

HAVANT BOROUGH COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE 5 MARCH 2020

Update report re APP/19/00427 – Land at Lower Road, Havant

Proposal: Development of 50 new dwellings together with access, landscaping and open space.

Introduction

Planning Application APP/19/00427 for the development of 50 new dwellings together with access, landscaping and open space on land at Lower Road, Havant, was deferred from the Development Management Committee meeting of the 23 January 2020 as it was evident from the questions raised by members that there were a number of issues that required clarification before the Committee could reach a decision on the application.

In more detail, the Committee resolved that consideration of application APP/19/00427 be deferred to enable the officers to clarify the issues set out below and report back to the Committee:

- (a) how the education authority would manage a situation where Bidbury Infant and Junior Schools could not accommodate pupils living on the proposed development and how these arrangements would affect existing pupils who lived outside the catchment area;***
- (b) impact of the traffic likely to be generated by this proposal on the Bedhampton Hill roundabout and how this impact (if any) would be mitigated;***
- (c) how the likely new registration requests from people living in the area of the proposed development would be accommodated by the existing GP surgeries;***
- (d) how the occupancy of the affordable housing and the right to buy properties will be managed to ensure that households are provided with properties of a suitable size;***
- (e) the route of the historic Narrow Marsh Lane compared to the route of the proposed footway to be provided within the application site; and***
- (f) how the proposed archaeological condition would overcome the concerns raised by the County Archaeologist and the procedure that would be put in place if major finds were uncovered during the preliminary survey.***

The original officer report presented to the 23 January meeting, as amended by the update sheet circulated prior to the meeting, is included in the papers below.

Representations

In addition to the representations set out in the attached committee report, since the deferral of APP/19/00427 3 further objections have been received which have been summarised in the bullet points below. Responses from relevant consultees have been sought in relation to the additional matters raised, and these are also set out below.

- ***There is a lack of consideration to the Bechstein's bats that forage on the land south of Lower Road. The mitigation provided in the final HBC report was to provide a number of bat boxes but I feel this is grossly inadequate and misses the point. The Bechstein's bats have legal protection.***

Response from HBC Ecologist

There is no evidence that the site supports Bechstein's bat. The bat surveys carried out did not record this or similar species and impacts to suitable Bechstein's foraging/commuting habitat are extremely minimal. It is my judgement that Bechstein's bats are not a constraint at this site.

The Bechstein's bat buffer area is being revised to reflect the most recent data (it will require constant revision as new information comes in). It's purpose is to highlight the potential presence of the species in the landscape, not to show where the bat is present. It is based purely on a 3km buffer zone around known records – it does not infer that all habitat within that zone is suitable or occupied. On current data the species is most likely to occur where a combination of ancient woodland, parkland and unimproved grassland occurs and records are from a concentrated zone around Horndean and Rowland's Castle.

From the response from HBC Ecologist it is apparent that the impact on Bats has been considered and the mitigation is appropriate to addresses the impacts.

- ***The DMC report does not include:***
 1. ***A statement recognising the signed petition submitted to HBC reference this site***
 2. ***The fact that a previous independent inspection removed this site from the current local plan due to the harm it would cause***

Officer Response

It should be noted that the petition was submitted in 2018 prior to the submission of the application and not in respect to the detailed planning application now under consideration. Whilst the site was not allocated under the current local plan, under the draft Local Plan 2036 it has been necessary to review sites for allocation for delivery of the 5 year housing land supply.

- **The Council have recently refused APP/19/01083 - Retrospective change of use of existing building from B8 to mixed use of B1/B2/B8 and retention of six external storage bays; and proposed change of use of agricultural land with associated hardsurfacing to form circulation and loading area – at land adjacent to Old Manor Farm in Lower Road.**
- **There are considered to be significant inconsistencies between this decision and the recommendation made in respect of the housing proposal at Lower Road. The interpretation of guidance and policy used to determine the Barn application must be consistently applied to the housing application and a different conclusion and recommendation.**

Heritage Officer response

Applications APP/19/01083 and APP/19/00427 have a commonality in their locations being adjacent to the Old Bedhampton Conservation Area, in particular, Character Area 5 – Old

Manor Farm. However, there are significant differences between the two applications in planning terms, primarily relating to the form and scale of development. On the subject of Narrow Marsh Lane, it is not disputed that this is a historic route leading south from Lower Road however, as has been previously discussed, this is not a designated heritage asset in its own right.

