  
STATEMENT 18295-AA2-AN TREE PROTECTION PLAN  
18295-BT2

Street lighting

5972-01B (MJA)  
Castle Avenue Rev E (Prolectric)

Drainage

S1857/502-01 Rev I J ES1857/502-02 Rev I  
J ES1857/502-03 Rev I (Manhole Schedule) J  
ES1857/501-02 Rev B C ES1857/S104-01 Rev I J  
ES1857/S104-02 Rev D E ES1857/501-05 Rev E & ES1857  
501-06 (Construction Details)

External works

ES1857/504-01 Rev G H  
ES1857/504-02 Rev F G  
ES1857/501-01 Rev C (Construction Details) D

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No above ground construction works shall be carried out until a programme/timetable for the provision of roads, footpaths, junctions and visitor car parking have been submitted to and approved, in writing by the Local Planning Authority for each phase of the development. The development shall thereafter be carried out in accordance with the approved programme/timetable and retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. No dwelling shall be occupied until the car parking areas for that dwelling have been laid out and provided in accordance with the details shown on plan A-02-020SP Rev F. The car parking areas shall be retained thereafter for their intended purpose unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 In the event that suspected contamination (soil, groundwater or buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- i) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,
- ii) An appropriate assessment of the risks to all receptors that may be affected, based upon i), and;

- iii) Where potentially unacceptable risks are identified by ii), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All assessments, works, monitoring & other actions required by i)-iii) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) statement confirming that no suspected contamination was identified during development,

OR;

- B) Documentation in accordance with i-iii) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: In the interests of the amenity of the locality and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Plots 37, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 as shown on the approved plan, A-02-020-SP Rev F, shall not be occupied unless and until mitigation has been installed and demonstrated through post validation testing to determine compliance with the noise impact assessment as provided by Noise Impact Assessment (SA4823-5, dated February 2019). This shall be submitted to and agreed in writing by the Local Planning Authority. This report is to confirm the expected noise levels within the proposed dwellings have been achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e. during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. the glazing and ventilation strategy mitigation measures outlined in the Noise Impact Assessment (SA-4823-5, dated February 2019), shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the residents of the properties are not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8        The approved external lighting scheme shall be installed in full accordance, with the details as shown on plan ref 5972-01B (MJA) and Castle Avenue Rev E (Prolectric) unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9        The soft landscaping scheme shall be carried out in accordance with the approved plans, PERSC22164 11G-Sheet 1, PERSC22164 11G-Sheet 2, PERSC22164 11(G)-Sheet 3 and timetable for provision unless otherwise agreed, in writing, by the Local Planning Authority. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season, unless agreed in writing by the Local Planning Authority.
- Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 10       The hardsurfacing shall be carried out in accordance with the approved plans, ES1857-504-01-G External Works and ES1857-504-02-F External Works, in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before works proceed above ground level, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of the amenities of the locality and having due regard to policies CS1, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
11.       The development shall be carried out in strictly in accordance with the Boundary Treatments as shown on approved plan ,507-01-A-02-012-BT Rev J Boundary Treatments unless otherwise agreed, in writing, by the Local Planning Authority. The boundary treatments shall be installed prior to the occupation of each individual dwelling.



Reason: To safeguard the amenities of the locality and or occupiers of neighbouring properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water. Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement, unless agreed in writing by the Local Planning Authority.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply. This condition is therefore necessary having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Assessment (Ecosa, Final Rev.4, August 2019) and ECOSA TECHNICAL NOTE – Ecological Construction and Management Plan Third Addendum dated 21ST AUGUST 2019 unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Details of the implementation of all ecological mitigation, compensation and enhancement features shall be reported to the LPA in writing within one month of their completion.

Reason: to provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 14 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the Arboricultural Impact Appraisal and Method Statement reference 18295-AA2-AN and in & Tree Protection Plan - plan 18295-BT2 written by Barrell Tree consultancy shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, and E, of Schedule 2, Part 1 of the Order shall be carried out on plots 67 and 69, as shown on the approved plan, A-02-020-SP Rev E, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, as shown on plan A-02-010-TP Rev I shall be submitted to and approved in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval and shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points shall be installed prior to the occupation of each individual dwelling.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Pre-Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

17. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no hard surface forward of the front elevation of Plot 1 and Plot 2, as shown on approved plan A-02-020-SP Rev F, shall be provided or replaced in whole or in part, including any works permitted by Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015, without the prior written approval of the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is protected and to reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 18 The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
  - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 19 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan'.

20 No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment – Project Number: 23086 dated September 2018 has been submitted and approved in writing by the Local Planning Authority. The submitted details shall include:

- a. A revised drainage plans including pipe / chamber references linked to the hydraulic calculations and highlighting the revised discharge points and rates as per Southern Water's response.
- b. Revised drainage calculations to demonstrate that the drainage will function as needed in the different return periods up to and including the 1:100 + climate change.

The development shall be carried out in accordance with the approved details.

Reason: Without the provision of an appropriate surface water connection point the development cannot be appropriated mitigated and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 6.02 pm**

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**Chairman**