

scrutinized by the Highway Authority, particularly with regard to the footpath crossing over the vehicular access, which would be diverted approximately 2m to the west, with improvements secured over that previously granted in respect of lines of sight and the provision of a tabletop feature where the diverted footpath would cross the access. It is considered that the access would not adversely impact on the safety of footpath users and addresses highway safety issues. The internal one way road system within the development is also deemed to be appropriate and agreed with the Highway Authority.

The layout has been assessed in terms of its 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 locality and from public vantage points.

The level of parking and cycle provision has been considered and the development is considered to be in accordance with the Council's adopted parking standards in a sustainable location close to public transport options and town centre facilities.

Public open space is provided on site which would be accessible to the public, with a section of this area providing part of the flood defence measures for the site.

Issues with noise from the A27 and the service station have been addressed, as have matters concerned with potential overheating of the development.

Drainage, flooding, trees, health, education, ecological matters and management and maintenance of unadopted/communal areas have been addressed or would be controlled by the imposition of appropriate conditions, or via the associated Section 106 agreement.

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. This conclusion has been accepted by Natural England.

The applicant has agreed to enter into a legal agreement to secure the mitigation package for the Solent Recreation Mitigation Strategy and for nutrients.

To conclude, the proposal is on an allocated Local Plan site, where the principle of development has already been found acceptable by the LPA by its allocation and by the grant of outline planning permission for residential development. Having regard to the site's location it is considered to represent sustainable development, which would

deliver much needed market and affordable housing. The proposal is considered to accord with the development plan as a whole and the National Planning Policy Framework.

1 Site Description

- 1.1 The site, irregular in shape, occupies an area of approximately 1.94ha, located between Coldharbour Farm Road and an existing Service Station north of the A27, on the north-western side of Emsworth. The site currently comprises open undeveloped land. The A27 runs parallel with the southern boundary of the site. The Emsworth Recreation Ground lies to the northeast of the site, separated from it by West Brook Stream which is designated as a Site of Importance for Nature Conservation (SINC). The West Brook Stream also runs alongside the site, just outside the eastern boundary. Access into the development site would be from Coldharbour Farm Road, which is accessed from Horndean Road further to the east. The site currently comprises 2 fields with semi-mature planting and hedgerows along the boundaries and within the site. A ditch runs north-south across the centre of the site. There is a shared footpath / cycleway which extends to the east of the site going south through an underpass to Washington Road, close to Emsworth Town Centre. Emsworth railway station is located to the south east of the site along Horndean Road, with Emsworth Town Centre beyond this.
- 1.2 The site is located partly in Flood Risk Zone 1, with the eastern side in Flood Zones 2 and 3, which would, in the main, be the open space area for the development and the access. The site generally slopes from west to east.
- 1.3 Coldharbour Farm Road is a fairly modern residential development including detached, semi-detached properties and two-storey blocks of flats. The character of Horndean Road is mixed with properties of different sizes and ages mainly set back from the highway.

2 Planning History

APP/14/00360 - Outline application for the construction of 53 dwellings with new vehicular access from Coldharbour Farm Way with all other matters reserved. ,
PERM,03/10/2014

APP/16/00496 - Re-arrangement of parking layout within turning head to achieve same number of spaces (to facilitate development approved under APP/14/00360).,
PERM,03/08/2016

3 Proposal

- 3.1 The proposal is for 44 dwellings comprising 6 no. 1-bed apartments, 16 no. 2-bed terraced houses, 16 no. 3-bed semi-detached houses, 5 no. 3-bed detached houses and 1 no. 4-bed detached house, with an open space of approximately 0.5 ha, landscaping and associated works. It provides for 30% affordable housing equivalent to thirteen units on site with the balance of 0.2 of a unit provided as a commuted sum for off-site provision, which would include properties to rent and shared ownership. The affordable units would be 'pepper potted' around the site, to ensure affordable housing is provided in small groups spread throughout the development, as required by Policy CS9 in the Core Strategy. On a site of 1.94ha the density is equivalent to approximately 23 dph.

- 3.2 Vehicular access to the site would be from Coldharbour Farm Road, which is accessed from Horndean Road, close to the junction with New Brighton Road. This would necessitate some land raising to facilitate the entrance to the site and across the site to provide flood defence measures. A one way road around the site is proposed.
- 3.3 The minimum rear gardens depths are 10m for the dwellings, with the back to back distances according with the requirements of the Havant Borough Design Guide SPD. As to the flats' rear amenity space, this would also be a minimum 10m depth, with acoustic fencing to the rear. As to the policy requirement for the cycleway/footpath from east to west, this runs along the southern boundary, then runs in front of the block of flats, turning 90 degrees between the block of flats and plot 39, which then terminates at the boundary with the Service Station. However, physical access through to the Service Station is not provided, as this would involve the agreement of third parties, which has not been secured as part of this application. Parking would be provided in the curtilages of each dwelling or within parking courts. This would include visitor car parking. In total, 87 car parking spaces will be provided, in line with the Local Authority's parking standards as set out in the 'Havant Borough Council Parking SPD.
- 3.4 Cycle provision would be in the form of sheds, with bin storage for all of the units of accommodation the level of which would conform to Havant's Parking SPD.
- 3.5 Public open space would be provided in the flood storage area to the east of the built development. The size of this would be approximately 0.7 ha, with the adjacent water course designated as a Site of Importance for Nature Conservation (SINC) to the east of this area.

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

CS8	(Community Safety)
CS9	(Housing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
DM1	(Recreation and Open Space)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM10	(Pollution)
DM12	(Mitigating the Impacts of Travel)
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 & Undeveloped Gaps between Settlements)

DM18 (Protecting New Development from Pollution)
DM25 (Managing Flood Risk In Emsworth)
EM1 Emsworth Housing Allocation
(UE37)

Emsworth Neighbourhood Plan

L1 General Housing Policy
L2 Housing Mix
M1 Cycle Storage Provision
D1 General Design Policy
D2 Height, Mass & Materials
D3 Layout, Form & Density
D4 Design of Public Spaces & External Areas
D5 Integration & Strong Connections
D6 Resource Efficiency
D7 Mitigate Light Pollution

Hampshire Minerals and Waste Plan (2013)

Policy 15 - Mineral resources

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The trees to be removed within the centre of site and shown on the tree protection plan as SH09 are scrubby trees and bushes, the majority of which are Elm and will not grow to maturity due to Dutch elm disease. I agree that they are category C trees and there is no objection to their removal.

I will leave my Landscape colleagues to comment on the reduction of the hedges.

Provided the work is carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan I have no objection to the proposal.

Protective fencing must be erected prior to commencement.

I would also like to see details of the proposed services.

Officer comment. If permission is granted, pre-commencement conditions regarding compliance with the Arboricultural Method Statement and the Tree Protection Plan and details of the proposed services are recommended.

Building Control, Havant Borough Council

House Type Block B1 **Plot 7, 16 & 17**

Elevation 3-4 windows should be limited to no more than 1sq m in total if notional boundary is within 1m - AD B 1

House Type Block E1 **Plots 3, 4 & 5**

Elevation 4 windows should be limited to no more than 1sq m in total if notional boundary is within 1m - AD B 1

Building Regulation consent will be required for this work

Officer comment: *These matters would be addressed by Building Control.*

Coastal Engineering

No comment.

Communities Manager

No comment.

Community Infrastructure, Planning Policy & Urban Design

CIL

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. If the permission is issued in 2020 the amount of indexation will be 49.107% it is expected to increase if permission is issued in 2021.

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Form1: CIL Additional Information needs to be resubmitted showing the proposed floorspace divided between Market and Social Housing.

The applicant will also need to submit CIL Form 10 to obtain mandatory social housing relief. Once the relief has been granted this will reduce the CIL Liability in respect of Social Housing providing the clawback terms set out in the CIL Regulations are met. If CIL Form 10 is not received by the date of decision, the full CIL liability will apply* (*although this can be considered post decision as long as the permission is not implemented).

S106

Subject to statutory consultee responses we would expect the S106 to include (amongst any other site-specific obligations necessary):

1. Affordable Housing
2. Monitoring Fees*
3. Management Company
4. Management Plan
5. Solent Recreation Mitigation Strategy (see further information)**
6. Education (HCC)
7. SUDS/SUDS Bond
8. Highway Works (HCC)
9. Site Specific Transport Improvements (HCC)
10. Others arising

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL

INFORMATION:

<https://www.havant.gov.uk/sites/default/files/documents/Update%20Dec%202019.pdf>

***Monitoring Fees:** As part of the 'Heads of Terms' it would be necessary to include monitoring fees. The amended CIL Regulations effective 1/9/19 regularise the collection of S106 monitoring fees. We already have an agreed schedule of charges and these are currently:

Councillor Lulu Bowerman - Objection

This path is used throughout the day by cyclists and pedestrians and particularly by parents and school children between Emsworth Primary School and St James Primary School. HCC encourages the use of this pathway as an "active" travel route. I do not understand how this has not been mentioned either by Highways or how either authority can encourage active travel using this route in the future when there would be a mixing of vehicles with cyclists and pedestrians every day, particularly school children.

I will be objecting to this planning application today on the following grounds but would ask you to reconsider the whole proposal in principle on the grounds of suitability of location with an increased number of vehicles driving through a narrow existing residential road with parked vehicles on other side and the safety aspects of vehicles and pedestrians/cyclists mixing on the crossing of the path through the Recreational ground.

- Contrary to Policies CS1 and CS20 - this application does not increase opportunities for walking and cycling. This application severs the only off-road connection between north and south Emsworth, and creates an artificial solution that does not follow the desire line, therefore creating a significant barrier to safe walking and cycling. In trying to provide suitable sight-lines for drivers, the advice from HCC has resulted in a less than desirable solution that will be bypassed by users in favour of a more direct (and unsafe) route.
- There are no references to the improvements required to for the cycle path to meet LTN1/20 standards. As the only cycle route between north and south Emsworth, the Council is aiming for LTN1/20 compliance across the network, and the proposed design falls well short of compliance, and is likely to lead to a reduction in cycling.
- LTN1/20 states that a cycle route over a lightly trafficed street should be given priority. This is clearly not the case with this scheme. Furthermore, the turning radius on the north side of the access road is insufficient to meet LTN1/20 standards, and would result in non-standard bicycles being unable to use the route.

Officer Comment: *Further comments from the Highways Authority in respect of the Councillor's remarks have been obtained which confirm that the crossing across the path has been designed for cycle use, with safety improvements secured with regard to lines of sight and a table top feature, over that previously granted planning permission.*

Councillor R Kennett

None.

Clinical Commissioning Group - No Objection

As a Clinical Commissioning Group we have a specific interest in new residential developments and how the increased population would directly affect local healthcare provision. We are especially interested in the types of residential properties being built to help us plan for the future.

The resulting growth in the locality population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services; NHS services in primary, community and secondary care settings.

The increased demand would be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development; however additional workforce and building capacity within the premises will be required.

The CCG considers that the application should be required to make an appropriate financial contribution to the provision of capital and revenue investment that the NHS will make in this regard.

Please see below the NHS investment projection that the CCG will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings is: 44 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease)

This means that South Eastern Hampshire CCG will be looking for a contribution of £2600 of planning gain for health.

South Eastern Hampshire CCG identifies multiple practices (The Emsworth Surgery, Bosmere Medical Practice and Homewell. Curlew Practice) could be impacted by this development in our CCG areas all the following practice boundaries cover this area. However, it is likely that The Emsworth Surgery will be the preferred practice for new patient registrations due to their close proximity to the development. Therefore we request that funding be made available from developer contributions to enable those practices impacted, to make suitable building adaptations to facilitate this growth.

Office Comment: *if permission is granted the above contribution would be secured via a Section 106 agreement.*

Countryside Access Team – Final Comment – No Objection

Response: No objection subject to conditions

The proposed housing units will not, themselves, affect footpath 71.

Site access, both for construction and on completion for future residents, will be across the line of footpath 71; and it is presumed so as to accommodate suitable visibility for footpath users, a diversion of a short section of footpath 71 is proposed where the future access road would cross the footpath. Further, provision for cycling is allowed on the footpath north of the future access road into the recreation ground, also south of the crossing onto the footway into the development. This is shown on drawing 5314/006 Rev D.

On the proposal to site an access road across the footpath, subject to the crossing satisfying HCC Highways standards in terms of construction and visibility splays, even if the access road is not to be adopted by HCC Highways, no objection is raised. The provision of a raised table and suitable road markings is noted and welcomed by the Service for encouraging future motorists to recognise the potential for walkers to cross the access road, also for footpath users' convenience.

During construction of the access road and building out the site, this will present an increased risk of accident or injury to footpath users. When the access road is being constructed it will be necessary to temporarily prohibit public use of the footpath on grounds of safety; the Applicant must apply to the Service for a suitable Order giving at least 8 weeks' notice - details can be found at:

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosures>

When the site itself is being built out, public use of the footpath is required to be reinstated but site access must take suitable precautions to manage the risk of site vehicles coming into conflict with the public. A Construction Management Plan must be submitted to the Service for review and approval prior to commencement of all works (including the access road) detailing how the Applicant will manage the risk.

Regarding diversion of footpath 71 to accommodate the development, this should be achieved under the Town and Country Planning Act 1990 Section 257 with Havant Borough Council acting as Order Making Authority. The Service will require to be formally consulted when a Diversion Order is made but raises no objection in principle at this time.

Should the Local Planning Authority be minded to permit the application, the Service requests the following conditions:

1. Within 6 weeks of permission, the Applicant must submit an application to Havant Borough Council to divert part of Havant Public Footpath 71 under the Town and Country Planning Act 1990 Section 257. This application will then need to follow the statutory process and be confirmed prior to any works being undertaken to the existing alignment of Havant Public Footpath 71. This is to ensure the public's highway rights are protected in accordance with the Highways Act 1980 Section 130.
2. A specification for the future provision of Havant Public Footpath 71 within the site, being both the actual road crossing and the lengths of path leading to that crossing, must be submitted to Hampshire County Council and its written approval secured prior to any works being undertaken to the future alignment of Havant Public Footpath 71. This is to ensure the future path is provided to the appropriate standards for the public's safety and convenience.
3. Prior to commencement of works to alter the alignment and surface of Havant Public Footpath 71, the Applicant is required to apply to Hampshire County Council for a Temporary Traffic Regulation Order to temporarily prohibit public use along Havant Public Footpath 71 during the period of works to deliver the future alignment and provision of the path. This is to ensure the public's safety during works on the footpath.
4. Prior to commencement of works to alter the alignment and surface of Havant Public Footpath 71, the Applicant is required to prepare and submit to Hampshire County Council for its written approval a Construction Management Plan detailing how the footpath will be made safely exercisable by the public after the footpath realignment and surfacing works but whilst the remainder of the site is being built out. This is to

ensure the public's safety during works to deliver the permitted construction.

It is further requested that the following informatives are added to any permission, should it be granted:

1. When Havant Public Footpath 71 is exercisable by the public, all vehicles entering or leaving the site across the footpath should give way to public users at all times.

2. No vehicles, machinery, equipment, materials, spoil, scaffolding or anything associated with the works should be left on or near Havant Public Footpath 71 - these could create a hazard to users, for which the Applicant may be liable, and amount to an offence of highway obstruction. Regards Jon Perks On behalf of Hampshire Countryside Service - Countryside Planning

Officer Comment: *As to the suggested conditions/informatives they would be informatives on the decision notice if permission is granted. As to the need for a Construction Management Plan, this is recommended by the Highway Authority and the subject of a condition, which would incorporate the recommendation of the Countryside Team.*

Countryside Access Team – 2nd Comment - Holding objection subject to more information

Site Context: Havant Public Footpath 71 ('footpath 71') runs north from Washington Road, Emsworth under both the railway and A27 to the western extent of Coldharbour Road, when the path passes inside the western and northern boundaries of the recreation ground to meet Horndean Road. A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Comment:

The proposed housing units will not, themselves, affect footpath 71. Site access, both for construction and on completion for future residents, will be across the line of footpath 71; and, it is presumed so as to accommodate suitable visibility for footpath users, a diversion of a short section of footpath 71 is proposed where the future access road would cross the footpath. Further, provision for cycling is allowed on the footpath north of the future access road into the recreation ground, also south of the crossing onto the footway into the development. This is shown on drawing 5314/006 Rev D. On the proposal to site an access road across the footpath, subject to the crossing satisfying HCC Highways standards in terms of construction and visibility splays, even if the access road is not to be adopted by HCC Highways, no objection is raised. The provision of a raised table and suitable road markings is noted and welcomed by the Service for encouraging future motorists to recognise the potential for walkers to cross the access road, also for footpath users' convenience. During construction of the access road and building out the site, this will present an increased risk of accident or injury to footpath users. When the access road is being constructed it will be necessary to temporarily prohibit public use of the footpath on grounds of safety; the Applicant must apply to the Service for a suitable Order giving at least 8 weeks' notice - details can be found at: <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosures>

When the site itself is being built out, public use of the footpath is expected to be

reinstated but site access must take suitable precautions to manage the risk of site vehicles coming into conflict with the public. A Construction Management Plan must be submitted to the Service for review and approval prior to commencement of all works (including the access road) detailing how the Applicant will manage the risk.

Regarding diversion of footpath 71 to accommodate the development, this should be achieved under the Town and Country Planning Act 1990 Section 257 with Havant Borough Council acting as Order Making Authority. The Service will require to be formally consulted when a Diversion Order is made but raises no objection in principle at this time.

Drawing 5314/006 Rev D proposes the introduction of cycling to the footpath within the site. This raises a number of concerns:

1. Under what authority will cycling be permitted? As a Public Footpath, the public's right is on foot and mobility vehicle only. Does the Applicant propose to change the status of footpath 71; and if so, how?

2. What continuity for cycling will be provided? Simply having cycling on the section of footpath 71 within the site will encourage cyclists to continue along the footpath, which may not be suitable for them or for lawful footpath users. For example, the height clearance to cycle beneath the bridges south to Washington Road, or the visibility available at junctions/ corners. The Applicant must provide the Service with greater detail for it to understand the context of the proposal and to supply further comment. Does the Applicant have the consent of landowners along the length of footpath 71 to provide a 'through route'? Without such consent, cycling 'off site' would be a common law offence of trespass.