The form and scale of development relating to APP/19/01083, to the west side of the Old Manor Farm (Character Area 5), significantly differs to the development proposed on the H20 site. Development to the west of the site comprises an inappropriate industrialisation of the site including the retention of outside storage areas, industrial containers, piles of builder's detritus etc, with minimal screening. As such, the development is considered to have an adverse impact on the setting of the CA, which in turn is harm to its significance. As the application site only forms part of the setting of the conservation area, the harm caused by the development is found to be less than substantial, as it would not result in a total loss of significance.

I understand from the objector's response that he believes that the LPA have taken measures to protect the setting of Character Area 5 to the west by refusing APP/19/01083 and that this should be carried on through to APP/00427, by protecting the rural setting to the south and east?

However APP/19/01083 was refused as it was considered to be a harmful form of development to the rural setting and character of Character Area 5. The H20 development as proposed would also be within the setting of Character Area 5 and the wider Old Bedhampton CA. However, this application proposes a different form of development, that being low density, residential development. So whilst it is considered from a heritage perspective that less than substantial harm would still arise as a result of the erosion of part of the open countryside which lies south of the CA, it is considered that the impact of this development can be moderated to a degree through the design, more specifically the proposed layout of the scheme with mainly single storey development being closest to the CA and the proposed use of high quality materials.

From a heritage perspective therefore, both forms of development are considered to result in harm, but of a less substantial nature. It is therefore necessary to weigh up this harm against the public benefits of the proposal including, where appropriate, its optimum viable use. With regard to APP/19/01083, it was considered that there are no public benefits to the scheme, hence the subsequent refusal of the application.

Officers would highlight that both the main body, and the conclusion of the Committee report discuss the less than substantial harm caused to the Conservation Area by the housing proposal under consideration – and that this has been weighed against the benefits of the scheme before reaching a recommendation in this case.

Matters for clarification

Following the deferral of consideration of application APP/19/00427, officers have consulted with relevant Consultees and the responses are provided below followed by an updated recommendation in respect of the application, which supersedes that set out in the original officer report.

(a) Education

How the education authority would manage a situation where Bidbury infant and junior schools could not accommodate pupils living on the proposed development and how these arrangements would affect existing pupils who lived outside the catchment area;

Officers have consulted with HCC Education, who have provided the following response:

The pupils moving into the development could be offered a place at either the Trosnant or Riders pair of schools if no places were available at the Bidbury Schools. The parents from Lower Road could then ask to be placed on the waiting list at Bidbury if they wished to try and access a place at one of these schools.

A further clarification has been received from HCC Education that under the Admissions Code it is not possible to hold open places in schools to cater for any new housing developments within the catchment area. Also, it is anticipated that there would be 2 pupils per year group from the proposed development.

From this response it is apparent that HCC Education consider that the educational demands arising from the development can be met in local schools.

(b) Highways

The impact of the traffic likely to be generated by this proposal on the Bedhampton Hill roundabout and how this impact (if any) would be mitigated;

Officers have consulted with HCC as Highways Authority, who have provided the following response:

To understand the vehicular impact of the Lower Road development on the local road network, the Highway Authority requested that the applicant undertook junction modelling for the Bedhampton Hill junction with the industry standard roundabout modelling software known as ARCADY. This modelling exercise included assessing the operation of the roundabout against a future year scenario of 2024.

Under the 2024 'with development' assessment, it was noted that the roundabout was marginally over capacity in the AM and PM peak hours. However, when compared against the total flows through the roundabout during the peak hours in the 2024 'without development' scenario, the vehicular trips of 17 in the AM and 15 in the PM equated to a 0.75% and 0.58% increase in traffic in the respective peaks. This results in an additional movement at the roundabout approximately every 4 minutes. Instead, the additional traffic flow at the roundabout will primarily be generated by background growth. The Highway Authority have secured a contribution towards improving sustainable transport infrastructure from the development to the catchment schools, which will further lessen the number of vehicular trips at the roundabout every minute during the peak hours.

