
Site Address: Land adjacent to 54, Long Copse Lane, Emsworth
Proposal: Variation of Condition 2 of Planning Permission APP/21/01376 relating to revised drawing references - 1) approved Site Layout Plan and 2). Plot 5 elevations/floorplans. 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Plans Site Layout Plan – 01M Plot 1 - Plans & Elevations - Drawing No. 02A Plot 2 - Plans & Elevations - Drawing No. 03C Our Ref: APP/21/01376 Plots 3 & 4 - Plans & Elevations Drawing No. 04D Plot 5 - LC-P5-NMA Plots 6 & 7 - Drawing No. 06B Plots 8 & 9 - Drawing No. 07B Site Section from South to North (plot 4) D-D - Drawing No. 10C Site Elevation from Long Copse Lane - Drawing No. 09 d Street Scene Drawing.
Application Type: Variation/Relief of Condition
Application No: APP/22/00857 Expiry Date: 16/12/2022
Applicant: Mr Barry
Agent: Case Officer: Lesley Wells
Ward: Emsworth

Reason for Committee Consideration: Contrary to the provisions of the development plan.

Density: 30 dph

HPS Recommendation: **GRANT PERMISSION**

Executive Summary

The proposal before the Committee is for a variation of condition 2 imposed on planning permission APP/21/01376, which granted consent for the erection of 9No. dwellings together with associated works. This condition relates to the plans approved under this permission, which the proposal seeks to vary in respect of the dwelling on Plot 5 only. The variation seeks to change the external appearance of the approved dwelling of Plot 5, with changes to the fenestration and the roof. To accommodate the variation internal changes are also proposed. Full details of the proposed changes are set out in paragraph 3.3 below. The proposed variation does not alter the footprint of the approved dwelling, with the approved distances to neighbouring properties remaining the same. Similarly, the proposed variation does not increase the number of bedrooms within the dwelling, so there are no changes to the parking demand.

In terms of the principle of development, the land lies outside of the urban area for Emsworth in the adopted Local Plan. On 2 June 2022, planning permission was granted on the land for the erection of 9No. dwellings together with associated works under reference APP/21/01376, which contributed to the objective of boosting the housing supply within the Borough. This was subject to a Section 106 Agreement which included payments for the Solent Recreation Mitigation Strategy and nitrate neutral development. Therefore, the principle of residential development was found to be acceptable on land outside of the urban area.

The variation to condition has been assessed in terms of the impact on residential amenity and on the character and appearance of the area. It is concluded that there would be an acceptable impact on residential amenity and on the surrounding landscape and from public vantage points.

The impacts on ecology, flood risk, drainage and trees were found to be acceptable

under permission APP/21/01376. This variation to the permission would not affect these considerations.

The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment (AA) under Regulations 63. The screening under Regulations 63(1) (a) found that there was likely to be a significant effect on recreational pressure and water quality on the Chichester and Langstone Harbours Special Protection Area (SPA).

The subsequent AA included a package of measures:

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation in respect of recreational pressure; and
As set out in the Position Statement and Mitigation Plan for Nutrient Neutral Development, an appropriate scale of mitigation.

The AA concluded that this is sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. Natural England (NE) was consulted over this AA, but no response was received. Having regard to the fact that NE confirmed that they agreed with the findings of the assessment in respect of permission APP/21/01376, with this application not increasing the number of dwellings or bedrooms on the site, it is reasonable to assume that they concur with the HRA carried out in respect of this application.

The applicant entered into a legal agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients and paid the required contributions under permission APP/21/01376.

To conclude, the proposal is for a variation of the approved dwelling on Plot 5 only, for which planning permission was granted under APP/21/01376. The variation is considered acceptable in planning terms and is therefore recommended for permission, notwithstanding that the development remains contrary to adopted Local Plan policy.