3. What provision is intended for a shared walking and cycling route? A detailed specification showing the path construction, its width and signage must, as a minimum, be provided to the Service for approval prior to commencement of all works. This must extend along the entire length of footpath 71 intended to be promoted for cycling.

4. Who is intended to maintain the footpath in future? If the Service is to accept maintenance, this will be subject not only to agreement of the specification but the Applicant accepting to deliver that specification and a commuted sum for future maintenance. This, however, is not able to be determined until and unless all points above are answered and considered by the Service. In this light the Service must raise a holding objection to the proposal subject to supply of further information and acceptance of points as set out above.

Countryside Access Team – 1st Comment - No Objection -

Understand that the proposed footway would not be added to the definitive map and would be adopted by Hampshire Highways.

The site and block plans appear to be inconsistent with the Local Pedestrian Facilities plan in appendix 4 of the Transport Assessment showing the route of the proposed footway/cycle link.

Officer Comment: *amended plans were submitted.*

Council's Ecologist - Final Comment

The application is accompanied by an amended Ecological Mitigation & Enhancement Statement (Lizard, June 2020). Some additional details have been provided following my previous comments.

The number of bat and bird boxes has increased by 2 and 6 respectively. Whilst modest, the increase is welcomed and accepted.

No further details have been provided on other queries related to public access to the flood alleviation area to the east and to sensitive lighting. Lighting can be addressed through condition (provision of a lighting contour plan). The issue of public access to the flood alleviation area would potentially affect the proposed wildlife benefits and it is not clear to me how, in the absence of any greenspace within the development itself, the proposed biodiversity value of the eastern section would not be impacted.

Officer Comment: *Conditions are recommended, if permission is granted, as to lighting for the development and full compliance with the submitted Ecological Impact Assessment and the revised Ecological Mitigation & Enhancement Statement, which includes an Ecology Enhancement Management Plan.*

Council's Ecologist - 2nd Comment - No Objection in Principle

The application is accompanied by an Ecological Impact Assessment (Lizard, July 2019) and an Ecological Mitigation & Enhancement Statement. The application site comprises two fields of poor semi-improved grassland which have been subject to horse grazing. The site boundaries and an internal ditch are bordered by dense native scrub. The eastern site boundary is formed by a narrow stream which is also a Site of Importance for Nature Conservation (SINC), designated due to the presence of a County Rare plant, narrow-leaved water plantain (last recorded within the southern end of the stream channel in July 2011). The entire application site has been subject to botanical survey by the Hampshire Biodiversity Information Centre (HBIC) in 2001 and 2010/11. The two fields are not of especially high botanical value, although HBIC surveys of the eastern field recorded two old meadow indicator species in 2001. Neither field was considered to be of SINC quality, although they are contiguous with two SINC grassland fields located to the north and the eastern field is included within the current Ecological Network Map for Hampshire.

The site is considered to offer limited potential for protected species: a reptile survey in 2019 recorded no animals. The boundary hedgerow and scrub are clearly suitable for a range of nesting bird species and bat species are highly likely to forage/commute around the site. No further surveys are proposed and the ecologist considers that ecological constraints are sufficiently understood to enable mitigation and compensation measures to be determined.

Overall, there will be a net loss in grassland and scrub habitat at this site and these losses will need to be compensated, especially as the site forms part of a notable undeveloped corridor along the western edge of Emsworth. The proposed strategy entails the use of a new wildflower corridor at the eastern end of the site and the planting of new scrub and tree habitat. There is no indication of the extent of habitat loss/gain as no area calculations for losses and new plantings have been provided.

Further details have been provided in relation to proposed ecological mitigation, compensation and enhancement. This includes details of the use of silt barriers along the boundary of the stream SINC: this is an essential mitigation measure and must be secured, ideally within a Construction Environment Management Plan (CEMP). I am not an expert in flood alleviation measures and do not know if such barriers are truly effective

at preventing silt-laden run-off. Existing boundary vegetation is to be retained and, where necessary, bolstered with additional native shrub plantings. The proposed flood alleviation corridor is to be seeded with a wildflower mix suitable for damper soils.

Detailed management recommendations are made in respect to the establishment and ongoing management of proposed wildflower areas. This is a long-term commitment from the applicant or their appointed agents and therefore it is essential that this is understood and that sufficient resource is provided to enable this to happen. Without the recommended management regime the ecological impacts of this development will not be addressed. A standard grassland management regime will not be acceptable. I am also unsure how the new wildflower grassland area will be managed in terms of public access: will this area be fully accessible to dog walkers for instance? Will ongoing visitor access management be needed? Use of the site for public access will inevitably reduce its biodiversity value.

The inclusion of various enhancement features such as bat and bird boxes is welcome but I consider that a greater number is appropriate. This is a development of 44 dwellings and there is no reason why the majority of dwellings cannot be fitted with at least one feature: such features are inexpensive and can provide a tangible benefit to biodiversity.

I welcome the recommendation for sensitive lighting and would request that further details of how no/minimal lighting can be achieved.

In summary, whilst I have no overriding objection to the proposals, there are a small number of queries that would assist in being able to secure meaningful ecological mitigation, compensation and enhancement that recognises the ecological impacts of this development.

Council's Ecologist - Initial Comment - Additional Information Required

The application is accompanied by an Ecological Impact Assessment (Lizard, July 2019). The application site comprises two fields of poor semi-improved grassland which have been subject to horse grazing. The site boundaries and an internal ditch are bordered by dense native scrub. The eastern site boundary is formed by a narrow stream which is also a Site of Importance for Nature Conservation (SINC), designated due to the presence of a County Rare plant, narrow-leaved water plantain (last recorded within the southern end of the stream channel in July 2011). The entire application site has been subject to botanical survey by the Hampshire Biodiversity Information Centre (HBIC) in 2001 and 2010/11. The two fields are not of especially high botanical value, although HBIC surveys of the eastern field recorded two old meadow indicator species in 2001. Neither field was considered to be of SINC quality, although they are contiguous with two SINC grassland fields located to the north and the eastern field is included within the current Ecological Network Map for Hampshire.

The site is considered to offer limited potential for protected species: a reptile survey in 2019 recorded no animals. The boundary hedgerow and scrub are clearly suitable for a range of nesting bird species and bat species are highly likely to forage/commute around the site. I would request some clarification as to why bat activity surveys were not considered necessary at this site: bats are certainly present locally and would presumably utilise areas of open ground such as the two fields and their boundary vegetation.

The proposals for the easternmost field require some further consideration. Presumably the creation of flood alleviation embankments here, plus the proposed seeding of

wildflower meadow grassland, would require the removal of vegetation and the movement of soils: no details are provided so it is unclear what is proposed here. This would be on land immediately adjacent to the SINC stream (which drains into an internationally- and nationally-designated site) and, to my mind, would at least raise the potential for impacts via run-off of exposed soils during construction and until any new seeding has established. Further detail on the potential impacts of these major landscaping works on sensitive habitats and species is required at this stage.

The ecology report essentially contains no firm details of proposed mitigation, compensation or enhancement measures, although some information is presented within the submitted Landscape Strategy. Overall, the level of detail on mitigation, compensation and enhancement is insufficient for a full planning application. I would expect at least an outline ecological mitigation strategy to be included, providing details of the location and composition of habitat enhancement works (e.g. the proposed flood alleviation meadow, hedgerow bolstering) and the methods and timings of any works with the potential to impact existing ecological features.

NPPF, Circular 06/2005 and Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration. This will enable the LPA to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated and are acceptable.

Crime Prevention -Major Apps – Final Comment

Further to our telephone conversation today, please see my comments below.

Currently all of the crime and disorder reported at the service station is vehicle enabled via the A27, which limits the amount and type of crime and disorder (the service station is isolated from the area around it). However, when this footpath / cycle way is put in place this will change the crime profile at the service station. The footpath / cycle way will draw people into the development from both Coldharbour Farm Road and from the service station, which in itself will cause issues. The footpath does not really connect two destinations, yet offers the potential to significantly increase the opportunities for crime and disorder; Hampshire Constabulary cannot support this connectivity.

That said, if the planning authority is minded to allow such connectivity to improve the safety of the footpath / cycle way it should be integrated into the development road (not be a separate entity). If the block containing plots 39 to 44 were moved to the south that would create space to allow the footpath to pass between plots 38 and 39. The footpath should be straight, it is important that there is natural surveillance from the overlooking properties. The route would have to be lit with column lighting. Robust bollards should be installed at each end of the footpath (as it passes between plots 38 and 39) to prevent vehicles using the footpath to access the service station. Obviously, motor cycles will use it. I would recommend that a traffic regulation order prohibiting the use of motor vehicles along that section of the footpath is made and appropriate signage put in place. As the footpath provides access to a facility parking space will have to be provided for those driving to the development to use the service station facilities or those working at the service station and parking in the development. Defensible space (at least 1.5m per dwelling) will have to be provided for those properties adjoining the footpath (plots 38 and 39), additional space might be

created by moving the cycle / bin store from south of plot 44 to north of plot 39. Once a right of way is created it cannot easily be stopped.

Officer Comment: *Policy UE37 of the Allocations Local Plan identifies that one of the Site Opportunities of the site, is the "... opportunity to create a new foot/cycleway link to the service station on the A27." Based on the work undertaken by the applicant and the information provided, a foot/cycleway link to the service station cannot be secured as part of the development, as this is outside of their control as permission from third parties cannot be obtained. Therefore, the opportunity to create a link to the service station is not able to come forward as part of the development, (which the Police do not support) in the foreseeable future. The agent considers that in view of this a TRO payment would be unreasonable and have declined to pay. The payment for a TRO, for a link which cannot be secured now or in the foreseeable future, would not be sufficient grounds to warrant a refusal of the proposal, which in other respects would provide both much needed market and affordable housing.*

That said, to limit vehicular access, two bollards are shown on the proposed site plan, along the 3m wide foot/cycle path to the north of plots 39-42.

As to natural surveillance of this part of the foot/cycle way, two side windows are proposed at first floor to service a living/dining room and bedroom, on the north elevation of the block of flats, together with lighting.

As to concerns regarding the lack of surveillance to some of the plots via dog legged footpaths to rear gardens, this has been addressed by the installation of gates adjacent to footpaths.

A condition to secure the installation of the bollards (and lighting for the site, to include the cycle way) is recommended if permission is granted.

Crime Prevention -Major Apps – Initial Comment

The National Planning Policy Framework makes clear the Governments continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience".

National Planning Practice Guidance advises, that planning has a role in preventing crime and malicious threats. It reminds Local Authorities of their obligations under Section 17 of the Crime and Disorder Act 1998 (as amended), specifically "to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder."

The guidance advises: "Planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides." It continues, "Good design that considers security as an intrinsic part of a masterplan or individual development can help achieve places that are safe as well as attractive, which function well and which do not need subsequent work to achieve or improve resilience." "Good design means a wide range of crimes from theft to terrorism are less likely to happen by making committing those crimes more difficult."

The proposal creates a footpath from Coldharbour Farm Road to the East bound Service Area on the A27 (Havant By Pass). The footpath, which runs to the rear of plot numbers 39 to 44, has limited natural surveillance and will draw people through

the development, which will increase the opportunities for crime and disorder (Anti-Social Behaviour (ASB)), both within the development and the A27 service area. This connectivity should be removed from the approved scheme; Hampshire Constabulary cannot support the proposal with this connectivity.

Clear definition of the different spaces within the development reduces the opportunities for crime and disorder.

Access to the elevations of the dwellings from the public realm or communal space must be prevented. All dwellings must sit within their own area of private space. The private space to the rear of the dwelling must be enclosed by a robust boundary treatment at least 1.8m high. The semi-private space to the front of the dwelling must be enclosed within a robust boundary treatment 1m high or delineated in such a fashion that is obviously private space. Hampshire Constabulary cannot support this application if the dwellings do not have this basic level of protection.

A number of acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the dwelling. For a number of dwellings rear garden access is via a communal rear access footpath, which increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder all external rear garden access should be in curtilage. However, if the Planning Authority is minded to allow such rear access arrangements, to provide for some mitigation against crime, we would ask: a gate is fitted at the point the rear access footpath joins the public realm and each rear garden access gate is fitted with a key operated lock that can be operated from both sides of the gate.

The rear garden access for plot numbers 10, 22 and 25 is via a communal rear access footpath. Each of the back gates to these properties lies at the end of a small "dog leg" footpath. There is very little natural surveillance of these "dog leg" footpaths, which increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder the garden access gate should be moved to the junction with the communal access footpath (the "dog leg" would then be within the rear garden of the property).

A large number of unallocated parking spaces are shown to the front of plot numbers 9 to 15, 18 to 26 and 39 to 44. Unallocated parking spaces to the front of a dwelling can lead to confrontation. To reduce the opportunities for confrontation the parking to the front of the dwelling should be allocated to the dwelling.

To provide for the safety and security for residents and visitors lighting throughout the development should conform to the relevant sections of BS 5489-1:2020.

Officer Comment: *As to plots 10,22 and 25 the garden access gates have been moved to the junction of the communal access footpath.*

Proposed boundary treatment is the subject of a condition.

The level of car parking proposed complies with the requirements in Havant's Car Parking SPD.

Development Services, Southern Water - No Objection

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal

application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage

disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Officer comment: *if permission is granted a foul and surface water condition is recommended.*

Early Years

There are no early years education issues relating to the sufficiency of preschool and nursery places in terms of this development.

Education Department

I have had a look at the planning application APP/19/01226 and can confirm that for the number of dwellings proposed (44) I will not be seeking a contribution towards educational facilities. The proposed development is anticipated to generate between 1 and 2 pupils per year and sits in the catchment areas of Emsworth Primary School and Warblington Secondary School. Although Emsworth Primary is full it is only full owing to out catchment recruitment. Warblington Secondary School has surplus places and can accommodate the anticipated yield of pupils.

Engineering/Drainage

There is no indication of accommodating the requirements of (iv) on page 10 of the Planning Statement which reads

iv) Provides safe pedestrian and cycle links up to the western boundary of the site, to facilitate a link to the petrol filling station, and through the site to Havant Footpath 71 to the eastern boundary, and to the Southleigh Strategic Site;

Therefore, a link for cycles and pedestrians is required to the west into the filling station, and to the north to pre-empt the provision of a major east-west cycle route as part of the Southleigh development. This latter could be accommodated by a path to the west of the SuDS Pond leading to the site boundary ready for future connection.

Officer comment: *The cycle/pedestrian east-west link has been secured within the site, albeit access to the service station could not be secured, which is outside of the applicant's control. A path to the north has not been secured, as the agent is of the view such a link could be achieved off the Recreation Ground immediately to the east, which officers concur with. The application has been determined on this basis.*

Environment Agency – Final Comments

Following the submission of the approved modelling and updated Flood Risk Assessment and other information we are satisfied that our previous concerns have resolved. We remove our objection to the proposed development and recommend that the following conditions are included on any planning permission granted.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) ref "MT-5314-FRA.5R" dated September 2022 which includes the updated "West Brook, Emsworth fluvial flood risk modelling report" by JBA Consulting dated September 2022 and the following measures they detail but are not limited to:
From the FRA

- Finished Floor Levels (FFL's) – The Post Development Scenario 4 (PD4) modelling results show the 1 in 100-year (1% AEP) fluvial flood level climate change (25% calculated) level would be 5.5m AOD at the flood storage area. Therefore, the FFL's shall be set no lower than this level plus a minimum of 600mm of freeboard, a minimum level of 6.1m AOD. However, we expect to see FFL's significantly higher than this due to the site's carriageway being set at over 6.91m AOD as stated in Section 2.25 seen below.
- Access road culvert crossing - Section 2.24 states: With reference to drawing 5314/1001 rev. A, the access road will be set at a level of 6.1m AOD at the location of the culvert crossing.
- Development roads - Section 2.25 states: Along the eastern side of the developed area, the carriageway will be set at a level of between 6.91m AOD and 7.84m AOD.
- Flood storage compensation size - Section 2.30 states: The approximate area of the base of the proposed fluvial flood storage area is 1,800m². Assuming a maximum water depth of 0.65m, the volume of the proposed storage area will be circa 1,170m³.
- Flood storage compensation levels – Section 2.23 states: Scenarios PD2 and PD4 both include the fluvial flood storage area set at a level of 4.85m AOD. During the PD4 scenario, the water depth is predicted as being greater than 0.5m, albeit will not overtop the underground surface water attenuation area which is set at a level of 5.5m AOD. Therefore, the depth of water will not exceed 0.65m, as such the maximum depth (should say level) of water within the attenuation area will be 5.5m AOD.
- Culvert size – Section 2.33 states: In summary, the results of the post development modelling undertaken by JBA demonstrate that an improved/widened culvert is not necessary. A widened culvert would marginally reduce flood depths downstream, however a greater reduction in flood depth is realised when utilising the existing culvert.
- "Proposed Development Scenario 4" (PD4) consists of – fluvial flood storage area present/ existing culvert retained o access road; o ground levels are applied above the cellular storage for private house and road drainage, and o a fluvial flood storage area located at the eastern side of the development site, with associated bank lowering and outlet pipe for drainage.
- Access and egress road layout and levels – see Appendix 7 – Drawing No. 5314 / 1001.
- Map of the Surface Water Drainage Strategy – see Appendix 7 – Drawing No. 5314 / 1002. From the modelling report in Appendix 6
- Flood Storage compensation area design – Section 2.4.2 states: Sloped sides down to the invert of the storage area are proposed, and the eastern side of the storage area would commence 8m beyond the bank of the West Brook watercourse, again with sloped sides to the invert of the storage area. The invert of the storage area would be set at 4.85mAOD. This is 0.15m above the 4.70mAOD indicated in earlier drawings. This higher invert level is required to enable a pipe (modelled as 0.15m diameter) to

drain from the base of the storage area to the West Brook watercourse, which at the location of the proposed outlet has an invert level of 4.7mAOD. A flapped outfall is represented to prevent backflow of fluvial water from the watercourse into the storage area. Also see Figure 2-7 for layout.

- Modelling results for PD4 scenario (approved) – Section 6.2.1 states: maintaining the size of the existing culvert acts to encourage greater storage of flood water in the fluvial flood storage area, providing greater reductions in flood depths and extents downstream, including areas of existing development.