Against this context, the Highway Authority did not consider that a contribution towards the roundabout would meet the 3 CIL tests, specifically that it is necessary to make the development acceptable in planning terms. Should a contribution have been sought, the development would only have been able to fund a proportionate level of the cost of the works. Given that the roundabout is likely to require signalisation, this would have been a small proportion of the overall improvement scheme.

Officers consider that this response, which supplements that in the main officer report, demonstrates that HCC Highways have had regard to the impact of additional traffic passing through the Bedhampton Hill roundabout; and sets out that the contribution that the Lower Road development would make to those traffic flows is so small as not to require mitigation. Any impacts are further lessened by the improvements secured to sustainable transport infrastructure from the development to the catchment schools, which can be anticipated to further lessen the number of vehicular trips on the network in general, and at the roundabout specifically, during peak hours.

(c) Surgery capacity

How the likely new registration requests from people living in the area of the proposed development would be accommodated by the existing GP surgeries;

Officers have consulted with the South East Clinic Commissioning Group (SECCG), who have provided the following response:

As identified in our response the surgeries which are most likely to be impacted by this development are the two surgeries at Havant Health Centre, Homewell Curlew Practice and Staunton Surgery, and Bosmere Medical Practice which are closest to the development. There are no plans currently to make any structural changes to Bosmere Medical Practice. We have been advised by NHS Property Services, the landlord of Havant Health Centre, that there is no capacity for either of the surgeries based there to expand the space required for their practice operations. As all accommodation within the health centre is fully occupied any further developments to increase the practices will require the landlord, Practice, CCG and other building tenants to work together to ensure that space can be released, which may be possible by the reconfiguration of existing space or by procuring additional accommodation. Please note that the NHS reimburses the costs of any additional space required for the provision of primary care (GMS) services.

Further discussion with the SECCG has clarified that the reimbursement from the NHS referred to is in respect of the ongoing costs in respect of works to accommodate the additional patients, such as the premises' rental cost, as opposed to the capital costs in undertaking the works in the first instance. In addition, in respect of reconfiguration, one of the options open to them is to convert administration space to clinical space to provide additional capacity to serve new patients. It is therefore considered that the financial contribution being sought to enable those practices impacted to make suitable building adaptations to facilitate the growth in demand that the development will generate is an appropriate response to this issue.

(d) Affordable Housing

How the occupancy of the affordable housing and the right to buy properties will be managed to ensure that households are provided with properties of a suitable size;

Officers have consulted with the Council's Housing Manager, who has provided the following response:

Right to Buy- this doesn't actually exist yet (and may never do) for housing association tenants. For them it's the Right to Acquire with a discount of between £9K and £16K depending on how long they have lived in their social housing home. Council tenants, like Portsmouth, Winchester, and Southampton have the Right to Buy and the discounts are calculated differently. In essence both HA and LA tenants do have the opportunity to apply to buy their home but the schemes are different.

When available social homes become available for let they are advertised on Hampshire Home Choice (HHC), the Council's waiting list. The adverts are uploaded to the system by the landlord (any one of the numerous housing associations, or RP's that develop or have existing stock in the borough) and the ad is checked for completeness by us before going live. Each property has a minimum and maximum number of permitted occupiers. So say for example when Vivid (the RP for Lower Road) get an 8 week notice that a 2 bed 3 person house is due to be handed over they will put the advert on HHC as suitable for a minimum of 2, and a maximum of 3 persons. The way HHC is set up applicants are assessed on their bedroom need depending on the number in the household and other housing needs. Only those people that would fit in a 2 bed 3 person home would be able to see the advert and bid. Types of households could include a couple with one child, a lone parent with 2 children, a parent with an adult child, 2 joint applicants that are not related but have an established household, a couple with medical needs that need a second bedroom for a carer, equipment, or just need two separate bedrooms. As you can see there are lots of possibilities here and we have all types of households on our waiting list. In short only households that would not overcrowd a property at the outset would be considered by us to be nominated to the RP.