1 Site Description

- 1.1 The site is located south of Long Copse Lane. The land is outside of the urban area for Emsworth in the adopted Local Plan but lies immediately adjacent to existing development on Long Copse Lane to the west and Redlands Grange (also known as Hampshire Farm) to the south. The application site was, however, defined as falling within the settlement boundary for Emsworth, in the withdrawn Submission Local Plan. The land immediately to the north west known as 'Land North of Long Copse Lane' was also identified as an allocation for housing in the withdrawn Submission Havant Borough Local Plan (Policy H8 in the withdrawn Submission Local Plan).
- 1.2 The site is screened by existing mature trees and vegetation, with trees the subject of TPOs within all the boundaries. These mature trees extend southwards along the eastern boundary of the Redlands Grange development and provide a definitive physical feature from the wider area to the 9 dwellings granted planning permission under reference APP/21/01376.
- 1.3 Trees and vegetation on the southern boundary filters views of the existing development on the northern edge of Redlands Grange (Lapwing Close). The northern

(Long Copse Lane frontage) and western (to 54 Long Copse Lane) site boundaries are defined by existing hedgerow and a number of mature trees. Whilst the tree cover here is less dense, the presence and location of the trees helps filter views of the site from the existing dwelling at No. 54 Long Copse Lane.

- 1.4 In terms of constraints, the site was classified as Land East of 54 Long Copse Lane Site of Interest for Nature Conservation (SINC). This was a local designation based on the site's botanical value as Semi-Improved Grassland. As part of the approval of permission APP/21/01376, this SINC was translocated to an Ecological Compensation and Enhancement Area (1.75ha), immediately to the east on land forming part of the open space associated with the Redlands Grange development to the south of the site which was provided as an ecological receptor area for that development.
- 1.5 An existing Southern Water Foul Sewer runs north-south, along the western site boundary with an easement of 5m measured from the western boundary. The site drains naturally to the existing ditch network on the southern and eastern boundaries.

2 Relevant Planning History

- 2.1 Planning permission was granted on the site on 1/6/22 under reference APP/21/01376 for the 'Erection of 9 No. dwellings together with associated works.' This permission was the subject of a Section 106 Agreement. Condition 2 states:

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

Plans

Site Layout Plan – 01L

Plot 1 - Plans & Elevations - Drawing No. 02A

Plot 2 - Plans & Elevations - Drawing No. 03C

Plots 3 & 4 - Plans & Elevations - Drawing No. 04D

Plot 5 - Drawing No. 05C

Our Ref: APP/21/01376

Plots 6 & 7 - Drawing No. 06B

Plots 8 & 9 - Drawing No. 07B

Site Section from South to North (plot 4) D-D - Drawing No. 10C

Site Elevation from Long Copse Lane - Drawing No. 09 d

Street Scene Drawing.

Documents

Arboricultural Implications Assessment and Method Statement dated 3/2/2022 by Barrie Draper

Ecological Appraisal by WYG dated November 2021

Reptile Survey by WYG dated November 2021

Long Copse Management Plan by WYG dated 26 May 2020

Technical Note by Tetra Tech dated 17/8/21

Planning Statement dated November 2021 by Nova Planning

Drainage Strategy and Flood Risk Statement dated 3/2/2022 by Aqua Callidus

Road Safety Audit Report dated December 2020 by Fenley

Transport Statement dated November 2021 by Nick Culhane

Swept Paths Analysis Using 11.2m Refuse Freighter Vehicle – Drawing No.

NJC-001 C

Reason: To ensure provision of a satisfactory development.”

- 2.2 With reference to planning permission APP/22/01376 the following conditions have been discharged: 7 (Construction Management Plan), 8 (Construction Environmental Management Plan), 9 (Environmental Mitigation Plan), 10 (Tree protection), 11 (Drainage and final no dig surfacing), 12 (Drainage), 13 (Ecology compensation), 14 (Materials), 15 (Soft landscaping), 17 (Water Efficiency), 21 (Means of enclosure)
- 2.3 As to the legal agreement attached to this planning permission, this is covered below under the heading 'Developer Contributions/CIL and S106 requirements'.

3 Proposal

- 3.1 This application is for a variation of Condition 2 of Planning Permission APP/21/01376 relating to revised details and drawing references relating to:

- 1) Site Layout Plan; and
- 2) Plot 5 elevations/floorplans.

Condition 2 states as regard to approved plans:

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

Plans Site Layout Plan – 01L

Plot 1 - Plans & Elevations - Drawing No. 02A

Plot 2 - Plans & Elevations - Drawing No. 03C

Plots 3 & 4 - Plans & Elevations Drawing No. 04D

Plot 5 - LC- No. 05C

Plots 6 & 7 - Drawing No. 06B

Plots 8 & 9 - Drawing No. 07B Site Section from South to North (plot 4) D-D - Drawing No. 10C

Site Elevation from Long Copse Lane - Drawing No. 09 d

Street Scene Drawing.”