For the two residual risk scenarios, there are increases in flood depths and extents upstream of the proposed access road, in areas of open space/parkland. Flood maps for the PD4 scenario can be found in Section H. They show the changes in flood depths and extents compared between the baseline and with PD4 elements in place. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons To ensure access and egress to and from the site is safe for the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Advice to Applicant / LPA

Surface Water

Detailed surface water drainage proposals must be submitted to and approved in writing by the local planning authority. These details should include:

- Detailed engineering plans.

- Details of how the SUDS features and outfalls will be designed to be as natural as possible and maximise ecological benefit.

- Materials plans.

- Cross sections for all attenuation ponds, swales, headwalls, underground attenuation (cellular storage) and outfalls into a main river.

- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters.

- A scheme to treat and remove suspended solids from surface water run-off during construction works.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Environmental Permit

Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) • on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Some of the proposed activities in this development are located within 8 metres of a main river designated by the Environment Agency. Under the terms of the Environmental Permitting (England and Wales) Regulations 2016, the proposed works will require the prior written permission of the Environment Agency in the form of a Flood Risk Activity Permit (FRAP).

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549 (Monday to Friday 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Ordinary Watercourse Consent

The prior written consent of the relevant Lead Local Flood Authority is required for the erection of any flow control structures, culverting or diversion of ordinary watercourses, including streams, land drains and ditches.

Please be aware that the Lead Local Flood Authority has up to two months to determine applications for consent made under Section 23 of the Land Drainage Act 1991 and you are therefore advised to contact Hampshire County Council as soon as possible to discuss making an application.

Officer Comment: *The recommended condition as to flood risk was discussed with the EA, following which it was amended by the EA to read as follows:*

“Prior to occupation, the development hereby approved shall be carried out in accordance with the submitted flood risk assessment reference “MT-5314-FRA.5R” dated September 2022 and the updated “West Brook, Emsworth fluvial flood risk modelling report” by JBA Consulting dated September 2022. The following approved details as set out in these documents shall be fully implemented: • Approved finished floor levels within the development; minimum level of 6.1m AOD. • The approved access road culvert crossing, as set out in drawing reference 5314/1001 rev. A; • Approved development road levels; between 6.91m AOD and 7.84m AOD as Section 2.25 states. • The approved flood storage compensation size; 1,800m² • The approved Proposed Development Scenario 4; culvert details as set out in Section 2.33 These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons *To ensure access and egress to and from the site is safe for the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. In accordance with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.”*

The revised flood risk condition is recommended, together with the surface water drainage condition, with informatives on the decision notice concerning the need for an Environmental Permit and Ordinary Watercourse Consent.

Environment Agency – 2nd Comment - Objection

We have reviewed the information as submitted and set out our position below. Environment Agency Position In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason(s) The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards

Overcoming our objection

The information provided in the FRA does not provide adequate details of the access route which is proposed to cross the West Brook (statutory main river) from Coldharbour Farm Road. There is no detail provided as to what is proposed to go over the watercourse, the potential impact of this on the watercourse or information on the design of the proposed access route. There is only brief mention of this in the original FRA submitted in 2019, as evident in point 2.11 'Access and egress for the site during a flood event would be to the west (via the service station on the western boundary) and in the more recent FRA submitted in January 2022, point 2.6 implies that this will be a road surface 'Construction of the site access will ensure the road surface...'. However, the drawings and plans submitted do not clarify as to what type of access route is being proposed.

This watercourse crossing will be the main access route into the site, and therefore it is key to ensure that safe access / egress is provided to ensure safety from identified flood hazards. The modelling submitted considered the 1% AEP flood event, but in addition, also modelled the 0.1% AEP present day event. As evidenced in figure D.3 flood depths of up to 1m are modelled for the 0.1% AEP present day event, with these levels in close proximity to the crossing. As such, further information on the crossing is required to ensure safe access is provided for the lifetime of the development.

The modelling previously submitted does not indicate the type of watercourse crossing that will be used or is in situ on Coldharbour Farm Road. Any updated FRA should include details of this watercourse, and construction techniques that will be used for this. In the first instance we would require a clear span crossing, allowing maintenance and access to the main river and ensuring that any crossing will not impact on flood risk and zones. If this is not possible, the adequate justification should be provided as to why this cannot be achieved and any mitigation measures that will be implemented to ensure the crossing does not have a determinantal impact.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Advice to LPA / Applicant – Environmental permit The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities_environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment_agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency – 1st Comment - No Objection

The following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (CCE/X781/FRA FLOOD_RISK_ASSESSMENT_AND_DRAINAGE_STRATEGY_JULY_2019-1312450, dated July 2019) and the following mitigation measures it details:

1. Finished floor levels must be set at or above the 1 in 100 annual probability flood level plus 105% climate change of 6.9 m AOD, as specified in paragraph 2.10 of the FRA.
2. Compensatory storage shall be provided as described in paragraph 2.3 of the FRA, and proposed in Appendix B Drawing Number X781 - PL - SK – 301 and the calculations in Flood Storage Volume Result (Appendix B, pages 47 & 48 of the FRA).
3. All access roads must be at or above the 1 in 100 annual probability flood event including a 105% climate change allowance level of 6.9 mAOD.
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants.
- To ensure there is no increased flood risk to existing properties in the catchment.

- To ensure safe access and egress from and to the residential buildings.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Advice to the Applicant

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; and/or
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Further details about Flood Risk Activity Permits can be found on the gov.uk website using the following link –

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

To enquire further, please contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Officer Comment: *the above conditions have been superseded by those set out above, following further discussions with the EA*

Environmental Health, Community Group – Noise/Ventilation/Glazing– Final Comment – No Objection

I have reviewed the additional information provided by WYG dated 8th October 2020. This addresses my remaining concerns.

I have no objection to the approval of the development subject to the agreed noise mitigation measures (ventilation and glazing scheme) detailed within the acoustic assessment the dated 20th August 2020 being installed, maintained and retained thereafter.

Officer Comment: *if permission is granted, a condition as to the noise mitigation measures as set out in the acoustic assessment dated 20/8/20 is recommended.*

Environmental Health Manager, Community Group - Noise/Ventilation/Glazing – 3rd Comment

The updated modelling demonstrates that with the lower barrier (2.4m) in place, the site experiences very high noise levels which also extend further into the site affecting more of the proposed dwellings than with the originally proposed 4m high barrier.

When windows are opened in the proposed dwellings more plots will experience high noise levels exceeding both daytime and night-time noise criteria which is likely to affect the quality of life and health of future occupants. Mitigation measures are proposed in the acoustic report to minimise the adverse impact of noise which assume that cooled mechanical ventilation will be installed across the site, together with glazing meeting set specifications, to enable future occupants to manage overheating in summer without being exposed to high levels of road traffic noise. The suggestion made in both the overheating assessment and updated noise assessment is that future occupants will be sufficiently protected by noise subject to a product such as the Zehnder ComfoCool Q600, or similar, being installed.

I recommend that prior to permission being granted confirmation is sought from the applicant on the cooled mechanical ventilation product to be installed at the site and which plots this will be installed in. I note the overheating assessment is based on noise data for the site from the first noise assessment prepared in 2019. It may be that the applicant wishes to extend the number of plots considered in the overheating assessment to the whole site to confirm whether cooled mechanical ventilation with a tempered air supply is required site wide, or they follow the noise assessment's assumption that based on the up to date modelling a product such as Zehnder ComfoCool Q600 or similar is installed across the site together with the proposed enhanced glazing.

It should be possible to reduce noise levels within the proposed dwellings to acceptable levels with the lower acoustic barrier subject to a satisfactory mitigation scheme being agreed which follows the recommendations in the updated noise assessment.

Environmental Health Manager, Community Group - Noise/Ventilation/Glazing-2nd comment

The submission of an overheating assessment is positive step forward. It demonstrates that overheating is an issue which means that some plots cannot rely on opening their windows to cool their homes during periods of hot weather due to the percentage of time that they will be subjected exposed to unacceptably high noise levels. The developer will have to install a higher specification of mechanical ventilation to affected plots which includes a cooled air supply. I would suggest that a condition is attached requiring the prior approval of the system to be installed.

However, before I recommend a condition we still need to see updated noise modelling which takes into account the revised barrier height because with a lower barrier noise may travel further into the site and more plots may be affected by unacceptable noise levels. At the moment the only data I have for the revised barrier height are LAmax levels. The initial suggestion is that only plots 39-44, and 18-26 require the higher specification of ventilation, but this is based on predicted noise levels with the original barrier height.

Environmental Health Manager, Community Group - Noise/Ventilation/Glazing-1st comment

My main concern regarding this proposal relates to the potential for future occupiers to experience adverse impacts on health and quality of life due to noise from the adjacent A27, and to a lesser extent from mechanical plant located at the Shell garage to the west. In particular I am concerned that it may not be possible to sufficiently mitigate noise impacts without putting future occupiers at risk of overheating.

The application includes a noise assessment produced by WYG dated 28/06/19 which

demonstrates that the site is affected by high levels of road traffic noise from the adjacent A27. The results of noise monitoring show noise levels fall within the 'high' noise risk category of ProPG's 'Initial Site Noise Risk Assessment' both during the day and night which puts future occupiers at a high risk of adverse impact from noise. ProPG's advice on high (and medium) risk sites states that *"there is an increased risk that development may be refused on noise grounds. This risk may be reduced by following a good acoustic design process demonstrated in a detailed ADS (Acoustic Design Statement)... As noise levels increase (from low to high risk categories), the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development."*

The noise assessment proposes a scheme of mitigation to protect future occupiers of the site from noise. This scheme relies on windows being kept closed to achieve satisfactory acoustic conditions as defined by BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" and an alternative means of ventilation being installed which removes the need to open windows for ventilation. However, there is no discussion on overheating so it is not clear what the impact of overheating will be on indoor ambient noise levels. If the mechanical ventilation system is to be relied upon to provide ventilation during periods of overheating, no information has been provided on a suitable system to be installed, the potential noise impact of such as system on internal noise levels and the noise assessment does not demonstrate that it will be possible to sufficiently protect future occupiers from such internally created noise.

Whilst the noise assessment follows some of the principles of ProPG, information I would expect to see, for example Stage 2: Element 1 - Good Acoustic Design Process and Element 4 Assessment of Other Relevant Issues, is missing. I am concerned that the failure to carry out a full assessment, together with no consideration having been provided on the impact of ventilation and overheating on internal noise levels, demonstrates that good acoustic design has not been followed.

As a good acoustic design process has not been demonstrated I recommend that permission is not granted at this time. The applicant needs to provide an acceptable assessment of the impact of ventilation and overheating on internal noise levels and further information to demonstrate that a good acoustic design process has taken place (as part of the broader requirement for good design set out in the NPPF).

In the event that you should be minded to grant permission, please contact me for further details on conditions that should be attached to minimise the risk of adverse impact of road traffic noise on future occupiers of the proposed development.

To assist the applicant, further details on the information required to address my concerns is given below:

- 1) The acoustic report provides long term averages of monitoring that took place, but fails to provide the full data set for the site (or more short term averages of the data set) or information on how many noise events at night exceed 60dB LAmax,F.
- 2) The application contains no information on overheating or how the dwellings will be ventilated during periods of overheating. I recommend that noise levels, overheating and ventilation are addressed by following the assessment method provided in the "Acoustics Ventilation and Overheating, Residential Design Guides" (ANC, 2020) which whilst only recently having been published, has been available in draft form for some time. Depending on the conclusions of the initial part of this process, this may require a

separate overheating assessment for the proposed development to be carried out in accordance with CIBSE TM59. If the event, after exploring all options to achieve good acoustic design, that windows are required to be kept closed to achieve an acceptable internal noise climate, then the provision of an alternative form of natural ventilation will be required to aid thermal comfort. If this is impracticable then a MVHR system with fully automated summer bypass may be acceptable and details of a suitable system to be installed should be provided together with information on the future maintenance of such a system.

3) The noise assessment should be updated to include all 4 elements of a ProPG stage 2 assessment.

Thank you for forwarding those comments. The comments appear to have been intended for the applicant, but it may be helpful for me to respond to each from a planning / consultation perspective;

- 'no further comment is necessary regarding the [Air Quality] exposure assessment and no changes are needed to the report' – Agreed / accepted.
- 'EV charging is unlikely to be allowed to contribute towards the damage cost[...]' – This comment is in line with the thrust of my comments, but it is not necessarily quite this clear-cut; I would highlight one of my original comments – namely *'It would be acceptable to 'consume' this value on items covered by other policy, provided that is allocated to elements which go beyond the requirements of policies governing the minimum provision required for that policy purpose'*. This is further slightly complicated by the present status of emerging policies, and the extent to which we can interpret existing policy 'through the lens' of the refreshed (emerging) policies & the revised NPPF. I'd regard this as a planning call, and see my role as being one which seeks the best possible planning outcome in line with both existing (local & national) policy - having regard to the NPPF para 38 & direction of travel with respect to emerging local policy. In this way, I cannot 'demand' or 'strictly require' changes at this stage, but I can advise the planning service of a reasonable policy interpretation and highlight areas where the proposals on the table are likely to fall short.
- 'EHO will require some firm commitments as to what/how these [suggested AQ Mitigation measures] will be implemented at the development' – The comment in the point above v/v the role of EH as a consultee is relevant. Nevertheless, this is a fair interpretation of my recommendations – I was highlighting that the provisions in the application wouldn't be material to the particulars of the consent, and so at risk of being omitted from the delivered scheme for commercial reasons. I was highlighting that either an amendment to proposals, or the imposition of a specific condition would be required in order to secure these desirable features/provisions.
- The 'Mitigation of Construction Activities' (detailed in Table 16, p. 32 of the AQ report) should be included in your Construction Management Plan' – Agreed. I would also recommend that the expectations listed in my previous response are also included (best practice wheel washing on exit, road sweeping, and monitoring to include Coldharbour Farm Road in the vicinity of site access). I was highlighting that nuisance provisions don't necessarily extend to dust soiling of property left in the street (e.g. vehicles), and won't cover annoyance or temporary loss of amenity due to vehicles using Coldharbour Farm Road. In the absence of planning controls, Antisocial Behaviour provisions may be the only enforcement options in the event that significant problems arise. My

intention is only to highlight the likely issue, which derives principally from the existing character & built form of Coldharbour Farm Rd. Obviously it is a planning decision whether to require submission of a CMP / CEMP – we could require it by means of a suitable condition (I can suggest wording if helpful), but I am similarly aware that the team leaders may regard this as the LPA acting *ultra vires* (CEMP's appear to be a subject of some disagreement between different planners, and I've never managed to find a reliable & definitive answer to whether the LPA should be requiring CEMP's or not).

- 'The 'Additional Mitigation' measures (section 6.5, p. 33) should be included in the finalised Travel Plan.' – It is very common for planning to approve a framework travel plan (FTP), with the 'final' travel plan being authored at some point prior to first occupation, after appointment of the plan coordinator. In this way, no amendment to the FTP is required, and it is not a barrier to a positive determination. However, it is unclear to what extent delivery of provisions included in a document not listed on the planning consent could be regarded as enforceable (so subject to an 'impetus to deliver'), and where these include physical provisions (e.g. provision of EV charge points), whether it is appropriate to include these provisions within the travel plan and not within the approved development scheme. Similarly, the first point of 6.5 refers to low emission domestic-heating provision, which is not related to mitigating the impacts of travel – it is instead related to mitigating the emissions from dwellings.
- Contamination – Acknowledges EH comments, no response needed.

Planning Implications / Response

- Contamination – no response needed beyond that recommended in CONS/20/00238 24/02/20
- Air Quality, mitigation of exposure – none.
- Air Quality, mitigation of emissions – Delivery of EV charge points, specific travel plan provisions, specification of low NOx or other Low-Emission / LZC domestic heating, provision for unattended deliveries, or expenditure of the proposed emissions cost mitigation sum is not considered likely to be controlled as a planning matter (specifically subject to consent) in the absence of some form of imposed control or scheme amendment. I'd recommend that the Planning service consider i) whether it is appropriate / sufficient to include EV infrastructure provision within the Travel Plan only, ii) whether the Council wishes to pursue expenditure of the 5-year 'new transport emissions' cost on positive mitigation measures (in line with emerging policy E23 a), NPPF para's 38 & 181), and iii) whether it is appropriate to either a) require amendments to the proposed scheme prior to determination, b) draft a suitable condition which requires the scheme of expenditure of the proposed sum to be agreed by the LPA, and implemented as proposed; or c) to impose no such requirements. I'm happy to discuss condition wording or specific amendments in the event that the Council does wish to seek to secure delivery in a more formal manner. The applicant is likely to be expecting this, on the back of the Lustre email.
- Dust – I'd recommend that the Planning service consider whether it is appropriate / acceptable to require by condition the submission of a CEMP prior to commencement, and if so, draft a suitable condition. If not, no action is required – the comments set out expectations against which consideration of enforcement legal tests may be undertaken (whether by Planning, EH, or Community team(s)). As above, I'm happy to suggest condition wording if

helpful.

Officer comment: Policy E23 was in the withdrawn Local Plan 2036. Therefore, weight cannot be given to this policy. That said, a condition is recommended that requires a CEMP to be submitted and approved that includes the requirements of Table 16 of the Air Quality Assessment by Lustre Consulting dated July 2019, together with those additional requirements recommended by National England and the EHO.

In addition, an appropriate level of EV Charging Points for the development would be conditioned and the Framework Travel Plan would be agreed and monitored by HCC.

Environmental Health - Contamination – No Objection

Air Quality - Development as Receptor

The Lustre Consulting Air Quality Assessment (Ref: 3229/AR/07-2019) concludes that exposures at key (representative 'worst-case'-) receptors to be around (slightly less than) 50% of the statutory objectives. It is noted that the meteorological data utilised (Fig 4, Shoreham) shows an unusual directional bias to the North, which is inconsistent with local prevailing conditions, and with annualised data for Shoreham for the same reference year, from other sources (e.g. enviroware/METAR).

The alternative sources for Shoreham data show a distribution more representative of local conditions. It is unclear whether an incorrect figure has been presented as Figure 4 in the report, or whether the modelling has used unrepresentative data to inform the dispersal calculations.