I have had a look at the documents submitted with the application and can see my original response on 16/07/19 where I commented on the sizes of the affordable as outlined in the original Affordable Accommodation Schedule. Following these comments Vivid reviewed their provision and their letter dated 25th September 19, uploaded to the documents on 03/10/19 confirms that they are intending to provide affordable houses with increased GIA, however the bungalows at 62sqm remain the same and meet the NDSS requirements as being suitable for 3 persons.

The houses have increased in size and do meet NDSS for 2 bed 3 persons, and 3 bed 4 person, however as we have said before NDSS are not policy yet and could have viability consequences which I believe is going to be tested further before we submit the Local Plan for inspection. The new increased sizes are far more in line with the older Housing Quality Indicator Standards which were abolished after our Housing SPD was adopted. Those standards detailed:

2B3P between 57-67sqm

2B4P between 67-75sqm

3B5P between 82-85sqm

Using these standards the proposals for a 2 bed houses at a minimum of 70sqm means they would be able to accommodate up 4 persons, and the 3 beds at 84sqm could accommodate up to 5 persons. It will be interesting to see how the RP describes the maximum occupancy for each type of home. If we measure by NDSS these houses meet the requirements for 3 or 4 persons, if we use the previous measures, the ones we used up until we drafted the new Local Plan the houses could accommodate 4 in the 2 beds, and 5 in the 3 beds.

In light of the Housing Manager's comments, officers have investigated the floor areas of the affordable units in the context of the Nationally Described Space Standards (NDSS), issued by the Government in 2015 but not currently part of the adopted Local Plan. It has been confirmed that all the proposed affordable homes meet the Nationally Described Space Standards as set out in the table below.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

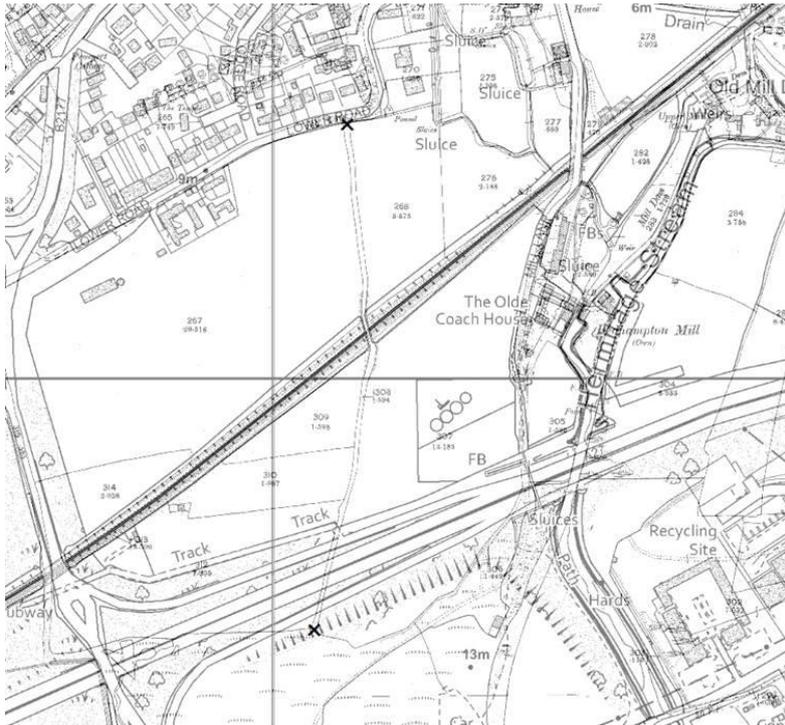
With respect to the market housing all but 6 units meet the Nationally Described Space Standards.

It can therefore be concluded that the allocations process associated with Hampshire Home Choice, the Council's housing waiting list, makes due allowance for the size of dwellings when households are invited to apply for accommodation. A significant proportion of the dwellings also meet the Nationally Described Space Standards – even though this requirement only has limited weight in policy terms.

