



Countryside Planning and
Development Control
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APP/23/00996

Date

16 January 2024

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For the attention of Ms L Wells:

Planning reference: APP/23/00996

Site location: McCormack House, 56A East Street, Havant, PO9 1BS

Proposal: Change of use from office use (Class E) to education use (Class F1) and associated external alterations to the building and its curtilage, including provision of a multi-use games area (MUGA) and new fencing.

Consultation response: No Objection subject to conditions

Thank you for consulting the Hampshire Countryside Service (the Service) as Highway Authority in respect of Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

- Havant Footpath 57 (FP57) runs southeast from Town Hall Road adjacent to the site's southern boundary to a junction with Havant Footpath 58 (FP58) at the site's southeast corner.
- The Shiprights Way, an HCC promoted route, passes through the site from East Street in the north, to a path adjacent to Lower Grove Road beyond the site's southern perimeter.

- The site does not lie in a material proximity to any HCC Countryside site.

A copy of the Definitive Map of Rights of Way and Countryside Sites and Definitive Statement can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Commentary:

The Service has been unable to identify a Location Plan within the application documents. While the relationship of the PROW and promoted route to the site has been ascertained by reference to other plans, the lack of a Location Plan may make it harder for interested parties without the relevant professional knowledge to identify and understand the potential impact of the works on the footpaths.

National Planning Policy Framework (2023) paragraph 100 states:

“Planning policies and decisions should protect and enhance public rights of way and access.”

Havant Borough Council Local Plan Policy IN3 states:

“Development proposals will be permitted, provided that the site is designed so that safe and suitable access to the site is provided for all people and modes of transport; any existing public rights of way are safeguarded and where appropriate improved, and new routes provided where appropriate.”

In the context of the above, the Service provides the following comments and proposed planning conditions.

Transport Statement Appendix A ‘Site Plan Proposed’ shows an “area of new additional native woody planting” adjacent to what is the route of FP57. Any such planting must not result in encroachment of the legal minimum width of the PROW, defined in the Definitive Map Statement as 4 feet wide, and must be maintained by the landowner at all times to ensure this. Root systems from new trees or shrubs, once established, can cause a hazard to the public via disturbance of the path surface, also creating an additional maintenance burden for the Highways Authority. Therefore any new trees should be planted no closer than 4 metres to the edge of the footpath surface, with hedging/shrubs no closer than 2 metres.

During and after the proposed works FP57, FP58 and the Shiprights Way must remain unobstructed and safe and convenient for the public’s use at all times. The Service raises no objection to this application, subject to the following conditions.

Conditions:

1. Any proposed trees shall be planted a minimum of 4 metres from the leading edge of Havant Footpath 57 and any hedging or shrubs a minimum of 2 metres from the same. Maintenance of the vegetation shall be carried out by the landowner or their appointed contractor to ensure the minimum definitive width of the footpath, 4 feet, is maintained at all times.
2. No vehicles, machinery, equipment, materials, spoil, skips, scaffolding, or anything else associated with the works or subsequent operation of the site, shall be left on or near to Havant Footpath 57, Havant Footpath 58 or the Shiprights Way as to cause obstruction, hindrance or a hazard to the public.

Yours sincerely,

Peter Miles
Countryside Planning Support Officer
Hampshire Countryside Service