The drawings highlighted in bold are the only ones proposed to be varied through this application.

- 3.2 The proposed variation does not alter or move the footprint of the approved dwellings and as such the approved distances to neighbouring properties remain unchanged. Similarly, the proposed variation does not increase the number of bedroom spaces within Plot 5 so there is no change to the parking requirements.
- 3.3 The proposed changes to Plot 5 comprise:

Internal:

- Existing first floor bedroom reverts to dressing room and en-suite for master bedroom
- Addition of bedroom and en-suite in the loft space
- Creation of plant room at ground floor
- WC moved to within Study (consequently Study reduced in size)

External:

- Gablet added in eastern elevation to facilitate stair and landing to loft
- Window position in eastern elevation altered to serve altered stair and landings
- Alternative roof design for loft, from a pitch to a small mansard roof

- Rooflights added to south (rear) and west (side) elevations (min 1.7m above FFL)
- PV panels added to eastern, western (sides) and southern (rear) roof slopes to comply with Condition 16 of APP/21/01376
- Windows at first floor level in northern (front) elevation altered to align with creation of dressing room and en-suite to master bedroom
- Opening at ground floor in the southern (rear) elevation widened (bifold doors shown)

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS9	(Housing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS18	(Strategic Site Delivery)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1	(Cycle Storage Provision)
ENP_D1	(General Design Policy)
ENP_D2	(Height, Mass & Materials)
ENP_D3	(Layout, Form & Density)
ENP_D5	Integration & Strong Connections
ENP_D6	(Resource Efficiency)
ENP_D7	(Mitigate Light Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist – Objection

There are a number of trees within and surrounding the site that could be affected by the proposals, some of which are statutorily protected. However, no arboricultural information has been submitted for the purpose of determining this application from an Arboriculturalist perspective or to specify sufficient protection measures to minimise the impact of this development during the construction process.

Recommendation:

I raise an objection to the proposals due to insufficient arboricultural information being submitted with the application and the potential impact of the development will have on

the statutorily protected tree to the rear of the property.

Officer Comment: *An Arboricultural Implications Assessment and Method Statement (AIAMS) was submitted in respect of the permission granted under reference APP/21/01376. The details in this document were previously found to be acceptable by the Arboriculturist and the subject of a condition. This document has been resubmitted and forms part of this application, with a condition requiring adherence to this document.*

The variations proposed are to the roof of Plot 5, with some internal alterations, with no changes to the footprint, or its position. Therefore, the AIAMS is still considered relevant and subject to the same condition as imposed on the earlier permission. In view of this, there is no objection in arboricultural terms to this application.

Building Control - Comments

Building Regulation consent is still required for this work.

The creation of a loft room in Plot 5 and the roof height / elevation changes would still need to show compliance with AD B (fire) with regards to fire doors etc to create a protected route out of the building.

All details will be check once Building Regulation application is submitted

Officer Comment: *the above matters would fall under Building Regulations.*

Community Infrastructure - No Comment

Councillor Julie Thain-Smith - No Comment

Councillor Lulu Bowerman - No Comment

Councillor R Kennett - No Comment

Council's Ecologist - No Comment.

County Minerals - No Comment

Developer Services, Southern Water - No Objection

No objection to the variation of condition 2.

Engineering/Drainage - No Comment

Forestry Commission - No Comment

Hampshire Highways - Comment

The Highway Authority note that the proposals do not lead to a change of the access and internal layout proposed as approved previously under planning reference APP/21/01376. As such, due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance.

As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

Officer Comment: *No changes are proposed to the access, road layout and parking*

provision.

Landscape Team - No Objection

No objection from a landscape perspective to the variation of condition 2.

National England - No Comment

Norse South East, Operations Director - No Comment

Planning Policy- No Comment

Property Services Manager - No Comment

Traffic Management Team - No Objection

The traffic Team has no adverse comment to make.