(e) Narrow Marsh Lane

The route of the historic Narrow Marsh Lane compared to the route of the proposed footway to be provided within the application site;

In investigating this issue officers have liaised with Hampshire County Council's Countryside Access Team who are in receipt of an application to designate Narrow Marsh Lane as a public right of way. The Countryside Access Team have overlain the route of Narrow Marsh Lane as shown on the 1895 OS map on contemporary mapping as below:-



The Countryside Access Team have advised that they have compared the route of Narrow Marsh Lane as shown on the submitted housing layout plan with the the historical mapping, and consider that the housing layout plan provides a reasonable identification of Narrow Marsh Lane based on the historical mapping. It is therefore considered that the determination of the application on the basis of the submitted layout plan will not prejudice the outcome of the right of way claim.

In addition, archaeological investigation works are currently being undertaken on behalf of the applicants, in liaison with the County Archaeologist, to confirm the width of the lane. Based on the works to date the width of the lane would appear to be 2m. This lends further support to the view that the line of the former lane would not be impeded by the proposed development so, if the lane were to be reinstated at some time in the future as a public right of way, there would be no difficulty in doing so in relation to the development proposed.

(f) Archaeology

How the proposed archaeological condition would overcome the concerns raised by the County Archaeologist and the procedure that would be put in place if major finds were uncovered during the preliminary survey.

Officers have consulted with the County Archaeologist, who has provided the following response:

When advising the planning authority on archaeological matters we base that on the evidence that is in the Historic Environment Record (NPPF 187 & 189), what it tells us directly about an area and what we can infer. It is rare that we can be absolutely certain about the archaeology that is on a site and it is the nature of archaeology that you cannot fully predict what you will encounter. By that token does it follow that every development site should be subject to an archaeological survey prior to the determination of the planning application? Consideration must be given to the likelihood (as opposed to certainty) that an overriding archaeological constraint might be present. The planning response must be

proportionate (NPPF 189) and this can include “where necessary” (NPPF 189) a field evaluation – that is an archaeological survey prior to the determination of the planning application.

I only advise planning authorities to require an archaeological evaluation prior to the determination of a planning application if there is a sound argument to suggest the presence of an archaeological site whose significance would override the need for development or whose significance is such that the burden of the archaeological work secured by archaeological condition would be ‘unreasonable’ (or a refusal by imposition of a condition that cannot be delivered), i.e. that the burden of a pre determination evaluation (NPPF 189) is a proportionate response. There is no archaeological evidence that I am aware of to suggest that a site of such significance might exist at Lower Road, although as I have noted there is no absolute certainty in archaeology.

It is a matter of informed judgment. The archaeologists retained by the applicant to help them manage their archaeological risks have not identified the potential for an overriding archaeological constraint. The evidence on the HER, and my experience as a local archaeological curator, do not lead me to suspect an overriding archaeological constraint. Therefore my ‘proportionate’ response is to recommend the use of an archaeological condition. I recognise the potential to encounter archaeological remains and the need for archaeological survey prior to development, but I do not anticipate an overriding archaeological constraint and therefore it would seem disproportionate to require such a survey prior to the determination of the planning application.

It is of course possible to conjure a wording for an archaeological condition that makes some provision for preservation of archaeological remains if a site of such significance emerges. It is a question of making such a condition reasonable and proportionate. Such preservation it might secure would need to be of a scale that it could be accommodated within the development, perhaps for instance equivalent to the open space provisions.

A more precautionary approach to archaeological survey by requesting pre determination evaluation in any case where there is uncertainty (which is generally speaking most large scale development) would lead to delays in determining planning applications, would result in redundant archaeological costs where the application was subsequently refused for other reasons and in some cases inflict ground and ecological damage from trenching on what might be sensitive locations. The burden of a pre determination archaeological evaluation must be a proportionate response. None the less I would request an archaeological evaluation prior to the determination of a planning application if I believed this was an appropriate, necessary and proportionate response. In the case of Lower Road I do not.