Were the result more borderline, I would regard this as a serious issue which significantly undermines confidence in the conclusions of the report. However, -50% relative to statutory objectives must be recognised to represent a significant amount of 'modelling-uncertainty/error 'headroom' '.

With reference to the PfSH modelling output (accounting for the different baseline years, and the PfSH modelling error relative to measured data at New Brighton Road); the Nitrogen Dioxide concentration predicted by the Lustre report for is (roughly speaking) considered likely to under-estimate the 'true' concentration by approximately (-)11%, or ~2.5 ug/m³ (~6.2% of the statutory objective)

In the absence of any means to verify the likely modelling errors for PM₁₀ or PM_{2.5}, it is reasonable to assume a similar magnitude of error. Applying this margin of error to the modelled results does not give cause for alarm relative to the current objective values.

There is some uncertainty as to the future of the PM_{2.5} objective (which is likely to be significantly tightened under expected forthcoming legislation), however in planning terms we must base the decision upon the standards in force at the time of the application. Notwithstanding the uncertainty with the appropriateness of data underpinning the Lustre modelling, *it is considered that exposures within the development are acceptable, and do not prejudice the granting of consent for the proposed layout.* Conclusion of 6.4 (no specific building mitigation to protect occupants) is agreed.

The Lustre report also presents a 5 year 'new transport emissions' valuation calculation over a 5 year period, amounting to £27821. It is recommended that this sum is spent at

the development on measures which mitigate the generation of new emissions associated with the development.

Suggested measures are listed at 6.5 which 'could be' adopted. It is noted that this does not amount to a specific proposal, and in the absence of a planning condition requiring the expenditure of the calculated sum (or requiring the delivery of any specific mitigation measure), the developer will be under no obligation to deliver any mitigation as a result of these sections of the report.

Section 6.5 includes aspects likely to be required by both current & emerging policy (notwithstanding the current status of emerging policy), and the report suggests that this will consume the value given to the 5-year emissions damage estimate. Where existing policy requires specific actions to be undertaken (e.g. DM12, mitigating the impacts of travel, and potentially IN3, provision of a minimum quota of EV charging points); it is considered inappropriate to allocate the air quality emissions mitigation 'budget' to these areas.

Please see section below (Sustainability, Transport & Access) for further comments on mitigation.

Sustainability, Transport and Access (Air Quality)

Comments here relate to the general scheme (drawings, design, planning & energy statements), the Bellamy Roberts Transport Statement (Ref: ITR/MT/5314/TS.2) & Framework Travel Plan (Ref: ITR/MT/5314/FTP.2).

Parking & Access

Generally, the scheme shows a level of parking marginally above SPD requirements, with good visitor provision. I have no justification at this location on air quality or sustainability grounds to call for a <SPD provision.

All units are provided with adequate and sufficiently convenient cycle parking. It is noted that the cycle store for plot 9 is omitted from the drawings - assumed to be a drafting error. It is agreed that the site is sustainably locations for access by sustainable modes of travel, particularly for travel to the nearest educational facilities. I have no adverse comments to make about the cycle storage provision or the physical provision for access for pedestrians and cyclists.

Framework Travel Plan

Given that the site has good access by sustainable modes of travel, it is disappointing to see that no specific targets are set for increasing trips by walking, cycle, or public transport. Targets focus instead on reducing the number of single occupancy / single-destination-reciprocal journeys by private motor car.

References to the promotion of car clubs are hollow, given that the nearest provision (by the market leaders) is in Chichester Town.

Targets for encouraging home delivery are supported by a suggestion that properties should be provided with secure drop-boxes to permit unattended delivery of small-to-medium mail-order items. However, the plan uses the wording 'consideration will be given to' (provision of drop-boxes, 9.9). As with the Lustre Air Quality Report - this language does not amount to a firm proposal. The provision is considered to be air quality relevant (and to be relevant & justifiable expenditure from the suggested air quality mitigation fund), but unless this element is included in the approved scheme documents, or is specifically controlled by condition, it is not likely to be implemented.

Recommendations for both direct provision and for providing an expandable 'EV-ready' electrical infrastructure is referred to using similar language (9.10), and are similarly at risk of being omitted from the delivered scheme for commercial reasons.

The framework travel plan is considered to include unambitious targets, and ideally there would be an enhancement to include walking / cycling / public transport targets. The plan includes a section on monitoring, referring at 11.3 to both 'the relevant Authorities' and 'the Authority'. It is unclear whether the monitoring responsibility is to sit with Highways, with the County Sustainable Travel team, or with the Local Authority (e.g. HBC). Environmental Health is trying to improve the transparency of travel planning by including it within its statutory air quality reporting. In order to do this, there must be clarity in which organisation / team will be collecting performance data.

I would recommend consideration be given to seeking improvements in the breadth of targets set by the framework travel plan, commitments to provide suggested specific measures, and to confirm which organisation will have responsibility for oversight.

Sustainability - Air Quality relevant aspects of scheme design

It is also noted that building elevations & statements refer to the provision of 'solar installation ready' buildings (my phrase), though as for other items noted above, the only aspect likely to be controlled by the consent without specific control is the orientation of the buildings and the pitch of rooves.

The landscape design strategy states at (4.7) that the visual impact of the proposed Acoustic fence is to be softened with native wall shrubs and climbers. This section also states that masonry boundary walls are to be planted with ornamental climbers. Native trees are principally proposed the flood storage & boundary reinforcement areas, and ornamental street trees elsewhere. Section 4.8 refers to the creation of a 'multilevel vertical structure...', which is considered to be of benefit for air quality (particularly with respect to reduction of particulates), irrespective of species used. Similarly, use of taller native tree species & hedgerows to minimise overlooking from outside the development are considered likely to provide a marginal enhancement over the 'air pollution filtering/absorption' services provided by the undeveloped site. The Majority of Native Urban Tree Air Quality (index) Score (UTAQS) trees listed in the landscape plan are represented in the 'native tree' planting. Only High & Med UTAQS species are listed, providing a reasonable mix of species capable of stripping particulates, and those better suited to the absorption of Nitrogen Dioxide. A number of other beneficial species are listed (with respect to their canopy type, & family) which are not categorised under the UTAQS scheme.

The most significant element for local air quality is considered to be the vegetated acoustic barrier, and the retention & enhancement of the dense boundary planting. These factors are likely to provide significant direct benefit to the development in terms of reducing exposures to air pollutants associated with the A27.

I am assuming that as the document outlining the landscaping proposals is a 'design strategy', that the proposals contained within it will represent required elements of the scheme, and so likely to be delivered (enforceable as a planning matter if scheme deviates significantly).

On that basis, I offer no adverse comment. I would however *recommend that the Lizard Landscape Design & Ecology Design Strategy (LLD1726-LAN-REP-001) is listed on the decision notice as an approved document.*

I would also *recommend that consideration be given to seeking some form of commitment to either the provision of specific air quality relevant enhancements, or the expenditure of the 5 year 'new transport emissions' valuation.* This would be in line with emerging policy E23 a), emissions offsetting. It would be acceptable to 'consume' this value on items covered by other policy, provided that is allocated to elements which go beyond the requirements of policies governing the minimum provision required for that policy purpose. It would also be acceptable to consume this value on 'air-quality-beneficial' elements not addressed by other policy measures, SPD or Building Control.

Construction Emissions, Dust (Air Quality)

The conclusions of the dust assessment (Tables 10 & 11, 3229/AR/07-2019) are broadly agreed. It is considered that the construction phase is unlikely to represent significant risk to existing receptors, in terms of exposure to air pollutants. The site access is however noted to be via Coldharbour Farm Road, being a carriageway of <5m width, used for street parking. Development activity is expected to have significant potential for detriment to the amenity of existing residents at Coldharbour Farm Road, and whilst vehicle speeds are unlikely to represent a significant re-suspension risk (to air), road soiling is nevertheless likely to be a significant 'complaint risk' if not diligently controlled.

I note that the application documents do not include a Construction Environmental Management Plan, but Table 16 of 3229/AR/07-2019 does provide a basic list of provisions. It is expected that the developer will observe the recommendations of Table 16, and in addition, will provide a best-practice-standard of wheel-washing on exit from the site, alongside a good level of road sweeping provision. It is also expected that the developer will actively monitor for levels of soiling on approach to the site.

Nuisance provisions are available to resolve complaints, if necessary, but these provisions do not extend to property on the highway (e.g. parked vehicles etc.), and in this respect, we are reliant on good planning to avoid the need to consider use of enforcement powers, and to avoid annoyance & detriment to the amenity of local residents which is not covered by the powers available to the Council.

Contaminated Land

The conclusions of the 7 Consulting Phase 1 Desk Study (Ref: 3229 - 190613 - AR) are in line with the preliminary assessment made by Environmental Health under GEN/17/00765.

I would agree that there is no significant known risk associated with the site, and that previous unrecorded deposits to land, and leaks / spillages from the adjacent petrol filling station represent the greatest risk to the site (considered low-to-negligible risks).

I do not agree that a limited Phase 2 intrusive investigation is necessary, and I do not consider it defensible in planning terms to require a proactive physical ground assessment as a pre-commencement condition. I would however recommend that a formalised 'watching brief / duty to report' is required by means of a suitable condition, under a 'prior to occupation' clause. Suggested wording below:

Contamination Watching Brief

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any significant

buried waste material is encountered (especially metallic objects which might comprise barrels or tanks, vehicles or ordnance), works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1. Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2. An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3. Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

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

A *A) A written statement confirming that no suspected contamination was identified during development, OR;*

B *B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

Reason: The site is located adjacent to a potentially contaminating landuse (retail sales of petrol, and HGV parking / servicing facilities). The site has not previously been developed, and could be associated with previously unrecorded deposits of waste materials to land. Havant Borough is a low-moderate risk with respect to ordnance (UXO/UXB), with undeveloped sites representing an elevated risk of undiscovered / unrecorded UXO / strikes. This condition requires proportionate management of these low risks to the health of future occupants of the development, in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework”

Officer Comment: *If permission is granted, the above condition and a detailed Environmental Construction Protection Plan are recommended, which would address a number of the points raised above.*

Forestry Commission – Comments

The Forestry Commission's comments are general/standing advice and may be found on the Council's website.

Hampshire Highways – Final Comment- No Objection

The Highway Authority originally responded to the proposed development in a response dated 17th February 2020. The response sought further vehicle tracking for the site access which was subsequently provided. Discussions have since taken place with the applicant regarding the alignment of the access and the internal site layout

which has been amended to address a number of concerns.

The following response summarises discussions since the Highway Authority's original response.

Site Access

As noted above, further information was previously sought from the applicant on the tracking for a super large refuse vehicle accessing the site. Drawing number 5314/206 Rev D was subsequently provided which demonstrated that a refuse vehicle would take up the majority of the carriageway when entering and egressing the development. The alignment of the access road and constrained carriageway width meant that another vehicle could not pass the refuse vehicle, presenting a potential safety concern. The applicant was required to undertake a Stage 1 Road Safety Audit to confirm whether an auditor corroborated with these concerns.

The auditor raised a number of safety concerns with the access design, including the visibility available to pedestrians attempting to cross the public footpath which bisects the new access road. Given the constrained alignment and land availability, the applicant agreed to look at providing additional carriageway width and a relocated crossing location where sufficient visibility could be achieved.

The aforementioned issues led to the design shown in drawing number 5314/006 Rev D. The carriageway has been widened to the north to provide additional width for vehicles to manoeuvre and better forward visibility to anticipate any large oncoming vehicles. The crossing point on the access road has been relocated to the west where visibility can be achieved within the applicant's land control. The crossing includes a raised table to raise awareness of the pedestrian and cycle crossing movements taking place in this location. A 3m wide path is provided to the south of the road to connect into the existing alignment of the PRow.

The Highway Authority now consider the design shown in drawing number 5314/006 Rev D to be suitable in principle. The delivery of these works will be undertaken via a Section 278 agreement with the Highway Authority, secured through a Section 106 agreement.

Internal Road Layout

Following discussions with the applicant, the internal site layout has been amended to address concerns around the limited carriageway width, restricting the ability for two cars to pass, the limited forward visibility around the bends and the footway provision throughout the site.

Drawing number 5314/006 Rev D has been provided which shows a one-way carriageway operation in a clockwise direction. The one-way arrangement addresses the concerns regarding the ability of two vehicles to pass throughout the site. The arrangement also provides a continuous footway on at least one side of the carriageway throughout the development, with links provided along the access road to connect to the PRow.

Furthermore, a shared use path has been provided to the south of the site which provides a connection point to the western site boundary. It is understood that Havant Borough Council require the provision of this link to facilitate future pedestrian and cycle access to the service station to the north of the A27 and the wider strategic

Southleigh development. The local planning authority should consider implementing planning conditions to futureproof the provision of this link and potential security features during the interim period that the path has been constructed but no onwards connection is available whilst offsite facilities are provided.

Whilst the Highway Authority now consider the layout suitable for progressing through planning, it should be noted that the bespoke arrangement will not be suitable for adoption through the Section 38 process. The applicant should be made aware of the Advanced Payment Code (APC) that will be required by the Highway Authority, further details of which can be found via the following link:
http://documents.hants.gov.uk/transport/APCProcess_Guidancedocumentforwebsitev2018-04-02.pdf.

Recommendation

The applicant has satisfactorily addressed the comments raised by the Highway Authority. No objection is raised to the proposed development, subject to the following Section 106 obligations and planning conditions.

S106

- To enter into a highways agreement for the site access works as shown indicatively in drawing number 5314/006 Rev D (up to and including the raised table) prior to commencement of development. To implement the works to the satisfaction of the Highway Authority prior to occupation.
- Payment of the approval (£1,500) and monitoring (£15,000) fees for the Travel Plan, along with the payment of the Travel Plan bond prior to occupation of development.

Conditions

- No development shall commence until details of the proposed site levels, materials, drainage design, landscaping and street lighting have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
Reason: To ensure that the internal site layout is designed and implemented in a satisfactory manner.
- 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. Reason: In the interest of highway safety.

Officer Comment: *If permission is granted the above conditions and the Section 106 requirements are recommended.*

Hampshire Highways – 2nd Comment- No Objection

The submitted tracking is considered sufficient to overcome the concern. No objection on this basis.

Hampshire Highways - 1st Comment

In order to inform the assessment a full PIA study has been undertaken and Highways Development Planning are satisfied that there are no existing accidents trends within the vicinity of the site that this proposal would likely exacerbate.

HBC will need to determine in their capacity as Local Parking Authority that the level of parking provision proposed falls in line with HBC adopted Standards. Access to the application site is proposed from the western end of Coldharbour Lane via a continuation of the existing turning head arrangement.

Vehicle tracking has been provided for a refuse vehicle in order to demonstrate the suitability of the proposed access and internal site layout, this however is considered unacceptable.

The vehicle utilised within the tracking is of some 9.6m in length. HCC requires refuse tracking for a refuse vehicle of 11.2m in length. As such the proposal is considered unacceptable in this regard.

In order to determine likely traffic generation and interrogation of the TRICS database has been undertaken. The TRICS data outputs have been provided and the dataset utilised is considered to be fully representative.

The assessment confirms the development would likely generate in the region of circa 20 two-way movements during the network peak hours.

In order to assess any impact, junction assessments have been undertaken for the junction of Coldharbour Farm Road and Horndean Road and traffic has been distributed upon the network as per existing turning movements obtained from the traffic surveys undertaken to inform the assessment in June 2019. This approach is considered acceptable.

A base + development scenario within PICADY (**P**riority Intersection **CA**capacity and **De**la**Y**) has been utilised and the results demonstrate a maximum ratio of flow to capacity (RFC) of 0.10 (10%) with an associated maximum queue length (MaxQ) of 0.1 vehicles occurring on the Coldharbour Farm Road exit of the junction during the AM peak hour. These results would demonstrate that the junction would operate well within its theoretical capacity limit post development.

In regard to the proposed site access and internal site layout the proposed linkage between the site and Coldharbour Farm Road has not been provided in any detail and whilst no objections on principle are raised in this regard the applicant is advised to engage with the Council's S.278 and S.38 teams at their earliest convenience with regards to proposed works design.

In line with the above, Highways Development Planning raises no in-principle objections to this proposal, however a standing objection is currently raised in regard to insufficient vehicle tracking. This should be submitted by the applicant for review in order to overcome the objection.

Suitable conditions will be required in regard to a Construction Logistics Plan for any future planning permission that may be granted.

Officer Comment: *If permission is granted a Construction Management Plan is*

recommended.

Hampshire Planning

As identified within the supporting Minerals Assessment (Genesis Town Planning report ref: 17040, July 2019), the proposed development lies within the mineral and waste consultation area (MWCA) – Minerals section. This area is informed by the mineral safeguarding area (MSA) as defined through Policy 15: Safeguarding – mineral resources of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP) and indicates where viable, safeguarded mineral resources are likely to be present.

The purpose of this policy is to protect potentially economically viable mineral resource deposits from needless and unnecessary sterilisation. The policy seeks to encourage the recovery, where possible, of potential viable mineral resources prior to development, this concept is known as prior-extraction.

Prior-extraction offers potential opportunities to reuse recovered minerals within the development itself or upcycle them to nearby aggregate recycling facilities. This in turn has strong potential to reduce the amount of waste generated through excavation on site as well as reducing the need for imported construction material.

As stated within the Minerals Assessment Report, the site was previously the subject of planning application APP/14/00360, submitted to Havant Borough Council. Upon consultation for this application HCC as the MPA raised no objections to the application as the prior extraction of minerals was deemed not viable.

Following a review of the Minerals Assessment Report, the previous planning application for the site and the British Geological Society records, HCC note that although no intrusive works have been undertaken, the evidence presented is sufficiently compelling to argue that prior extraction would not be a viable option for the development.

However, the MPA would still like to encourage full consideration of the opportunities for mineral extraction prior and as part of the proposed development.

Particular opportunities may lie in the recovery of mineral deposits uncovered during the preparation and construction phases of the project, for example through the excavation of footings or trenches for buildings, roads, landscaping and utility infrastructure associated with the development.

The recovered mineral could then be either re-used on site, which could encourage a reduction of excavation waste removed from site as well as inbound materials for construction uses associated with reduced costs, as well potential to export off site to a local mineral operator for further treatment which has potential for additional revenue for the developer. It is recommended that discussions are made between the developer and a local mineral operator at the earliest stage.