Waste Services Manager - No Comment

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 63

Number of site notices: 1

Statutory advertisement: Yes

Number of representations received: 4

2 Objections

2 Neutral

Comment	Officer Comment
Roof lights effectively a new second floor - further intrusion of privacy into property. Concern over implications to family	See Section 7 below
Rooflights in the south to be removed or directed to the north-facing	
Months when deciduous trees will not provide cover - clear views into property - brought on basis no development to rear.	
Result in coalescence with Emsworth and Westbourne	

<p>Ruin the rural and historic aspects of Westbourne</p> <p>Long Copse Lane is unsuitable for the current traffic/severely degraded</p> <p>No public transport - long way from village centre - cars used for short journeys</p> <p>Issues with flooding further down Long Copse Lane</p> <p>Welcome addition of the Photovoltaic panels.</p> <p>Move plots 3 & 4 to the east to for plot 3 to have parking/garage alongside house.</p> <p>Westbourne Parish Council</p> <p>No Objection</p>	<p>The application has to be considered as submitted.</p>
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7 Planning Considerations

Habitats Regulation & Appropriate Assessment

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.
- 7.2 The planning application was then subject to Appropriate Assessment under Regulation 63. This included the two packages of avoidance and mitigation measures secured in respect of the previous permission reference APP/21/01376. The first was a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second was a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant entered into a legal agreement to secure the mitigation packages, with the mitigation payments received under permission reference APP/21/01376.
- 7.3 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3), who has not responded to the consultation. Having regard to the fact that NE confirmed that

they agreed with the findings of the assessment in respect of permission APP/21/01376, and with the current application not increasing the number of dwellings or bedrooms on the site, it is reasonable to assume that they concur with the HRA carried out in respect of this application. The applicant entered into a legal agreement to secure the mitigation packages, with the mitigation payments received in respect of permission APP/21/01376.

7.4 In other respects, and having regard to the relevant policies of the development plan and all other material considerations, it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity (for existing and future residents)
- (iv) Impact on Highways and Parking
- (v) Impacts on Ecology
- (vi) Impact on Flood Risk/Drainage
- (vii) Impact on Trees
- (viii) Developer Contributions/CIL and S106 requirements

(i) Principle of development

7.5 The principle of the development has already been found to be acceptable on the site, by the grant of 9 dwellings on 1/6/22 under reference APP/21/01376. This application seeks a variation of this approval in respect of Plot 5 only. This variation is only concerned with alterations to the roof, fenestration and internally to Plot 5, with no change to policy (other than the withdrawal of the Submission Local Plan, which does not impact on the considerations of this proposal), or other material planning considerations since the previous grant of planning permission.

7.6 The application has been submitted under Section 73 of the Town & Country Planning Act 1990. Section 73 provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

7.7 As stated above at paragraph 1.7, at the time of writing this report numerous conditions relevant to the development have been discharged under reference APP/21/01376, and the development itself has commenced.

(ii) Impact upon the character and appearance of the area

7.8 The impact on the character and appearance of the area was considered to be acceptable under permission APP/21/01376. The changes to Plot 5 which are to the rear of the site, some of which are internal, would not impact on the wider locality. As to the external alterations, the majority are concerned with the roof design (from pitched to a small mansard element), with the additional of a gablet to the eastern elevation, rooflight to the south and north and PV panels to the roof slopes to comply with Condition 16 of APP/21/01376. Some changes to the fenestration are also proposed, which include windows at first floor level in the front elevation altered to align with the creation of the dressing room and en-suite to the master bedroom and the opening for the bifold door on the rear elevation widened.

7.9 The roof would be slightly reduced in height, with a small mansard roof to accommodate some of the changes to the internal layout, with 4 bedrooms, as per the original permission. When viewed against the previous permission for Plot 5, this was very much in keeping with all the other dwellings within the site, albeit with different pitched roof designs within the development. That said, the proposed design is considered to be in keeping with the overall scheme, with materials as approved under Condition 14 of the previous permission, which would not materially impact on the character and appearance of the area, in accordance with Policy CS16 of the HBLPCS.