In order to address the archaeological concerns raised at the Committee meeting of the 23 January the applicant has commissioned archaeological investigation works in consultation with the County Archaeologist, who has advised he has visited the site and as the investigations are:

‘not fully completed I cannot fully anticipate the results, but so far they have found only a few isolated small scale and possibly prehistoric features (pits and post holes) much as I was anticipating and consistent with the area having been used for grazing and peri harbour activity, but not substantive settlement. ‘

In addition the County Archaeologist has advised:

'the direction of travel based on what I saw this morning, is archaeology being present but not overriding or constraining (but we must await excavation of all of the trenches before we can be certain of course).'

The County Archaeologist has identified in respect of Narrow Marsh Lane that:-

Three of the trenches did cut across the routeway that been a basis for local concern. As I did explain in one of my emails the archaeology of such tracks are likely to be 'erosive' and so the earliest manifestations probably removed during the continued use. But at present there appears to be a small hollowed path consistent with a route, and that has been back filled with post medieval material (will need to see the report but it looked late 19th early 20th century to me) and then capped off with a chalk surface. My guess is this may have been done about the time that the railway line went in when it became 'the' route to cross the railway line instead of just one of several locally.

The report in respect of the investigations is to be provided in advance of the 5 March Committee meeting, however, as this is not currently available the proposed archaeological conditions have been reworded in consultation with the County Archaeologist and now comprise 3 elements: -

- That no development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.
- That no development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
- Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

These conditions are included in the revised recommendation below (condition nos. 17 to 19) but may require rewording following conclusion of the trial trenching and submission of the Archaeological report.

Conclusion

The foregoing additional information and analysis is considered to have addressed the reasons for deferral of Planning Application APP/19/00427 from the meeting of the Development Management Committee held on 23 January 2020. It is therefore recommended that planning permission be granted for the reasons set out in the officer's report, as supplemented by the additional information presented in this update paper, on the basis of the following revised recommendation:

REVISED RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00427 subject to:

(A) a Section 106 Agreement securing the matters as set out in paragraph 7.138 of the attached officer report; and

(B) the following conditions (subject to such changes and/or additions that the Head of Planning considers 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:

Planning

Application Form

Infrastructure Delivery Statement

CIL Assumption of Liability Form

CIL Additional Information Form

Planning Design & Access Statement

Affordable Housing Statement

Statement of Community Involvement

Compliance statement

Architect's Plans

- 17.043.102 Rev P – Site Layout
- 5992-601-C- GENERAL HIGHWAY ARRANGEMENTS
- STREET SCENES SHEET 1 OF 2Rev B
- STREET SCENES SHEET 2 OF 2Rev B
- 201 – House Type B
- 202 – House Type C

- 204 Rev E – House Type E
- 17.043.205 Rev D – House Type F terrace
- 17.043.205A – House Type F Terrace staggered
- 17.043.205B Rev A – House Type F Terrace Affordable
- 17.043.206 Rev D – House Type F – Semi - Affordable
- 207 – House Type G
- 208 - House Type H
- 209 - House Type J
- 210 - House Type K Plans
- 211 - House Type K Elevations
- 212 - House Type L Plans
- 213 - House Type L Elevations
- 214 House Type M
- 17.043.215 Rev D – House Type N – Affordable
- 17.043.216 Rev E – Car Barn and cycles
- 218 – Double detached garages
- 219 – Single detached garages
- 17.043.220 Rev C – House Type HA
- 221 – House Type AA
- 222 – House Type JA
- 223 – House Type O
- 17.043.225 Rev B – Sub-Station
- 17.043.226 Rev B – Street Scenes 1
- 17.043.227 Rev B – Street Scenes 2
- 1860-TF-00-00-DR-L-1002 Landscape Rev 07 (sheet 1 of 5)
- 1860-TF-00-00-DR-L-1003 Landscape Rev 05 (sheet 2 of 5)