There should be no additional vehicle movements associated with these practices, as well as noise, vibration, dust issues.

HCC would therefore request the following conditions to be included in any permission for this planning application, to be delivered through submitted construction

management plans or similar, requiring a statement outlining:

- **i.** a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- **ii.** a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA.

Hampshire County Council is available to discuss this further with Havant Borough Council, as well as the applicant, in forming a **suitable agreement** following the receipt of the required information.

Further information on safeguarding and Hampshire County Council's approach to it is available in the adopted Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document, which can be found on our website:<http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/hmwp-spds.htm>

Officer Comment: *discussions with the agent have indicated that extraction of minerals from the site, as part of the development, is not a feasible option and has not been secured.*

National Highway – Final Comment – No Objection

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In the case of this development proposal, our interest is in the A27 and in particular its proximity to the A27 and the exit slip road from the Eastbound Emsworth Services.

Having examined the above application, we do not offer an objection to the proposal. However, due to the proximity of the works to the A27 we do request that we are notified of when the works will take place and in the interest of safety construction/delivery vehicles are to access/exit the site solely from Coldharbour Farm Road during the works. We also advise that it has been agreed with the applicant that the 2.4m acoustic noise barrier will be inset by 2.0m from their boundary to ensure that the applicant does not have access Highways England to construct and maintain the fence. Therefore, we recommend the following conditions and these are included in our attached formal response.

- No development shall take place until a detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highways England). This CEMP will include details regarding:
- The proposed construction traffic routes to the site, to be identified on a plan;
- Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the

operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);

- an estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day;
- the hours of construction work and deliveries;
- area(s) for the parking of vehicles of site operatives and visitors;
- area(s) for the loading and unloading of plant and materials;
- area(s) for the storage of plant and materials used in constructing the development;
- details of wheel washing facilities;
- the mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- details of waste management arrangements;
- the storage of materials and construction waste, including waste recycling where possible;
- the storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
- the proposed maintenance and aftercare of the site;
- measures to avoid impacts on the non-statutory designated sites and retained habitats;
- details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme;
- protection measures for hedgerows and grasslands;
- Risk Assessments and Method Statements for the works;
- contact details of personnel responsible for the construction works;
- soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use; and
- Details of the size and location of the construction site compound to be established and the access arrangements to this.

Reason: To mitigate any adverse impact from the development on the A27. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- Prior to the installation of any drainage systems, full details of drainage and its location shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or in to any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To mitigate any adverse impact from the development on the A27. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- Prior to the installation of any external lighting full details of lighting and its location shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To mitigate any adverse impact from the development on the A27. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- The proposed acoustic fence shall be carried out in accordance with the *Acoustic Fence Detail* drawing (Havant Borough Council Planning Portal Reference *APP_19_01226-ACOUSTIC_FENCE_DETAIL-1440436.pdf*) unless otherwise agreed in writing by the Local Planning Authority (in consultation with Highways England). The development shall be carried out in accordance with the approved details.

Reason: To mitigate any adverse impact from the development on the A27. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

We recommend that the applicant engages with the operator of the Emsworth Eastbound Services, to discuss the proposed provision of a pedestrian and cycle link from the proposed residential development to the Services and how and where it will access the services to ensure the safe passage of pedestrians and cyclists within the Services. To avoid any risk to the safe and efficient operation of the A27, we strongly recommend that the connection to the services from the proposed development is further north than what is indicatively set out on plans supporting the application.

Officer Comment: *If permission is granted the above conditions are recommended, which where appropriate have been incorporated into other relevant conditions. Access to the service station to the west has not been secured by the applicant, as it is outside of their control, with the clear indication that this is unlikely to be secured in the foreseeable future.*

National Highways – 1st Comment - Further Information Required

To be clear we have no objection in principle to the proposed acoustic barrier, however, a structure of this size and scale adjacent to the A27 will present potentially significant risks to the safe and efficient operation of the A27. From our review of the application and supporting information there was no assessment done to identify any potential geotechnical risks and if necessary the identification of an appropriate package of mitigation. We need a submission in accordance with CD622 (Managing Geotechnical Risk) and you should contact us directly for advice on the report contents.

Again we have no objection in principle to a proposed cycle/footpath from the site into

the services. We do note that the 2014 Local Plan (UE37) does state there is an opportunity to create a new link but it did not seek to demonstrate that it was feasible and deliverable nor did it identify the appropriate location for a link. However we remain concerned that this will have a potential adverse impact to the safe and efficient operation of the A27 and its users. The current location of the proposed cycle/footpath is very close to the carriageway and consideration should be given to alternative connection points. We would also recommend that views are sought from the Police and emergency services on the appropriateness of the cycle/footpath. To inform if the cycle/footpath is deliverable and enable us to understand the associated risks, the following will need to be undertaken by the applicant:

- A GG142 WHCAR Assessment;
- A GG104 Safety Risk Assessment;
- A GG119 Stage 1 Road Safety Audit (depending on location of cycle/footpath)

I also take this opportunity to re-iterate and add to my previous points that:

- The swale in southwest corner of the site must not drain onto the SRN or be connected to any existing SRN drainage as set out in Circular 02/13; and
- Any trees proposed in the southwest corner of the site must not overhang the service exit road or become a maintenance liability for Highways England or the Services operator.

We will also need a Construction Management Plan and a Construction Method Statement due to the proximity of the proposed works to the SRN.

Housing Manager (Development) – No Objection

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), mean that new residential developments of this size would be required to provide 30-40% affordable housing on site.

The Pre-Submission Havant Borough Local Plan 2036 (HBLP 2036), which was approved by the Council on 30/01/2019, but at this time carries limited weight, further reinforces this policy (see emerging Policy H2 / Affordable Housing) by setting out a requirement for 30% affordable housing on sites resulting in a net gain of 10 or more dwellings. However, the requirement is 20% in the town centres of Havant, Waterlooville, and Leigh Park.

The proposals for the 44 dwellings comprise of:

Total units	Beds	Persons	House or Apartment	% of overall site
6	1	2	A	14
16	2	4	H	36
21	3	5	H	48
1	4	6	H	2
44				100

The demand for affordable housing remains high within Havant borough; as of 13th February 2020, there are 1624 households registered on Hampshire Home Choice seeking accommodation in our area and of these 772 are waiting for a one-bedroom home, 532 for a two bed, 251 for a 3 bed, and 69 for a 4+ bedroom home. Waiting times for Band 3 applicants for April 2018 to March 2019 are within the range of 3 to 6 years depending on the property size.

The applicants are proposing 30% affordable housing which equates to 13.2 units; 13 units will be on site and the 0.2 of a unit will be secured by way of a financial contribution. This proposal is acceptable.

The affordable housing would be expected to provide a mixture of tenures with approximately a 70/30 split in favour of rented homes over Shared Ownership homes and a suggested mix could be:

Beds	A/Rent	S/Ownership	House or Apartment
1	4	2	A
2	3	1	H
3	2	1	H
	9	4	

The location of the development is near to local services (bus transport, retail, medical, and educational), and for this reason I am happy that the applicants are proposing a development that includes a variety of types and sizes of accommodation to suit single people through to larger families.

I am pleased to see that the applicants will be constructing the 2- bedroom homes to accommodate up to 4 persons, and the 3- bedroom homes up to 5 people. I would be grateful if the applicants would consider the possibility of providing 3- bedroom 6- person homes and allowing for the ground floor 1- bedroom apartments to be suitable for applicants with mobility needs.

The final affordable mix will be required to be agreed with the Council and will form part of the S106 agreement.

Officer Comment: *the provision of affordable housing and financial contribution would be secured by a Section 106 Agreement, if permission is granted.*

Landscape Team

- We require native tree and shrub planting to the east of the flood storage area, to help soften views of the development from Emsworth recreation.

- We have concerns with the impacts of the development on Westbrook as a result of residents accessing the park across the stream. We require an intervention to help mitigate this issue.

- There is a lack of detail provided in relation to the proposed SUDs, the close proximity to the boundary trees on the south of the site could have impact of the RPAs. As such we require detailed drawings showing the extents of the SUDs and also cross sections drawings to ensure the design is appropriate.

- The acoustic fence should extend further north of the west of the site to help mitigate the noise from the A27.

- There seems to be a lack of footway provision connecting from Coldharbour Farm Road. It is unclear how pedestrian will transition from the footway on Coldharbour Farm road onto the proposed footway within the development.

- The site access point crosses an existing off road shared surface, what provision are

being provided to ensure the safety of the users of the shared cycle path? Can appropriate visibility splays be demonstrated?

- The bund around the perimeter of the flood storage area has a proposed gradient ranging between 1:3 - 1:5 whilst most able bodied users will be able to access the area of open space, there is lack of access provisions for disabled and/or less able users. We require a defined access point that is appropriate for all potential residents of the site.

We require the following details to be provided:

- A soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.

- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour

- laying bond

- edging or kerb detail / type

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

Officer comment: *The open space on the site lies within a flood plain, with a proposed bund around the perimeter with a proposed gradient ranging between 1:3 - 1:5. The ground condition of this area, particularly during the winter months, is likely to give rise to difficulties for parties, particularly for those with mobility issues. However, accessibility to a large open space area lies immediately to the east of the site, in the form of Emsworth Recreation Ground, which would be available for all.*

Following amended plans, the proposal incorporates a foot/cycleway along the southern and part of the western boundary of the site which would link into the diverted public footpath to the east of the site. Subject to conditions, the Highway Authority has raised no objection to the proposal on highway safety grounds.

The acoustic fence has been extended along the western boundary, 2m in height. The fence has been set further into the site by 2m along the southern boundary and reduced in height to 2.4m along this boundary, which both Highways England and the Environmental Health Officer have raised no objection to.

Details of the SUDs would be the subject of a pre-commencement condition and a landscape condition is recommended if permission is granted.

Local Lead Flood Authority HCC - Final Comment - No Objection

Hampshire County Council as Lead Local Flood Authority has provided comments in relation to the above application in our role as statutory consultee on surface water drainage for major developments.

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>. The County Council has reviewed the following documents relating to the above application:

- • Technical Note: Response to Hampshire County Council comments SWM/2020/0048; dated: 25th February 2020.
- • Flood Risk Assessment; CCE/X781/FRA-03; dated: July 2019.
- • SURFACE WATER MANAGEMENT STRATEGY - ABOVE GROUND; DRAWING NUMBER: X781 - PL - SK – 303; dated: 28/06/2016.
- • SURFACE WATER MANAGEMENT STRATEGY - BELOW GROUND; DRAWING NUMBER: X781 - PL - SK – 304; dated: 28/06/2016.

Following our formal response to this planning application, dated 06th February 2020, the applicant submitted additional information to us on the 25th February 2020 including agreement from the Environment Agency for the proposed compensatory flood storage (HA/2020/121974/01-L01), and detailed hydraulic calculations together with the detailed drainage layout.

Considering that the EA has agreed to the proposed compensatory flood storage and bearing in mind the similarities between the fluvial and pluvial flood risk, the additional information has satisfied the Lead Local Flood Authority (LLFA) concerns regarding Surface Water Management and Local Flood Risk. Therefore, the County Council as the LLFA has **no objection** to the proposals subject to the following condition:

1. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: CCE/X781/FRA-03 and technical note dated 25th February 2020, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
 - a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
 - c. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

2. Details for the long-term maintenance arrangements for the temporary surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings. The submitted details shall include:
 - a. Maintenance schedules for each drainage feature type and ownership.
 - b. Details of protection measures.

We would also recommend that the applicant is directed to our website <http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further

information on recommended surface water drainage techniques.

Please note that Hampshire County Council as Lead Local Flood Authority will not comment on the fluvial systems as these are outside our remit.

As a statutory consultee, the County Council has a duty to respond to consultations within **21 days**. The 21-day period will not begin until we have received sufficient information to enable us to provide a meaningful response.

Please ensure all data is sent to us via the relevant Local Planning Authority.

For guidance on providing the correct information, please review the checklist and associated guidance document available on our website. For full details, please visit:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>.

Officer Comment: *After re-consideration of the flood position the EA initially objected to the proposal. However, following detailed discussions and amended modelling of the flood risk with the applicant's consultation, the EA withdrew its objection subject to conditions, which as stated above are recommended.*

The agent has confirmed there would be no temporary surface water drainage system on the site.

Local Lead Flood Authority HCC – Initial Comment

In order to assist applicants in providing the correct information to their Local Planning Authority for planning permission, Hampshire County Council has set out the information it requires to provide a substantive response at

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

The County Council has reviewed the following documents relating to the above application:

- • Flood Risk Assessment; CCE/X781/FRA-03; dated: July 2019.
- • SURFACE WATER MANAGEMENT STRATEGY - ABOVE GROUND; DRAWING NUMBER: X781 - PL - SK – 303; dated: 28/06/2016.
- • SURFACE WATER MANAGEMENT STRATEGY - BELOW GROUND; DRAWING NUMBER: X781 - PL - SK – 304; dated: 28/06/2016.

The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving, cellular tanks and grassed filter drains. Additionally, surface water will be discharged to the West Brook at a maximum rate of 2.3 l/s.

The submitted information shows that the proposals, if developed according to the surface water management drawing, will remove the existing ordinary watercourse that runs through the application site. This is not something that we would support as existing watercourses on site should be retained as open channels with only bridges/culverts to enable access.

Removing the existing watercourse without a detailed assessment could increase flood risk on and off site and therefore, we **request** a detailed assessment of the impacts associated with filling the existing watercourse. This assessment should include findings of a 2-dimensional hydraulic modelling (existing and post-development scenario) which demonstrate that flood risk will not be increased on or off site. The assessment should also include additional information on the ordinary watercourse as it could potentially be draining or conveying water from other sites or developments.

The West Brook is adjacent to the application site and as a consequence, the site is within the extent of Flood Zones 2 and 3. It is a designated Main River, making the management of the flood risk associated with it responsibility of the Environment Agency (EA).

It is our understanding, from the information submitted by the applicant, that proposed compensatory flood storage is “indirect storage”, which has been already agreed with the EA. However, the information submitted also states: *“The compensatory plans and calculations in this report are based on a detailed layout and thus differ from the initial results submitted to the EA.”*

Therefore, and bearing in mind the similarities between the fluvial and pluvial flood risk, at this stage we **request** that the Environment Agency fully agree to the proposed compensatory flood storage and to any required post-development fluvial modelling. This is also as the post-development flood levels should be included in the hydraulic calculations (surcharged outfall).

We note that no hydraulic calculations have been submitted with the drainage strategy drawing. We **request** that hydraulic network calculations are provided to assure us that the proposed system can store and manage surface water at the proposed discharge rates without increasing flood risk on or off site. The hydraulic calculations should take into account the connectivity of the drainage system. They should show a ‘like for like’ discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.

The detailed hydraulic calculations should also include a surcharge outfall based on the predicted post-development 1 in 100-year flood level showing how that will be managed safely. The applicant should identify how they will prevent river water entering the surface water system.

The proposed drainage strategy (above and below ground) show individual cellular storage systems and permeable paving on private driveways. This arrangement could present problems of maintenance and could compromise the capacity of the entire drainage system due to high chances of the private ways being paved over by householders during the lifetime of the development, thus potentially increasing future flood risk. To address this, the applicant should consider more centralised attenuation features.

Bearing in mind that this is an application for full planning permission and the layout will be fixed, we **request** that the above issues are addressed at this stage and not through planning conditions, to demonstrate that the quantum of development is achievable, whilst ensuring that flood risk will not be increased on or off site.

Natural England – Final comment- No Objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Construction Environmental Management Plan – Further information required

Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. We note that there is a watercourse on the north eastern boundary of the development site that flows into the Solent Maritime SAC, Chichester Langstone Harbours SPA and Chichester Harbour SSSI waterbodies. Due to the potential for adverse effects on the integrity of these sites, the CEMP should address the following:

- A list of defined potential impacts on the SAC, SPA & SSSI.
- Details of methods for pollution control to ensure that no pollution, such as debris from dust or surface run off, is able to enter the water.
- Details on the storage and disposal of waste on site.
- Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water.
- Details of how noise, visual and vibrational disturbance will be controlled.

The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Also note that, wherever possible, 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). If such a condition is problematic to the applicant than Natural England will consider any implications of the proposals on the SPA bird interests on a case by case basis through our Discretionary Advice Service. Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Solent Recreation Mitigation Strategy – No objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Deterioration of the water environment – No objection subject to mitigation

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget. Please note the calculation is based on all wastewater from the development being treated at Thornham WwTWS. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

Officer Comment: *if permission is granted a CEMP and a restriction on noise levels during the bird overwintering period would be the subject to a condition. As to the mitigation packages for the SRMS and neutral nitrate development this would be secured by the associated Section 106 Agreement.*

Natural England Government Team – Comments – 1st comment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. We provide the following comments:

Solent Recreation Mitigation Strategy – no objection subject to mitigation

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

Nutrient Neutrality – no objection subject to mitigation

Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. It is noted that the mitigation would be secured through a Grampian condition, requiring the mitigation package to be agreed, provided to the Council and implemented prior to the occupation of the development.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is to offset against the interim strategy, with measures to ensure this approach can be adequately secured and accounted for.

It is Natural England's view that in this case, provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

Please note that the nutrient budget calculation provided in the applicant's Planning Statement appears to be incorrect. Please ensure it is recalculated, using the updated guidance from March 2020 (Version 4 of the *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*).

Please consult Natural England on the discharge of the Grampian condition.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Portsmouth Harbour SPA/Ramsar; Solent Maritime SAC; Chichester and Langstone Harbours SPA/Ramsar; Solent and Southampton Water SPA/Ramsar; Solent and Dorset Coast SPA; Solent and Isle of Wight Lagoon SAC and all underpinning SSSIs. Natural England requires further information in order to determine the significance of these impacts and

the scope for mitigation.

The following information is required:

- A recalculation of the nutrient budget calculation

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Deterioration of the water environment

There is existing evidence of high levels of nitrogen and phosphorus in the Solent water environment with evidence of eutrophication at some designated sites. The Partnership for Urban South Hampshire (PUSH), Natural England (NE), and Environment Agency (EA) have been jointly working to develop an Integrated Water Management Strategy (IWMS). This examines the potential for the PUSH region to accommodate future housing growth without having a detrimental effect upon the water environment. A Water Quality Working Group has been set up to identify and analyse the existing evidence gaps and evaluate the need for strategic mitigation measures. However, there is currently uncertainty as to whether there is sufficient capacity to accommodate the new housing growth.