(iii) Impact upon residential amenity (for existing and future residents)

Impact on existing residents

7.10 The impact on existing residential amenity was considered to be acceptable under permission APP/21/01376. That said, the proposal would introduce roof lights on the south and west elevations. These would be installed at 1.7m above finished floor level, to avoid any perception of overlooking and a condition to this effect is recommended. As to the separation distance between Plot 5 and the property to the rear, this has not changed since the previous grant of permission and would be approximately 30m, with the Havant Design Guide SPD only requiring 20m for two storey development and 24m for 3 storey. Therefore, the proposal exceeds these requirements and notwithstanding the change in level to the south, would not lead to an unacceptable intrusion or loss of privacy to neighbouring amenity. As to the changes to the fenestration they would not adversely impact on existing residents. The proposal is therefore considered to accord with Policy CS16 of the HBLPCS.

Impact on future residents

7.11 A gablet has been added in the eastern elevation to facilitate stairs and a landing to the loft. The window in this gablet would overlook the side aspect of Plot 6, with a separation distance of approximately 5m, which includes the parking area for this property. On the western elevation of Plot 6, there is a window at ground floor to service the kitchen and a window at first floor to service a bathroom, which would be obscurely glazed. To avoid overlooking of the kitchen area, it is recommended that the window in the gablet is obscurely glazed, together with the window at first floor on the west elevation. Subject to this recommended condition, the proposed changes to the exterior would not adversely impact on the amenity of future residents and would be in accordance with Policy CS16 of the HBLPCS.

(iv) Impact on Highways and Parking

7.12 The impact on highways and parking was considered to be acceptable under permission APP/21/01376. This variation to the permission would not affect these considerations, as no changes are proposed which would impact on the highways and parking arrangements.

(v) Impact on Ecology

7.13 The impact on ecology was considered to be acceptable under permission APP/21/01376, with condition 13 (ecology mitigation) being discharged. This variation would not affect that consideration.

(vi) Flood Risk/Drainage

7.14 The impact on flooding and drainage was considered to be acceptable under permission APP/21/01376 and this variation would not affect that consideration.

(vii) Impact on Trees

7.15 The impact on trees was considered to be acceptable under permission APP/21/01376 and this variation would not affect that consideration, following the submission of the previously approved Arboricultural Implications Assessment and Method Statement to accompany the application. (See Officer's Comment under Section 5).

(viii) Developer Contributions/CIL and S106 requirements

7.16 As to the Developer Contributions/CIL in respect of the Solent Recreation Mitigation Strategy, neutral nitrate development and CIL liability these were discharged under permission APP/21/01376.

7.17 Planning permission APP/21/01376 included a S106 Agreement dated 1st June 2022. This included Management of the Development, Owners' Works and Contribution requirements. At Clause 16 in the Section 106 Agreement, it states:

" The agreement shall apply to any planning permission subsequently granted under section 73 of 73A of the Act which permits non-compliance with any conditions attached to the Planning Permission..."

7.14 As this is a S73 application it is not considered that a Deed of Variation to the S106 Agreement is required in this case.

8 Conclusion

8.1 The current proposal seeks to vary condition 2 applied to the original planning permission reference APP/21/0136 under a S73 application. The variation is considered to be acceptable in planning terms and conditional planning permission is recommended.

8.2 Relevant conditions are required to be carried forward from the original permission; however, as work has commenced in respect of the development there is no requirement to impose a time limit on the commencement of development.

9 **RECOMMENDATION:**

1 **General**

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

Plans

Location Plan - Drawing No. LO2 F

Site Layout Plan – 01M

Plot 1 - Plans & Elevations - Drawing No. 02A

Plot 2 - Plans & Elevations - Drawing No. 03C

Plots 3 & 4 - Plans & Elevations - Drawing No. 04D

Plot 5 - Drawing No. LC-P5-NMA

Plots 6 & 7 - Drawing No. 06B
Plots 8 & 9 - Drawing No. 07B
Site Section from South to North (plot 4) D-D - Drawing No. 10C
Site Elevation from Long Copse Lane - Drawing No. 09 d
Street Scene Drawing.

Documents

Arboricultural Implications Assessment and Method Statement dated 3/2/2022 by Barrie Draper
Ecological Appraisal by WYG dated November 2021
Reptile Survey by WYG dated November 2021
Long Copse Management Plan by WYG dated 26 May 2020
Technical Note by Tetra Tech dated 17/8/21
Planning Statement dated November 2021 by Nova Planning
Drainage Strategy and Flood Risk Statement dated 3/2/2022 by Aqua Callidus
Road Safety Audit Report dated December 2020 by Fenley
Transport Statement dated November 2021 by Nick Culhane
Swept Paths Analysis Using 11.2m Refuse Freighter Vehicle – Drawing No. NJC-001 C

Reason: - To ensure provision of a satisfactory development.