- 1860-TF-00-00-DR-L-1004 Landscape Rev 04 (sheet 3 of 5)
- 1860-TF-00-00-DR-L-1005 Landscape Rev 07 (sheet 4 of 5)
- 1860-TF-00-00-DR-L-1006 Landscape Rev 05 (sheet 5 of 5)
- (MJA Consulting) Drainage Strategy Layout 5992:P01 Rev. G (14.10.19)
- (MJA Consulting) Level Strategy Layout 5992:P02 (Rev.)
- (MJA Consulting) Road and Sewer sections 5992:P10 (Rev.)
- (MJA Consulting) Surfacing Strategy Layout 5992:P05 (Rev. A)
- (MJA Consulting) Sections Through Attenuation Basin, Reed Bed and Wet Pond 5992:P11 (Rev. A)
- (MJA Consulting) Proposed Residential Development, Manor Farm, Bedhampton, Hampshire, SuDS Management & Maintenance Plan (Rev. B) Ref. SS/19/0185/5992
- (MJA Consulting) Exceedance Flow Plan 5992:P06 (Rev.)
- (MJA Consulting) Manor Farm, Bedhampton, Surface Water Network MicroDrainage Calculations
- EV Charging point plan

Highways

Transport Assessment

Ecology

Ecological Assessment (Aluco, April 2019)

Miscellaneous

Acoustic report provided by 24 Acoustics

Flood Risk Assessment & Development Drainage Strategy Rev B(MJA Consulting)

Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019

Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017)

Letter from Vivid dated 25th September 2019

Reason: - To ensure provision of a satisfactory development.

Landscape and materials

3 No above ground development shall take place until a further detailed Scheme of Soft and Hard Landscape Works has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
- ii) Planting methods, tree pits & guying methods,
- iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
- iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- v) Manner and treatment of watercourses, ditches and banks,
- vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
- vii) Means of enclosure, in particular boundary walls and planting around properties and including their frontages, including any retaining structures,
- viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution
- ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework.

4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and 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.

Ecology and trees

5 Prior to the commencement of development activities, a site-wide ecological mitigation strategy shall be submitted for approval to the Local Planning

Authority. This strategy shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the Ecological Assessment (Aluco, April 2019) and shall be in accordance with any submitted landscape, drainage and lighting strategies. All ecological mitigation, compensation and enhancement measures shall be implemented in accordance with the agreed details and maintained in perpetuity in a condition suited to their intended function, unless otherwise agreed in writing by the Local Planning Authority.

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.

- 6 Prior to the commencement of development activities, a Construction Environment Management Plan (CEMP) shall be submitted for approval to the Local Planning Authority. The CEMP shall be informed by the identified ecological receptors detailed within the Ecological Assessment (Aluco, April 2019) and including measures to address the impacts, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive). Development shall be implemented in accordance with the agreed CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on Bernie Harverson's Arboricultural Method Statement and Tree Protection Plan dated June 2019 shall be installed. 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.

Environmental

- 8 No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The approved Plan shall be adhered to throughout the construction period. The plan should include, but not be limited to:

- An indicative programme for carrying out of the works

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- The arrangements for deliveries associated with all construction works • Loading and unloading of plant and materials • Storage of plant and materials used in constructing the development
- Location of temporary site buildings, compounds, construction material, and plant storage areas
- Access and egress for plant and machinery
- Protection of pedestrian routes during construction
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 - 18.00 hours on Mondays to Fridays and 08 00 and 13 00 hours on Saturdays and; at no time on Sundays and Bank Holidays • Procedures for emergency deviation of the agreed working hours
- Control measures for dust and other air-borne pollutants • Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- The parking of vehicles of site operatives and visitors
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate • Wheel washing facilities
- A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To protect the amenities of nearby residential premises during the demolition/ construction phase of the development and having regard to PolicyCS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Environmental – Soil, contamination

9

The development hereby permitted shall be carried out in accordance with the recommended Remedial Works and Contamination Discovery Strategy outlined in sections 11.2 & 13.0 of the Geo-Environmental Services Ltd. Ground Appraisal Report (Ref GE16507-GAR-NOV17 v1.0 08/11/2017), unless otherwise agreed in writing by the Local Planning Authority.

Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report must;

a) demonstrate the adequate segregation of made soils deemed inappropriate for use in private garden areas, and either the appropriate 'off-site disposal' or 'within-development placement' of this material to ensure that no unacceptable exposures arise, and;

b) document any assessments &/or remedial actions required to be taken in accordance with the Contamination Discovery Strategy, or if no actions were required; provide a positive declaration that no relevant discoveries of previously undocumented 'suspected contaminated' soils were made.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], contamination impacted soils have been identified within a discrete deposit at the site where contaminants are likely to exceed levels considered appropriate for use private gardens, allotments or soft-landscaped public amenity land. This condition aims to secure an appropriate use or destination for these soils, to ensure that no unacceptable exposure to harmful contaminants may occur.

Noise

- 10 The development shall be built in accordance with the noise mitigation recommendations outlined in the acoustic report provided by 24 Acoustics (Technical Report: R6954-1 Rev 1 dated 28th March 2019) attached to the planning application namely:

The specification measures outlined in Parts 5.7 - 5.10 of the report.

The agreed details shall be fully implemented, and validation test results submitted to the Planning Authority before the use hereby approved is commenced and/or any part of the development is occupied.

The measures are based on the units being of cavity masonry construction. Any divergence from this method of construction would require a further acoustic report to reflect the changes, to be submitted, as further mitigation measures may be required in that instance.

Reason - To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interest of residential amenity and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Drainage and Flood risk

- 11 No development shall begin until a detailed surface water drainage scheme for the site, based on the principles accepted under application reference APP/19/00427, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- o Provide unit type, and sizing for the Upflow unit and show it is sized adequately for the area it is draining. Please indicate type of unit (manhole or vault to be provided) and show this within the drawing.
 - o Due to the sensitivity of discharging to a deep borehole soakaway, please

provide details of what emergency procedures would be in place to ensure an oil/contamination spillage is promptly dealt and the penstock shut-down mechanism activated to prevent any contamination from reaching the borehole.

o Provide details of the treatment level using the CIRIA Simple Approach Index level provided by the Multi-Stage Treatment Filter” from Hydro International unit. provided by the “Multi-Stage Treatment Filter” from Hydro International.

o Provide details showing how the top layer of the infiltration borehole will be sealed details of what measures such as screening will be provided to prevent entry of debris into the borehole soakaways.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert, 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.

- 12 The development hereby permitted shall not be commenced until a scheme for water quality monitoring of surface water drainage discharging to the boreholes, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:To ensure controlled waters (groundwater) are protected, and that there is no direct discharges of pollutants to groundwater in line with paragraph 170 of the National Planning Policy Framework, and having due regard to policy DM10 of the Havant Borough Adopted Core Strategy [2011].

Highways

- 13 Prior to first occupation the visibility splays shown for the vehicular access and two pedestrian accesses shall be provided so that any obstruction within the splays between 0.6m and 3m above the level of the carriageway shall be removed. These splays shall be maintained in this condition thereafter.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 Prior to use at least the first 16m of access measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material and shall be maintained in this condition thereafter.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 A Construction Traffic Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire

County Council Highway Authority) before development commences. This should include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve each individual dwelling hereby permitted shall be made fully available for use prior to that dwelling being first brought into use and shall be retained thereafter for their intended purpose.

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.

Archaeology

- 17 No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority. The assessment should take the form of trial trenches located across the proposed area of housing to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded.

Reason: To establish the location, extent and character of any archaeological remains within the site and to secure the archaeological investigation of any archaeological remains identified and an appropriate reporting and recording of those results. and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

- 18 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

- 19 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme submitted by the developer and

approved in writing by the local planning authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.

Water efficiency/sustainability

- 20 The development hereby permitted shall not be occupied until 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. All measures necessary to meet the agreed water efficiency calculation must be installed before first occupation and retained thereafter.

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 necessary avoidance measures are 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 of the Pre-Submission Havant Borough Local Plan 2036.

Electric Charging points

- 21 Prior to the occupation of the development full details of the Electrical Vehicle Charging points, 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.

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.

Removal of permitted development rights

- 22 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order (as amended), no extension, building or

structure permitted by Part 1, Classes A/B/C/E/F and H of the 2015 Order, as amended, shall be erected within the curtilage of Plots 1, 10, 11, and 22 to 28 inclusive without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the Conservation Area and occupiers of neighbouring property and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.