The proposal comprises new housing development and has inevitable waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

It is Natural England's view that there is a likely significant effect on the internationally designated sites (SPA, SAC, pSPA) due to the increase in waste water from the new housing. As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an "appropriate assessment") the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

Natural England advises that the waste water issue is examined within the appropriate assessment and that the existing nutrient and conservation status of the receiving waters be taken into account. LPAs will be aware of recent CJEU decisions regarding the assessment of elements of a proposal aimed toward mitigating adverse effects on designated sites and the need for certainty that mitigating measures will achieve their aims. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient burdens. Natural England has prepared a methodology setting out how this can be achieved and this is attached for your information. It is appreciated that this may be difficult for smaller developments or developments on brownfield land. Natural England is aware that your authority has adopted an interim strategy using Grampian conditions to address nutrient impacts from developments currently in the planning system and we have been working with the Council to develop this approach. Natural England can also provide further advice to the applicant on mitigation options under our Discretionary Advice Service.

The Planning Statement contains a Position Statement on Nutrient Neutral Development. However, the nutrient budget calculation appears incorrect. Please could the applicant rerun the calculation to inform the Habitats Regulations Assessment/Appropriate Assessment.

In particular, please could the applicant provide clarification on:

Which wastewater treatment works (WWTW) the foul sewage from the development would be going to. Different WWTWs have different environmental permits, which should be reflected in the budget calculation.

The planning application form claims the current use of the site is vacant pasture. When was the last time this land was used as pasture? As noted in sections 4.51 and 4.52 of the *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region* Version 4 (March 2020) document, it is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process. There may be areas of a greenfield development site that are not currently in agricultural use and have not been used as such for the last 10 years. In these areas as there is no agricultural input into the land a baseline nitrogen leaching value of 5 kg/ha should be used. This figure covers nitrogen loading from atmospheric deposition, pet waste and nitrogen fixing legumes.

Please ensure usage of the updated Version 4 (March 2020) of the *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*.

Please note we advise that the competent authorities to whom Natural England gives its statutory advice on the environment will need to seek and rely upon their own legal advice on the interpretation of the Habitats Regulations and case law.

Solent recreation mitigation partnership

The application site is within 5.6km of the Solent Special Protection Areas and will lead to a net increase in residential accommodation. To address any potential significant effects, any forthcoming planning application will need to comply with adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy.

Provided there is commitment to this mitigation early in the process and an appropriate planning condition or obligation is attached to any forthcoming planning permission to secure this measure, this will ensure this potential effect has been appropriately addressed. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an appropriate assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017.

Sites of Special Scientific Interest

The above impacts to European sites could also impact SSSIs. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must

also allow a further period of 21 days before the operation can commence.

In addition, Natural England would advise on the following issues.

Designated Landscapes- Areas of Outstanding Natural Beauty (AONB) Chichester Harbour AONB and Surrey Hills AONB

The proposed development is for a site within the setting of nationally designated landscapes namely the Chichester Harbour AONB and Surrey Hills AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals, paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Species and Biodiversity Enhancement

Natural England does not hold locally specific information relating to protected species, local or national biodiversity priority habitats and species, local sites (biodiversity and geodiversity) and local landscape character. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies. In some instances, further surveys may be necessary through an ecological appraisal to be agreed by council ecologist.

Natural England has published Standing Advice on protected species. Please note Standing Advice is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice, or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

In order for your authority to be assured that the proposal meets the requirements of the standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the district ecologist or biodiversity officer.

The submission of a council ecologist approved BMEP will help ensure your authority meets the requirements of Section 40 of the Natural Environment and Rural Communities Act (2006), which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

Please note that provided the district ecologist or biodiversity officer is satisfied with the submitted biodiversity mitigation and enhancement measures and the measures are secured by any permission then no further consultation with Natural England on this aspect of the proposal is required.

Officer comment: *The mitigation packages for the Solent Recreation Mitigation Strategy and for nitrates would be secured by the associated Section 106 Agreement, if permission is granted. A detailed Environmental Construction Management Plan is recommended by condition, which includes the measures suggested by Natural England.*

Network Rail - Observations

After careful consideration of the above planning application Network Rail has the following observations to make;

The developer **must** ensure that their proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without

adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary. The reason for the **2m (3m for overhead lines and third rail)** stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement

of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus

Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts

AssetProtectionsWessex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

Officer comment: the above response from Network Rail has been forwarded to the applicant's agent for their client's information and would be an informative on the decision notice if permission is granted. It is noted that the railway line is separated from the application by the raised carriageway of the A27(T) and thus direct impacts upon the railway are unlikely to occur.

Nutrients Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals based on the revised nutrient budget dated 25 October 2022 which takes into account the 2022 NE methodology.

The applicant is however advised that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the Partnership for South Hampshire's website at: <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

Open Space Society

No response.

Planning Policy

In terms of site specifics, I can see no evidence that the requirements as set out in Policy H10 have been fully considered. In particular:

- **H10 f.iv.** Provides safe pedestrian and cycle links up to the western boundary of the site, to facilitate a link to the petrol filling stations, and through the site to Havant Footpath 71 to the eastern boundary, and to the Southleigh Strategic Sites; I note that footpath 71 is retained and accessible from the site, but there are no links proposed in the layout to the west or the north. [NB a link is shown east west in the Transport Assessment, but not the site layout – this needs to be clarified]
- **H10b, together with E14**, requires development to enhance the Local Ecological Network and achieve biodiversity net gain. The applicants' ecological

impacts assessment report only confirms that there will be no net loss.

Conclusion

The principle of the development has been established by a planning permission, and is supported by emerging policy.

A number of policy requirements have not been addressed, and the applicant should either address these or provide reasoned justification as to why this is not possible.

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

In addition, the Emsworth Forum submitted their neighbourhood plan to the borough council in April 2019. The examination to place during 2019, and the examiner's report was received in January 2020. It recommends that, subject to a number of amendments, the plan meets the basis requirements and should be sent to referendum. The council has decided to send the plan to referendum. The emerging Emsworth Neighbourhood Plan may therefore also be afforded some weight.

Principle of development

The principle of development being acceptable on this site is well established: There is a previous outline permission for residential development on the site. The site is also allocated for residential development in the adopted Local Plan under Policy EM1 (Site Ref UE37). The Pre-submission Local Plan also includes a draft policy H10 for residential development. Both the adopted and the emerging site allocation policies set out development requirements which should be considered during the determination of this application.

***Officer comment:** the site is allocated in the adopted development plan and was shown as a housing allocation in the submission plan. However, during the consideration of the application the submission plan has been withdrawn by the Council. That said, all of the properties conform to the government's national house space standard sizes and an appropriate level of electrical vehicle points for the development would be secured. A foot/cycleway has also been secured within the site from the access to the western boundary.*

Public Spaces

No comments.

Ramblers Association

The access road serving the new development crosses an existing cycleway/footpath. This is well used, particularly during the local school start and finishing times. The site plan does not appear to indicate the provision of any measures to ensure that this crossing is made as safe as possible. For instance, where there are links to this footpath from elsewhere in Coldharbour Farm Road the carriageway is raised. However, these links are unlikely to be as busy as the crossing at this point, therefore

consideration needs to be given to further measures to ensure the safety of users where the service road crosses the cycleway/footpath. This will also be important during the construction phase.

The Planning Statement accompanying the application refers to a link to be provided to the service station (Paragraph 4.1 refers to the requirement in EMI for the connecting of the cycleway/footpath to the eastbound service station on the A27). This is also explicit in policy H10 of the emerging Havant Local Plan (see Planning Statement Paragraph 4.18). In paragraph 4.20 of the Planning Statement the developer claims to have addressed the policy requirements. As far as the cycleway/footpath link to the service station is concerned, this is not the case as shown on the Site Plan accompanying the application. This needs to be addressed.

Officer Comment: *The Highway Authority and the Countryside Team has raised no objection to the access, which would cross over footpath 71, which as part of the development would be diverted to the west in the interest of users of the footpath and highway safety. These works include a raised table, where the footpath crosses the access road. As part of the associated Section 106 agreement the applicant would be required to enter into a highways agreement for the site access works, as shown on drawing No. 5314/006 Rev G.*

Rights of Way - No Objection

Havant Footpath 71 is to the East of the development site is a tarmacked route likely to be maintained by Havant Borough Council.

A copy of the Definitive Map of Rights of Way can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/>

We understand that the proposed footway would not be added to the definitive map and would be adopted by Hampshire Highways.

The site and block plans appear to be inconsistent with the Local Pedestrian Facilities plan in appendix 4 of the Transport Assessment showing the route of the proposed footway/cycle link.

We have no objection to the proposal.

SSE – Comments

Details of the electricity network comments have been drawn to the agent's attention.

Southern Gas Networks - Comments

Information on general conditions affecting the design, construction or maintenance of services and/or structures or other works in the vicinity of Indigo Pipelines' plant, pipelines and associated installations, have been drawn to the agent's attention, as has the information that there may be other gas transporters with apparatus in the vicinity.

Traffic Management, East Hampshire District Council

The Traffic Team has no adverse comment to make.

Waste Services Manager

No comments.

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: 37

Number of site notices: 1.

Statutory advertisement: 31/01/2020

Number of representations received:

5 Objections

1 Neutral

1 Anonymous

Comment	Officer Comment
The concerns of the EH Team need to be addressed.	The comments of the EH Team have been addressed by further information.
Road is not suitable/wide enough to support traffic or work vehicles and would impact on disabled residents New access/road crosses popular footpath - will safety provision be made?	See Section 7(v) below
Enough building going on in Emsworth. Losing its character by development - almost joined to Havant.	This is an allocated housing site in the adopted Local Plan and has been the subject of a previous outline planning permission.
Accessing issues due to current traffic – problem exacerbated by proposal. Parking problems will be exacerbated	See Section 7(v) below
Lead to disruption & queuing Safety of users of footpath would be reduced Poor access and road safety issues.	See Section 7(v) below

7 Planning Considerations

Habitat Regulations Assessment/Appropriate Assessment (HRA/AA)

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. 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 European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has agreed to enter into a legal agreement to secure the mitigation packages.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs 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 have confirmed that they agree with the findings of the assessment. The mitigation for the Solent Mitigation Recreation Strategy and for the nutrient mitigation package would be secured via the associated Section 106 Agreement.

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

- (i) Principle of development
- (ii) Nature of Development
- (iii) Impact on the Character and Appearance of the area
- (iv) Impact on the existing and future residential amenity
- (v) Highway Implications, Access and Parking
- (vi) Flooding and Drainage
- (vii) Archaeological
- (viii) Impact on Ecology
- (ix) Impact on Trees
- (x) Education
- (xi) Health
- (xii) Drainage
- (xiii) Contribution Requirements and Legal Agreement

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Policy EM1 (UE27) (Emsworth Housing Allocation) in the Havant Borough Local Plan (Allocations) allocates the site for housing development on a 1.94 hectare plot. This housing allocation was taken forward in Havant's withdrawn submission local plan, under Policy H10.

- 7.3 Outline planning permission was granted under reference APP/14/00360 for the construction of 53 dwellings with new vehicular access from Coldharbour Farm Road, with all other matters reserved on 3 October 2014. Planning permission was granted for the re-arrangement of the parking layout within the turning head on 3 August 2016 under reference APP/16/00496. Therefore, the principle of housing development on the site has been found to be acceptable, as has access to the proposal.
- 7.4 As required by section 38(6) of the Planning and Compulsory Purchase Act (2004), applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. All other material considerations are set out below.

(ii) Nature of Development

- 7.5 The current application is for full planning permission for 44 units of accommodation, plus access, open space, landscaping and associated works. The access arrangements were considered to be acceptable under planning permissions reference APP/214/00360 and APP/16/00496. However, the access arrangements have been amended under this application which will be considered further under section (v) below of this report.
- 7.6 Policy UE27 Emsworth Housing Allocations provides for up to 47 net dwellings on the site, based on known site characteristics and density considerations. The proposal provides for 44 units of accommodation, with a mix of detached, semi-detached, terraced dwellings and an apartment block of flats, providing 1, 2, 3 and 4-bed units. Having regard to the constraints on the site and the sustainable location of the development, the number of dwellings proposed is considered to be appropriate, which equates to approximately 23 dwellings per hectare. This accords with the aims of Policy UE37 and Policy CS9 (Housing) of the HBLPCS which states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.
- 7.7 The sizes of all the units on the site would comply with national house standards, with the proposal providing for 30% affordable housing, which equates to 13No. units on site, plus a 0.2 unit cost secured by financial contribution for the balance. The affordable units would be located throughout the site, as required by Policy CS9 in the Core Strategy, which would comprise of a housing mix of 9 at affordable rent, with 4 shared ownerships. A contribution of £5,000 would also be required for affordable provision off site. The provision of affordable housing and contribution would be secured through the associated legal agreement.
- 7.8 Vehicular access into the site would be via Coldharbour Farm Road, with a small diversion to footpath No. 71 to the west. Some land raising to facilitate the access is necessary, as a result of flood protection measures. A circular one way road would feed off the access, with land raising to the north and east of the site, as part of the flood protection measures. There would also be a new 3m foot/cycleway link adjacent to the southern boundary, which would follow the road round travelling north, before turning west to finish at the boundary with the service station to the west. Policy UE37 of the Allocations Local Plan states that "*Development at this site provides an opportunity to create a new foot/cycleway link to the service station on the A27.*" This opportunity was explored by the applicant with the landowner(s) of the service station, who despite their endeavours were unable to secure the landowner's agreement to

secure access into the service station from the development. Therefore, access into the service station from the cycle/footpath within the site has not been secured as part of the application process. However, a condition is recommended to future safeguard this possible link.

- 7.9 Provision of parking in accordance with Havant's Car Parking SPD (which would include visitor parking), has been secured, which would be located either within the curtilages of the dwellings, or in close proximity to the units of accommodation.
- 7.10 The eastern section of the site is identified as being within Flood Zones 2 and 3, with the water course (i.e. West Brook Stream) designated as a Site of Importance for Nature Conservation (SINC). Cellular storage crates serving the development would be located in the south/east section of this area, which would drain into West Brook Stream. This area would also be the site's public open space. (i.e. approximately 0.7 ha). There would be embankments to the west and south of the public open space.

(iii) Impact upon the Character and Appearance of the area

- 7.11 The built development would be set back into the site, fronted by the public open space lying to the east and the access road/public footpath. Views of the built development would be from the public footpath, Coldharbour Farm Road and Emsworth Recreation Ground to the east and from the Service Station to the west. However, the development would be partly screened from these directions by existing mature trees along the site's boundaries, which would be enhanced by landscaping. The land currently drops down from Coldharbour Farm Road, rising again within the site generally to the west. To facilitate the access, the land would be raised to link into the existing height of Coldharbour Farm Road (i.e. 6.00m above AOD), rising to approximately 6.50m above AOD, where the diverted footpath to the west would cross the access road. Due to the topography, the road would then rise to the west with some levelling across the site, with the eastern side of the carriageway set at a level of between 6.91m AOD and 7.84m AOD, as required by the Environment Agency (EA). (The raising of the land along the eastern boundary is part of the flood defence measures.) This change in height would be comfortably accommodated within the site and would not materially impact on the locality due to existing screening, to be mitigated further by a landscape condition. If permission is granted, a pre-commencement condition in respect of finished ground and floor levels plan is recommended.
- 7.12 The land to the north of the site was part of the major development for the Southleigh site, which was proposed for allocation in the now-withdrawn submission Local Plan.
- 7.13 To the south is the A27(T), which is at a higher level than the development with a small area of woodland in between. The proposal would benefit from a 2.4m acoustic fence along this boundary and the western boundary, which would ameliorate the impact of the road on the development from both directions. To the west of the development is a service station and hotel. Due to the separation distance and proposed boundary treatment, the proposal would not materially impact on this commercial development.
- 7.14 The proposal is low density and would have an impact on the character and appearance of the area, changing from fields to residential. However, this change to the character and appearance of the area was recognised and assessed when the land was included in the adopted and the withdrawn Submission Local Plans and found to be acceptable in planning terms. That said, an assessment of the proposal in visual impact terms has also been carried out as part of the application process.

- 7.15 The site would be a natural extension of the residential development in Coldharbour Farm Road to the east and an infill of the built form to the west; that of the Emsworth Service Station, which includes a Travelodge. It is also recognised that further housing growth to the north is planned as part of the Southleigh Strategic site. The site also benefits from trees and vegetation around parts of the boundaries, with the change in level with the A27 to the south, limiting views into the site. The exception being the location of the access, which would cross over diverted footpath 71. The Council's Landscape Team has been consulted over the proposal and raises no objection, seeking a condition as to soft and hard landscaping, which would further mitigate views into the site.
- 7.16 The development, which is traditional in design has been created to contribute positively towards the underlying character and quality of the local area. The development consists of detached, semi-detached, terraced houses and apartments, all at two storeys. The layout of development and the building lines and the spacing of the houses have been developed to respond to the local housing character. Materials would include concrete roof and tile hanging and brickwork.
- 7.17 It is recognised that the proposal would change the rural character and appearance of the site. However, any impact on the character and appearance of the area would be an inevitable consequence of the site's allocation for residential development. As to housing in the Borough, there is a recognised need given that the Council's current housing supply figure stands at only 3.9 years. When balancing the competing aims and assessed against the adopted Local Plan policy, the need for housing is considered to override the limited impact the development would have on the immediate locality and the character and appearance of the area, which would be further mitigated by a recommended landscape condition, if permission is granted.

(iv) Impact upon existing and future residential amenity

Existing residential amenity

- 7.18 The closest residential development is in Coldharbour Farm Road to the east. The distance between the closest property in Coldharbour Farm Road (No. 20) and the proposed nearest dwelling on the development site is approximately 55m. The two developments would also be separated by the open space, footpath and an area of car parking. It is therefore considered that the proposed development would be unlikely to have an adverse impact on any of the properties in Coldharbour Farm Road in terms of overbearing or resulting in any loss of privacy or outlook, in accordance with Policy CS16 of the HBCSLP.