- 2 Development shall proceed in accordance with the ecological avoidance, mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG), May 2020 approved under planning permission reference APP/21/01376, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect biodiversity in accordance with the Conservation Regulations 2019, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 3 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or roof conversion shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.**Reason:** In the interests of the amenities of the neighbouring properties, the protection of trees and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the buildings hereby permitted the windows in the first floor on the side elevations facing west (Plots 1 and 5) and east (Plot 5) shall be fitted, to a height of no less than 1.7m above finished floor level, with non-opening lights and textured glass with an obscuration level of no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter. As to the windows in the roof of Plot 5 they shall be fitted to a height of no less than 1.7m above finished floor level and retained as such thereafter.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The car parking, servicing and other vehicular access arrangements approved under planning permission APP/21/01376 shall be made fully available for use of this development prior to the development 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, Policy ENP M1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

- 6 The construction method statement approved under planning permission reference APP/21/01376, shall be strictly complied with at all times, unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of the amenity of the locality having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The Construction Environment Management Plan (CEMP) approved under planning permission reference APP/21/01376, which included details of measures to avoid harm to the natural environment and the roles and responsibilities of those persons responsible for implementing the agreed CEMP, shall be strictly complied with, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), the National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 The Ecological Mitigation & Management Plan (EMMP) approved under planning permission reference APP/21/01376 shall be strictly complied with, unless otherwise agreed in writing by the Local Planning Authority. The approved EMMP measures accord with the detailed within the Ecological Assessment (WYG, November 2021), Reptile Presence/Likely Absence Survey (WYG, November 2021) and Ecological Management Plan (WYG, May 2020). All ecological compensation/enhancement measures shall be installed/implemented in accordance with the ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: to protect and enhance biodiversity in accordance with the Conservation Regulations 2019, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, the National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 The foul and surface water drains and sewers proposed to serve the same, approved under planning permission reference APP/21/01376, shall be strictly complied with unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality 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.

- 10 The soft landscape scheme approved under planning permission reference APP/21/01376 shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Only those materials approved under planning permission reference APP/21/01376 shall be used in carrying out the development, unless otherwise 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, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework

- 12 As approved under planning permission reference APP/21/01376, the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Assessment & Method Statement by Barrie Draper dated 25 November 2021 and the Tree Protection Plan shall remain in place during the construction period, with no excavations, storage of materials or machinery, parking of vehicles or fires taking place within the tree protection areas. The development shall be carried out strictly in accordance with the approved submitted details.

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 As approved under planning permission reference APP/21/01376, the construction of the services and the final no dig surfacing shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 **Prior to occupation**

The Energy Efficiency scheme, as approved under planning permission

reference APP/21/01376, shall be carried out in accordance with the approved specification prior to occupation of any of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the energy efficiency of the residential development in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

Reason: To avoid excess soil being deposited on the existing roads and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

- 16 Prior to occupation, and notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved Site Layout Plan drawing number 01M and these visibility splays shall be kept free of obstruction and thereafter maintained and retained.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 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 Charging Points shall be installed in accordance with the approved details prior to the occupation of each individual dwelling and retained at all times thereafter.

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

- 18 No part of the development shall be first occupied until the means of enclosure have been erected in accordance with the details approved under planning permission reference APP/21/01376. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality and future occupiers of the development having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy ENP D1 of the Emsworth Neighbourhood Plan 2021 and the National Planning Policy Framework.

- 19 Prior to occupation the Swift and Bat boxes approved under planning permission reference APP/21/01376 shall be installed in full accordance with the approved details and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of nature conservation and biodiversity net gain and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

20 **Post occupancy**

At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculations approved under planning permission reference APP/21/01376, 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 2011 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

Appendices:

- (A) Location Plan
- (B) Approved Site Layout Plan
- (C) Proposed Site Layout Plan
- (D) Approved Elevations & Floor Plan
- (E) Proposed Elevations & Floor Plan