Future residential amenity

- 7.19 As to future occupiers, the development would provide a mixture of housing types and bed spaces, with car parking in accordance with Havant's Car Parking SPD. The space standards for the dwellings and flats accord with the national space sizes, with a communal space to the rear for the flats and minimum garden lengths of 10m for the dwellings, in accordance with Havant's Design Guide SPD. As an amenity area for all residents, informal public open space (0.7 ha) would be provided to the east of the development. Occupiers would also benefit from the facilities available at Emsworth Recreation Ground immediately to the northeast and the close proximity to Emsworth Town Centre, schools and public transport. The development would provide an acceptable level of amenity for future residents in a sustainable location.

Impact from the Service Station

- 7.20 The service station is located to the west of the site. There would be a separation distance of approximately 33m from the closest point of the service station building to the block of 6 flats within the southwest corner of the site, with trees along the boundary. A 2.4m high acoustic fence would be provided along the western boundary to the rear of the flats, which would be set back off the boundary by 2m at this point. The acoustic fence would then be erected along the western boundary to the rear of plots 33 to 38.

Impact from the A27

- 7.21 The A27 runs parallel with the southern boundary of the site, which is at a higher level than the application site, but closer to the development at the western end. Plots 1 and 18 - 26 would face south, with the side elevation of the flats (Plots 39 – 44) in the southwest corner. The closest dwelling to the southern boundary would be plot 1 with a separation distance of approximately 17m. To the front of these plots would be the internal road/footway, a parking bay, a 3m wide shared cycleway/footpath, a bund and an acoustic 2.4m high fence, set back 2m from the site's southern boundary.
- 7.22 A Noise Assessment dated June 2019 was submitted with the application which analyses the potential noise emissions rising from the proximity to the A27 and the potential impact on future residents. This document was revised following comments from Environmental Health, who were concerned about noise levels that would be experienced by future occupiers and how overheating in the dwellings would be managed during warm periods. Concerns were also raised regarding the acoustic fence, as originally this was only proposed along the southern boundary.
- 7.23 The revised Noise Assessment dated August 2020 states that all “ *Facades exposed to the A27 will feature enhanced glazing with a minimum sounds' reduction of up to $R_w + C_{tr}$ 37 dB, whilst all other dwellings will feature standard double glazing of $R_w + C_{tr}$ 30 dB. All dwellings will feature some form of mechanical ventilation in-line with the findings of the overheating assessment in order to meet both ventilation and internal ambient noise criteria.*” As to the acoustic barrier, a revised Site Location Plan (Drawing No. PO768-RHP-00-ZZZ-PL-A-1003 P6) was submitted which identifies it along the whole of the southern and western boundaries.
- 7.24 The Council's Environmental Health Officer (EHO) was re-consulted over the additional information and plan. In response the EHO raised no objection to a 2.4m acoustic fence along the southern and western boundaries and “...to the agreed noise mitigation measures (ventilation and glazing scheme) detailed within the acoustic assessment dated 20th August 2020 being installed, maintained and retained thereafter”. Therefore, subject to the imposition of such a condition, internal noise and heating levels should not be significantly detrimental to the amenity of future residents.

Contamination

- 7.25 As to potential contamination the EHO has concluded “...that there is no significant known risk associated with the site, and that previous unrecorded deposits to land, and leaks / spillages from the adjacent petrol filling station represent the greatest risk to the site (considered low-to-negligible risks). I do not agree that a limited Phase 2 intrusive investigation is necessary, and I do not consider it defensible in planning terms to require a proactive physical ground assessment as a pre-commencement condition.”

7.26 It is however recommended by the EHO that a Contamination Watching Brief condition is complied with prior to occupation. Such a condition is recommended, if permission is granted.

Air Quality

7.27 An Air Quality Assessment (AQA) has been provided, which has been commented on in detail by EHO. In the conclusion a qualitative assessment of the dust levels associated with the proposed development has been carried out, subject to the mitigation measures, listed in Table 16 and the implementation of these Best Practice Measures. The Assessment conclusion is that *“With these mitigation measures enforced, the likelihood of nuisance dust episodes occurring at those receptors adjacent to the development are considered low.”* Monitoring is not recommended at this stage, *“... however, continuous visual assessment of the site should be undertaken, and a complaints’ log maintained in order [to] determine the origin of a particular dust nuisance.”* This *“...will help reduce the impact of the construction activities to an acceptable level.”*

As to additional mitigation listed in Table 16 in the AQA, these cover:

1. *“All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh;*
2. *Electric Vehicle rapid charge point (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking). More detail is provided in Appendix A in relation to the installation of EV charging points; and*
3. *Provision of a detailed travel plan (with provision to measure its implementation and effect by HCC) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety.”*

7.28 As to 1 and 2 above, these have been agreed with the developer and if permission is granted would be conditioned, together with the provision of superfast broadband for each unit of accommodation, a secure drop-off box and water butts for each property and communally for the apartments. As to 3 above, measures to encourage more sustainable means of transport are set out in the objectives of the Framework Travel Plan (FTP), which are as follows:

- *“change travel behaviour of residents;*
- *achieve environmental improvements in proximity to the redevelopment site;*
- *promote environmentally sustainable travel patterns through effective communication and marketing;*
- *ensure that all residents are aware of the range of travel choices available to them;*
- *minimise journeys to and from the site by car and;*
- *maintain travel patterns and identify opportunities to encourage travel by sustainable modes.”*

7.29 The FTP would be secured via the associated legal agreement and monitored by Hampshire County Council.

7.30 The EHO Officer has commented on the application and following discussions with the

agent, it has been agreed that no further changes are needed to the Air Quality Exposure Assessment. As to the Mitigation of Construction Activities (MCA) detailed in Table 16, the EHO recommends this includes wheel washing on vehicles exiting the site, road sweeping and monitoring to include Coldharbour Farm Road in the vicinity of the site access, to help mitigate the temporary loss of amenity to residents due to construction vehicles using Coldharbour Farm Road. These recommendations would be included in the CEMP condition, if permission is granted.

7.31 Overall, it is considered that it has been demonstrated that subject to appropriate conditions the development can be designed to provide a good quality living environment for future residents in accordance with adopted Core Strategy policies CS16 and DM10 and the National Planning Policy Framework.

(v) Highway Implications, Access and Parking

7.32 The National Planning Policy Framework at Paragraph 110 states, amongst other matters, that, in relation to development proposals, decisions should take account of whether safe and suitable access to the site can be achieved for all users. Paragraph 111 states that:

“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual communitive impacts on the road network would be severe.”

7.33 Paragraph 112 also states, amongst other matters, that development should be located and designed where practical to give priority to pedestrians and cycle movements; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Strategic Road Network

7.34 National Highways (NH) was consulted over the application, due to the close proximity of the A27 to the south. Whilst not objecting in principle, concerns were raised over the original height of the acoustic fencing (i.e. 4m) and the potential significant risks to the safe and efficient operation of the A27, that this structure may have caused. Following discussions between NH and the applicant, the concerns of the former have been addressed, resulting in a reduction of the height of the acoustic fence to 2.4m and it being inset from the southern boundary by 2m. (This has been agreed with Environmental Health). Subject to conditions covering a Construction Environmental Management Plan, drainage, external lighting and the acoustic fence being erected in accordance with the details submitted, no objection is raised to the scheme by NH.

7.35 However, NH recommended that the internal cycle/footpath link to the western boundary is set back further to the north of the site. Following discussions with the applicant's agent this has been achieved with the link to the western boundary provided between the block of flats and Plot 38. That said, whilst a cycle/footpath link has been provided through the site from east to west, which policy UE37 promotes, this would not provide access to the Service Station itself. As previously mentioned, this would involve the agreement of third parties, which is outside of the applicant's control and which at the time of writing the report is not forthcoming, which appears unlikely to be secured in the future from discussions with the agent.

7.36 That said, Hampshire Constabulary (HC) has objected to a link from the development to the Service Station to the west, raising concerns over public safety and increase

opportunity for crime. The concerns of HC are noted. However, the connectivity to the Service Station by this link is seen by the Local Planning Authority as an integral part of the development of the site. If secured at some time in the future, this would provide for a more permeable living environment with less reliance on the private motor vehicle, which would be better for the environment and general health and wellbeing. Therefore, when balanced against the objection of HC, the link and connectivity it could possibly provide for the Community, if the agreement of third parties could be secured, overrides the objection. That said, the route of the foot/cycleway has been re-designed, so that there would be natural surveillance from householders to address the concerns raised by HC over this point. Street lighting would also be provided, as public safety and designing out crime are priorities of the Local Planning Authority. A condition is recommended to seek to futureproof the provision of the link to the service station.

Assessment of Existing Conditions

- 7.37 Access to the site is achieved from Coldharbour Farm Road which is approximately 4.8m in width, with a pedestrian footway (2m in width), running along the southern edge and part of the northern edge.
- 7.38 Speed reducing features have been installed at various points along the length of Coldharbour Farm Road in the form of speed tables, with uncontrolled pedestrian crossings over.
- 7.39 At the western end of Coldharbour Farm Road there is a large turning head with resident parking, from which the new access to the development would be provided.
- 7.40 There is an existing footpath route (No. 71) which crosses the site's access at the western end of Coldharbour Farm Road. This runs on a north/south alignment from Washington Road to the south, past the site, to continue through the neighbouring Emsworth Recreation Ground, then turning to the east to link into Horndean Road.

Junction Capacity

- 7.41 In order to assess any impact, junction assessments have been undertaken for the junction of Coldharbour Farm Road and Horndean Road and how traffic has been distributed upon the network as per existing turning movements obtained from the traffic surveys undertaken to inform the assessment in June 2019. This approach was considered acceptable by the Highway Authority. These results demonstrated the junction would operate well within its theoretical capacity limit post development.

Site Access Proposal and Diversion of Footpath 71

- 7.42 As per the previous permissions, the access to the site is from the existing parking area at the western end of Coldharbour Farm Road. An application for the rearrangement of these spaces to allow access into the application site was approved in August 2016 under reference APP/16/00496, albeit this permission has now expired. The planning policy position as to the allocation of the site for housing has not changed since the grant of this permission, or the earlier one granted in 2014.
- 7.43 The access bisects footpath 71. The applicant was required to provide a Stage 1 Road Safety Audit, as a number of safety concerns were initially raised regarding the access design which included the visibility available to pedestrians attempting to cross the public footpath which would bisect the new access road. This resulted in a relocated

crossing location to the west where sufficient visibility would be achieved for pedestrians and cyclists. This also results in the need to divert footpath 71 to the west, so that pedestrians and cyclists would cross over at this point. The crossing would also include a raised table to raise awareness of the pedestrian and cycle crossing movements taking place in this location. A 3m wide footpath would be provided to the north and south of the road to connect into the existing alignment of footpath 71. A Footpath Diversion Order would be needed to divert the footpath, which the applicant is aware of.

- 7.44 The diverted footpath would also link into the proposed 3m shared cycle/footway within the site to the south to facilitate the possibility of a future pedestrian and cycle access to the service station to the north of the A27, which has not been achieved during the application process, as consent has not been secured by the developers from third parties. As stated above, a condition is recommended to seek to futureproof the provision of this link, if permission is granted.
- 7.45 Hampshire's Rights of Way Team (RWT) has been consulted over the proposal to divert footpath 71. Following clarification on what is proposed in respect of footpath 71, the RWT has raised no objection to the proposal, subject to suggested conditions/informative, which if permission is granted, would be informatives on the decision notice.
- 7.46 As to the diversion of footpath No. 71, the Council pursuant to Section 257 of the Town & Country Planning Act 1990, "...may by order authorise the stopping up or diversion of any footpath if they are satisfied that is necessary to do so in order to enable the development to be carried out :

(a) in accordance with planning permission granted under Part III".

- 7.47 If permission is granted, to enable the development to be carried out in accordance with the planning permission, it would be necessary for footpath No. 71 to be diverted. In coming to this view, full regard has been given to the alignment of the existing footpath, the minor changes to this and the public benefits it would bring in highway safety terms. The footpath cannot be diverted unless the Council approves the proposal, and the respective order is confirmed unopposed or confirmed by the Secretary of State. If permission is granted, an application from the applicant would be required, to enable an order under Section 257 to be made by the Council. However, as advised in DEFRA's Rights of Way Circular (1/09), October 2009, "*It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed.*" An informative on the decision notice as to the need to apply to the Council to divert footpath 71 is recommended.

Internal Road Layout

- 7.48 Following discussions with the Highway Authority, the internal site layout has been amended to a one-way carriageway, which would operate in a clockwise direction. This has addressed the Highway Authority's concerns around the limited carriageway width, restricting the ability for two cars to pass, the limited forward visibility around the bends and the footway provision throughout the site.
- 7.49 As a result of the discussions and amended plans, the Highway Authority has raised no objection to the proposal, but recommends conditions as to details of levels, materials, drainage design, landscaping, street lighting and a Construction

Management Plan. These conditions are recommended if permission is granted.

Parking & Cycle Provision

- 7.50 The proposed parking layout, in combination with landscaping, has been developed to minimise the visual impact on the street scene and avoiding large areas of hard surfacing. This will be achieved by providing a mixture of spaces off road and on roadside parking.
- 7.51 The Havant Borough Council Parking SPD July 2016 (Partially updated September 2019), has been used to calculate the required parking provision and a total of 87 parking spaces have been provided, with allocated and unallocated parking for some of the properties. Visitor bays would be provided to the south of the site. The level of parking accords with Havant's Car Parking SPD and Policy DM13 of the HBLPCS.
- 7.52 All dwellings are provided with access to their rear gardens, with cycle storage and the flats would have access to a secure communal cycle store in close proximity to the building, which accords with Havant's Car Parking SPD.

Bus

- 7.53 In relation to bus travel the nearest bus stops to the site are located nearby in Horndean Road and North Street. These provide services to Rowlands Castle. Bus stops in the town centre on Havant Road provide services to Havant, Chichester and Brighton.

Rail

- 7.54 Emsworth Railway station lies approximately 500 metres to the southeast of the site. The station provides trains into Havant/Chichester and to wider destinations such as Portsmouth and London Waterloo.

Framework Travel Plan

- 7.55 A Framework Travel Plan (FTP) has been provided to promote sustainable travel. Under the terms of the legal agreement this would be agreed by Hampshire County Council, who would be responsible for monitoring this document. The FTP would be secured through a legal agreement, which would include a monitoring fee.
- 7.56 Details as to the contents of the FTP are set out in paragraph 7.28 above.
- 7.57 To conclude, the Highway Authority has raised no objection to the proposal subject to the aforementioned conditions and the completion of the associated legal agreement, both of which are recommended, if permission is granted.

(vi) Flooding and Drainage

Flooding

- 7.58 The majority of the housing development to the west of the site falls within Flood Zone 1 and would remain so in 2115, with climate change taken into account. The eastern side of the site lies adjacent to West Brook Stream and falls within Flood Zones 2 and 3, which would be the public open space, incorporating an attenuation tank and the access to the site. Given that the site is allocated in the development plan, no Sequential

Test is required; however, the Environment Agency (EA), following a reconsideration of their initial comments, raised an objection on flood risk issues and the access to the site.

- 7.59 The objection gave rise to detailed negotiations with the EA and the applicant's Consultant. This finally resulted in an approved modelling and updated Flood Risk Assessment and other information that resolved the EA's previous concerns and the withdrawal of their objection.
- 7.60 As set out in detail above under the 'Statutory and Non Statutory Consultations' heading, this is subject to the development being carried out in accordance with the submitted flood risk assessment ref "*MT-5314-FRA.5R*" dated September 2022, which includes the updated West Brook, Emsworth fluvial flood risk modelling report" by JBA Consulting dated September 2022.
- 7.61 The EA also advised that detailed surface water drainage proposals must be submitted to and approved in writing by the LPA. If permission is granted the recommended conditions by the EA would form part of the decision notice.
- 7.62 The land currently drops down from Coldharbour Farm Road to the site with a change in level to footpath No. 71 of approximately 0.5m. (The land then generally rises from east to west within the site.) The site's access road over the culverted West Brook Stream would tie into the existing road level (i.e. Coldharbour Farm Road), of 6m above AOD. To accommodate the access, the land including footpath No. 71 (which is to be diverted to the west) would have to be raised by approximately 0.5m (i.e. 6.5m AOD). Having regard to the existing topography of the site, the access road would continue to rise to the west, with the eastern side of carriageway set at a level of between 6.91m AOD and 7.84 AOD, as required by the EA. This solution would not adversely impact on the character and appearance of the area and is considered to be acceptable.
- 7.63 As part of the flood risk mitigation, cellular storage crates together with bunding adjacent to the eastern section of the internal road, would be provided within the public open space. The water from these storage crates would drain into the West Brook stream, which has been agreed with the EA and deemed to be acceptable.
- 7.64 One of the main concerns of the EA was whether there was a need for a larger culvert under the access. The modelling undertaken has demonstrated that there would be a greater reduction in flood extent and depth upstream and downstream, due to the increased use of the fluvial flood storage area. Hence, the EA has confirmed that the modelling would improve the flood risk to the site and would slow down the flow of water downstream and that there would be no need to replace the existing culvert, with a larger one.

Drainage

- 7.65 Southern Water was consulted over the proposal and have advised that they can provide a foul sewage disposal service for the proposed development.
- 7.66 As to surface water, the intention is to use a Sustainable Urban Drainage System (SUDs). The applicant has indicated this would not be adopted by Southern Water. For the effectiveness of this system, arrangements would have to be secured to enable the long-term maintenance of the SUDs facilities in perpetuity. The Section 106 Agreement would require full details of how the SUDs are to be managed and maintained to ensure the optimum operation of the system.

7.67 The provision of the drainage (both foul and surface) would be the subject of conditions, which would include the conditions recommended by the EA and LLFA, if permission is granted.

(vii) Archaeological

7.68 The County Archaeologist has been consulted on the proposal and has endorsed the Applicant's archaeological evaluation, which does not identify any archaeological remains on the site. Therefore, the Archaeologist is of the view that no further archaeological works are required in respect of the development.

(viii) Impacts on Ecology

7.69 The site is formed by 2 fields with West Brook Stream adjacent to the eastern boundary comprising part of a SINC, which lies to the north. This is notable for the presence of a scarce aquatic plant (narrow leaved water plantain) as well as being a habitat rich in other aquatic plant species. The site is dominated by species-poor semi-improved grassland, with areas of dense bramble scrub and species poor hedge delineating the northern and eastern boundaries of the site. The southern and western boundaries lie adjacent to narrow strips of woodland including field maple, ash, oak and hazel. There are also trees along the eastern and northern boundaries.

7.70 An Ecological Impact Assessment and an Ecological Mitigation & Enhancement Statement were submitted as part of the application. Following consultation with the Council's Ecologist the latter document has been revised to provide, amongst other matters, further details in relation to proposed ecological mitigation, compensation and enhancement. This includes the use of silt barriers along the boundary of the stream's SINC and detailed management recommendations in respect of the establishment and on-going management of proposed wildflower areas, within the proposed open space area. Other planting of native species within the site is proposed.

7.71 The Ecologist has no overriding objections to the proposal, albeit he raises the point that public access to the flood alleviation area would potentially affect the proposed wildlife benefits and in the absence of any other greenspace within the development, the proposed biodiversity value of the eastern section would inevitably be reduced.

7.72 The open space would be available for members of the public. However, it is recognised that there is a large recreation ground immediately to the northeast, which due to its many recreational facilities, size and accessibility would be likely to be the main option for the general public, as opposed to the provision provided by the application, including future occupiers of the development. When balanced against the need for housing, including affordable, and given that there is ample recreational provision within the immediate locality, the dual use of the open space to provide an area for informal recreation and an area of ecological enhancement is considered acceptable.

7.73 As to lighting, which the Ecologist accepts can be addressed through a condition, the applicant has advised this would be sensitively designed and a condition is recommended requiring details to be provided. The provision of bat and bird boxes which has increased from 2 to 6 respectively, is welcomed and accepted by the Ecologist.

7.74 The proposal would provide ecological mitigation, compensation and enhancement

within the open space area and the SINC along its eastern boundary. Subject to a condition, if permission is granted, requiring full compliance with the submitted Ecological Impact Assessment and the revised Ecological Mitigation & Enhancement Statement, which includes an Ecology Enhancement Management Plan, the proposal is considered acceptable in ecological terms and accords with Policy CS11 of the HBLPCS.

(ix) Impact on Trees

7.75 The Council's Arboricultural Officer has been consulted over the proposal. Provided the work is carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan and that protective fencing is erected prior to commencement, no objection to the proposal is raised. Such a condition is recommended.

7.76 The submitted plans identify an existing tree to be retained in the north west corner of the site, as well as boundary vegetation to be retained. The need for further details as to the layout of services in relation to natural features is therefore recommended as a pre-commencement condition if permission is granted.

(x) NHS Clinical Commissioning Group

7.77 The NHS Clinical Commissioning Group (CCG) has assessed the impact of the development on existing health facilities. It is acknowledged that not all the occupants of the proposed development will be new to the area.

7.78 The resulting growth in the local population will inevitably seek registration with a local GP surgery and place additional pressure on existing NHS services, in primary, community and secondary care settings. The CCG have outlined that the level of additional demand that will be placed on NHS primary care does not warrant the commissioning of an additional GP surgery. However, the increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development, however additional capacity within the premises will be required. As such a financial contribution is sought to enable those practices impacted, to make suitable building adaptations to facilitate this growth, this would be secured through a legal agreement, if permission is granted.

7.79 The proposed contributions formula for developments under 2000 dwellings is: 44 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease).

7.80 This means that South Eastern Hampshire CCG will be looking for a contribution of £2,600 of planning gain for health, which would be secured via the associated legal agreement.

(xi) Education

7.81 The capacity of local schools has been considered in assessing the proposed development and infrastructure requirements. Hampshire County Council, as the Local Education Authority (LEA), has advised the development sits in the catchment areas of Emsworth Primary School, St James Primary School and Warblington Secondary School.

7.82 As to Emsworth Primary this is currently full. The LEA has advised that it has only got

to this position by out of catchment recruitment. Warblington Secondary School has surplus places. LEA anticipates that the yield of pupils generated by this development can be accommodated at these two schools and a contribution towards educational facilities is not sought.

(xii) Developer Contributions and Legal Agreement

7.83 The CIL liability for this site currently stands at £410,405.36 which includes the Mandatory Social Housing Relief. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect to the following matters:

1. Affordable Housing on site provision, plus 0.2 of a unit financial contribution (i.e. £5,000)
2. Clinical Commissioning Group contribution (£2,600)
3. Solent Recreation Mitigation Strategy (£29,052.35)
4. Off-site mitigation of nitrogen on Council land at Warblington (£47,019.44)
5. Management and maintenance plan for the lifetime of the development for all unadopted/communal areas including roads, open space and SUDs and SUDs bond. To be delivered in accordance with an agreed phasing programme.
6. Public Rights of access over the development
7. Access Highway Works (HCC)
8. Framework Travel Plan, monitoring fee and bond (HCC)
9. S106 monitoring fee (HBC)

8 Conclusion

- 8.1 The principle of residential development at the site has previously been established and the proposal would make an efficient use of a housing allocation site in the adopted local plan in a sustainable location for residential development.
- 8.2 An assessment of the impacts on existing residents' amenity from the development has been carried out and found to be acceptable.
- 8.3 An assessment of the impacts on future residents' amenity, including from the A27 and the Service Station has been carried out, with the resulting impacts on amenity considered acceptable.
- 8.3 The vehicular access to the site is deemed to be acceptable in highway safety terms as is the internal road layout, which has been agreed with the Highway Authority.

- 8.4 The level of parking and cycle provision has been considered and the development is considered to be in accordance with the Council's adopted parking standards in a sustainable location close to public transport options and town centre facilities.
- 8.5 Drainage, flooding, trees, health, education and ecological matters have been addressed or would be controlled by the imposition of appropriate conditions, or via the associated Section 106 agreement.
- 8.6 To conclude, subject to the applicant entering into a Section 106 agreement, the development is considered to accord with the development plan when considered as a whole and the National Planning Policy Framework and conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01226 subject to:

(A) completion of the Section 106 Agreement to secure the requirements as set out in paragraph 7.83 above (for which authority is given to the Head of Legal Services to complete the Agreement); 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).

General

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:

Architects Plan

Location Plan - Drawing No. P0768-RHP-ET-ZZ-PL-A-1000 P2

Proposed Site Plan - Drawing No. P0768-RHP-00-ZZ-PL-A-1003 P7

Proposed Site Plan, showing Affordable Housing - Drawing No. P0768-RHP-00-ZZ-PL-A-1003 P6

Block Plan - Drawing No. P0768-RHP- 00-ZZ-PL-A-1001 P7

Access Design, showing road layout and levels – Drawing No. 5314/1001 Rev B

Access Design, Surface Water Drainage Strategy – Drawing No 5314/1002 Rev C

General Arrangement Plan – Drawing No. 5314/006 Rev H

House Type Block A1 (2B4P) Proposed Floorplans and Elevations Unit GIA - 79m2 -

Drawing No. P0768-RHP-ZZ-XX-DR-A-2001 P1

House Type Block A2 (2B4P) Proposed Floorplans and Elevations Unit GIA - 79m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2002 P1
 House Type Block B1 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2003 P1
 House Type Block B2 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2004 P1
 House Type Block B3 Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2005 P1
 House Type C (4 bed 6 person) Proposed Floorplans and Elevations Unit GIA - 121.6m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2006 P1
 Apartment Type Block D (1B/2P) Proposed Floorplans and Elevations Unit GIA - (GRD) 54m2 (1ST) 60.5m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2007 P2
 House Type Block E1 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94.5m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2009 P1
 House Type Block E2 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94.5m2 - Drawing No. P0768-RHP-ZZ-XX-DR-A-2009 P1
 Tree Retention and Protection Plan - Drawing No. LLD1726-ARB-DWG-002
 Tree Constraint Plan - Drawing No. LLD1726-ARB-DWG-01 01

Documents

Application form
 Arboricultural Impact Assessment and Method Statement dated June 2019
 A Pre-Determination Archaeological Evaluation dated June 2019
 Letter dated 23 September 2019 from Genesis Town Planning
 Design & Access Statement Land to the West of Coldharbour Farm Road, Emsworth
 Transport Assessment dated July 2019
 Framework Travel Plan dated September 2019
 Energy Statement dated 2019
 Landscape Design Strategy
 Landscape and Visual Impact Assessment
 Planning Statement dated July 2019
 Minerals Assessment dated July 2019
 Noise Assessment dated August 2020
 Amended Flood Risk Assessment, FRA.5 dated September 2022
 Flood Modelling Report dated February 2022
 Hydrology Report P02 dated February 2021
 Existing Trees Schedule and Schedule of Tree Works, dated 19 June 2019
 Air Quality Assessment dated July 2019
 Contamination Land Assessment Phase 1 Desk Study dated June 2019
 European Site avoidance & mitigation checklist, dated 6 January 2020
 LLFA - SWM Developer's checklist
 Landscape Design Strategy
 Landscape & Visual Impact Assessment, dated 1/7/19
 Ecological Impact Appraisal, July 2019
 Ecological Mitigation & Enhancement Statement, dated 8/4/20
 Ecological Mitigation & Enhancement Statement, dated 11 June 2020
 Nitrogen Nutrient Assessment dated 25/10/22
 Occupancy calculator 25/10/22
 Updated European Site avoidance and mitigation checklist
 Grazing Agreement
 Email form agent dated 18 December 2020
 Minerals Assessment Appendices
 Overheating Report, dated 9/7/20

Reason: - To ensure provision of a satisfactory development.

3. The development hereby approved shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Mitigation & Enhancement Statement dated June 2020 produced by Lizard Landscape Design and Ecology unless agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. Details of the implementation of all ecological mitigation, compensation and enhancement features shall be reported to the Local Planning Authority in writing within one month of their completion.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any significant buried waste material is encountered (especially metallic objects which might comprise barrels or tanks, vehicles or ordnance), works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

1. Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,
2. An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
3. Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

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

- A) A written statement confirming that no suspected contamination was identified during development, OR;
- B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: The site is located adjacent to a potentially contaminating land use (retail sales of petrol, and HGV parking / servicing facilities). The site has not previously been developed, and could be associated with previously unrecorded deposits of waste materials to land. Havant Borough is a low-moderate risk with respect to ordnance (UXO/UXB), with undeveloped sites representing an elevated risk of undiscovered /

unrecorded UXO / strikes. This condition requires proportionate management of these low risks to the health of future occupants of the development, in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework.

- 5 The development hereby approved shall proceed in strict accordance with the Noise Assessment dated 20 August 2020, with the noise mitigation measures (ventilation and glazing scheme) installed, maintained and retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the development and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 In the event that the link to the Service Station to the west is secured, details of the gate opening in the western boundary fence from the foot/cycleway shall be submitted to and approved in writing by the Local Planning Authority prior to the opening being brought into use. The approved scheme shall be fully implemented within 3 months of the approval.

Reason The development of the site provides the opportunity to create a new foot/cycleway link to the service station to the west of the site, having regard to Policy UE37 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

7. The development hereby approved shall be carried out in accordance with the submitted flood risk assessment reference "MT-5314-FRA.5R" dated September 2022 and the updated "West Brook, Emsworth fluvial flood risk modelling report" by JBA Consulting dated September 2022. The following approved details as set out in these documents shall be fully implemented:

- Approved finished floor levels within the development; minimum level of 6.1m AOD.
- The approved access road culvert crossing, as set out in drawing reference 5314/1001 rev. A B;
- Approved development road levels; between 6.91m AOD and 7.84m AOD as Section 2.25 states.
- The approved flood storage compensation size; 1,800m²
- The approved Proposed Development Scenario 4; culvert details as set out in Section 2.33

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure access and egress to and from the site is safe for the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. In accordance with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B and E Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of neighbours and 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.

Pre-Commencement

9. Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Impact Assessment and Method Statement dated 27 June 2019 and Tree Retention and Protection Plan shall be fully implemented. The development shall be carried out strictly in accordance with the submitted details.

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.

10. Prior to development commencing details of the utility services shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 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.

11. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems. Unless agreed otherwise 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.

12. No development hereby permitted shall commence until a surface water drainage scheme for the site has been submitted to, and approved in writing by the Local Planning Authority. The surface water drainage scheme for the site, shall be based on the principles within the Flood Risk Assessment ref "MT-5314-FRA.5R" dated

September 2022 which includes the updated “West Brook, Emsworth fluvial flood risk modelling report” by JBA Consulting dated September 2022 and shall include

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Detailed engineering drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- c. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- d. Details of how the SUDS features and outfalls will be designed to be as natural as possible and maximise ecological benefit.
- e. Materials plans.
- f. Cross sections for all attenuation ponds, swales, headwalls, underground attenuation (cellular storage) and outfalls into a main river.
- g. Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters.
- h. A scheme to treat and remove suspended solids from surface water run-off during construction works.

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

Reason: To safeguard the amenities of the locality and ensure that all such drainage and flood 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.

13. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This CEMP shall include details regarding:

- The proposed construction traffic routes to the site, to be identified on a plan and their management and control;
- Construction Traffic Management Plan (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
- An estimate of the daily movement of the construction traffic, profiled for each construction phase, identifying the peak level of vehicle movements for each day; the hours of construction work and deliveries;
- The provision of long term facilities for site operatives, contractors’ and visitors’ parking, including on site turning provision; area(s) for the loading and unloading of plant and materials;
- 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.
- Area(s) for the storage of temporary buildings, construction material and plants storage;
- Details of wheel washing facilities;
- The mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes; a scheme to minimise dust emissions arising from construction activities on

- the site; The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- Details of waste management arrangements;
 - The storage of materials and construction waste, including waste recycling where possible;
 - The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including hazardous soils);
 - The proposed maintenance and aftercare of the site;
 - Details of drainage arrangements during the construction phase identifying how surface water run-off will be dealt with so as not to increase the risk of flooding to downstream areas as a result of the construction programme;
 - Risk Assessments and Method Statements for the works;
 - Contact of personnel responsible for the construction works;
 - The Mitigation of Construction Activities as set out in Table 16 of Air Quality Assessment of Lustre Consulting dated July 2019;
 - Soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use;
 - Details of the size and location of the construction site compound to be established and the access arrangements to this;
 - Protection of pedestrian routes during construction;
 - Details of how the footpath will be safely exercisable by the public after the footpath realignment and surfacing works but whilst the remainder of the site is being built out.
 - A programme of and phasing of demolition (if any) and construction work;
 - Details of methods for pollution control to ensure that no pollution, such as debris from dust or surface run off, is able to enter the water;
 - Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water debris from dust or surface run off, is able to enter the water;
 - Details of how noise, visual and vibrational disturbance will be controlled; and
 - Any percussion piling or works with heavy machinery (i.e. plant resulting in a noise level of excess of 69dbAmaz - measured at the sensitive receptor) shall not be undertaken during the over wintering. (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting sites).
 - A list of defined potential impacts on the SAC, SPA & SSSI;

The approved CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To mitigate any adverse impact from the development on the A27 and to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety having due regard to Policies CS16 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. Furthermore, to mitigate any adverse impacts on ecology, the water environment and residential amenity, having due regard to Policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

14. No development shall take place until details of the finished ground and floor levels have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the internal site layout is designed and implemented in a satisfactory manner, having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Above Slab Level

15. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) 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 2021. regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16. Notwithstanding any description of landscaping shown on the Landscape Strategy Plan no above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. This shall incorporate the planting of new trees along the western boundary of the retained SINC to create a wildlife corridor. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

The approved landscaping scheme 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 first 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.

Prior to Occupation

17. No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course, unless otherwise agreed in writing with the Local Planning Authority.

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 and the National Planning Policy Framework.

18. Prior to occupation the full details of the installation of lighting and its location, which shall include a lighting contour plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To mitigate any adverse impact from the development on the A27 and ecology on the site. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and having regard to Policies CS11, CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

19. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings. The submitted details shall include:
- Maintenance schedules for each drainage feature type and ownership.
 - Details of protection measures.

Reason: To safeguard the amenities of the locality, to mitigate any adverse impact from the development on the A27 and ensure that all such drainage provision is constructed to an appropriate standard and quality and to satisfy the reasonable requirements of road safety, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety 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.

20. Prior to the occupation of the development, the acoustic fence hereby approved under Drawing No. 5314/006 H shall be carried out in accordance with the Acoustic Fence Detail unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained in a wholly sound and effective condition.

Reason: To protect the amenities of the occupiers of the development from noise and disturbance from the A27 to the south having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

21. Prior to first occupation, details of the bollards on the cycle/footpath as shown on Drawing No. P0768-RHP-ZZ-XX-DR-A-1003 P7 shall be submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be provided prior

to the occupation of the first 25 dwellings constructed and thereafter retained and maintained in that position.

Reason: To ensure the safety of pedestrians and cyclists using the cycle/footpath and having due regard to policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

22. The development hereby permitted shall not be occupied until:

(a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

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

23. Prior to the occupation of the development full details of the Electrical Vehicle Charging points, the superfast broadband, secure drop-off boxes and water butts shall be submitted in writing to the Local Planning Authority for approval. Where relevant, 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, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points, superfast broadband, secure drop-off boxes and water butts shall be installed 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.

24. Prior to occupation of the development hereby approved, details of the bat and bird boxes to be installed on the building shall be submitted to and approved in writing by the Local Planning Authority. The approved bat and bird boxes shall be installed in full accordance with the approved details before the occupation of the dwellings and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests 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.

Following occupation

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

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

Appendices:

- (A1) Location Plan
- (A2) Block and Location Plan for Site Allocation UE37
- (B) Block Plan
- (C) Proposed Site Plan, showing Affordable Housing
- (D) Access Design, with acoustic fencing
- (E) House Type Block A1 (2B4P)
- (F) House Type Block A2 (2B4P)
- (G) House Type Block B1 (3B5P)
- (H) House Type Block B2 (3B5P)
- (I) House Type Block B3 (3B5P)
- (J) House Type C (4B6P)
- (K) Apartment Block D (1B2P)
- (L) House Type E1 (3B5P)
- (M) House Type E2 (3B5P)
- (N) Tree Retention & Protection Plan
- (O) Parking Plan previously approved