
Site Address:	Land adjacent to Bunting Gardens, Waterloooville, PO8 9UP		
Proposal:	Construction of 3No. 4 bedroom dwellings with associated parking and landscape works		
Application Type:	Full Planning Permission		
Application No:	APP/22/01054	Expiry Date:	02/01/2023
Applicant:	HNBS		
	Portsmouth City Council		
Agent:	Mr Greed	Case Officer:	Lesley Wells
	Portsmouth City Council		
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is triangular in shape, with Bunting Gardens and Fulmer Walk to the south west, and with Milton Road further to the south. The site is currently part of an area of public amenity green space, designated as highway land, within a residential estate. To the north and west there is three storey residential development and to the east is a large two storey retirement living facility. The site can be accessed by vehicles via Bunting Gardens which leads to an existing car park immediately to the south of the site.
- 1.2 The site consists largely of amenity grassland which is subject to ongoing maintenance mowing. There are trees outside of the site to the north and south.
- 1.3 The site has a significant slope running north-south with a change in level of approximately 2m from front to back. It is an open site bordered with public footpaths to South, West and North. There is also a public footpath that runs diagonally across the site.
- 1.4 The site falls within Flood Zone 1, with an area of approximately 0.15 hectares and would remain so in 2115 with climate change.

2. Planning History

APP/15/00096 - Replacement infill panels to balcony railings to south elevation of blocks 19-33, 34-45, 46-57 and 58-72., PERM,12/03/2015

3 Proposal

3.1 The proposal is for the construction of 3No. 4 bedroom affordable rented dwellings with associated parking and landscape works. The development would be over 3 levels, which would include a 4th bedroom and shower room within the roof space, with roof lights to provide natural light to the bedrooms to the rear. The properties would benefit from rear gardens 12m in length, with sheds to accommodate cycle provision, and with accesses to the rear. The properties would also have small front gardens, which would incorporate refuse bin storage areas, with accesses from a new footpath to the south, which would link into the existing and proposed footpath to the west/south/east.

3.2 The proposed dwellings would have gross internal areas as follows:

Unit Type Gross Internal Area

A	4 bed, 8 person house	154m ²
B	4 bed, 8 person house	154m ²
C	4 bed, 8 person house	154m ²
Total		462m ²

3.3 The proposed dwelling sizes exceed the minimum standards set out in the Department for Communities and Local Government's nationally described space standards, which calls for 4 bed, 8 person houses over three storeys to have a Gross Internal Area of at least 130m².

3.4 It is proposed that the new houses would be designed and constructed to Passivhaus standards. This should result in energy efficient homes, with lower heating bills for residents. Through the addition of Solar PV panels and battery storage systems the aim is that the new dwellings would be close to net zero carbon homes.

3.5 Following a public consultation exercise, where parking concerns were raised, the proposals incorporate the provision of additional communal parking provision to supplement that existing adjacent to the site. This will deliver 16 additional spaces, with only 9 spaces required for the development. This would be in the form of rows of car parking to the south off Bunting Gardens and by extending an existing parking court to the south west by two additional car parking spaces

3.6 Extinguishment of the highway rights over this existing public open space would have to be secured if permission is granted for the proposal, and before development would be able to proceed, which is a matter outside of the planning process.

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

CS1	(Health and Wellbeing)
CS13	(Green Infrastructure)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)

CS21	(Developer Requirements)
CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

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

5 Statutory and Non Statutory Consultations

Arboricultural Officer - Comments

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

It is clear the development has sought to reflect the importance of trees on the site and their importance to the character and appearance to the area which is welcomed.

Discussion with the agent has sought to reduce the impact on trees and this collaborative working is to be commended. However, the request for the inclusion of no dig construction as labelled for parking bays 15 and 16 to be applied to parking bays 1 and 2 and the new dropped kerb, and associated pedestrian tarmac and corduroy tactile paving to tie in with existing footpath to protect and enhance the condition of T11 is uncertain. It is requested that the Hampshire County Council Highways Team consider an engineered solution to reduce the impact of the root protection area of T11 when undertaking the works and consider porous tarmac along with a no dig construction method. The submitted 'Site Plan As Proposed' (drawing 2637 / 1107 / P2) makes reference in its annotation for the Highway rights to be extinguished via a S278 agreement and a similar approach to parking bays 1 and 2 is requested if this would be the optimum approach to protecting and enhancing the root protection area of T11.

The submitted plans include the provision of additional tree planting, which is welcomed. There is concern that the location of the planting at the rear of the new properties could create future shading to the existing residents, who have south facing rear gardens. It is recommended that the details for landscaping are to be secured by a condition, to ensure that any future planting does not result in an adverse impact on the existing residents and other opportunities for planting are maximised.

The proposed works, subject to the conditions listed below would ensure the protection of the trees on and off site and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommended Conditions:

Approval subject to the following conditions;

a) Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

b) Tree protection measures:

The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment (Gristwood & Toms, 27/4/2023).

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

c) Landscaping:

A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Core Strategy (2011) and the National Planning Policy Framework.

Officer Comment: *As to the root protection for tree T11, this has been identified on an amended plan, with the full extent of the no dig construction to be agreed at the detailed design stage, under the S278 works.*

As to the above suggested conditions they are recommended, if permission is granted.

Building Control

1. The proposed dwellings are about 4m from the a public sewer, as shown on the sewer map
2. It should be demonstrated that the solid waste storage is site within 25m of the waste collection point, taking into account the public footpath layout and steps.
3. Adequate access should be provided to the dwellings, without the need to use the external steps. The existing path shown with the gradient of 1:11 would not provide adequate access. In addition the proposed external steps should be designed for ambulant disabled access, as per the guidance in Approved Document M Volume 1.

Officer Comment: *Since the above comments were received the agent has advised that PCC has made a full plans submission to Building Control, which has been checked by them and they have raised no further concerns on 3 above. Bin storage is now located within the front gardens and within 25m of the waste collection point.*

Community Infrastructure - Comment

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

The applicant has applied for Mandatory Social Housing Relief.

Additionally, pending a response from Natural England on the HRA, instructions should be passed by the Case Officer to the CI Team to issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

The application is not liable to pay a contribution in respect of the Solent Recreation Mitigation Strategy.

Communities Team - No Comment

Councillor Carly Scannell - Hart Plain - No Comment

Councillor David Jenner - No Comment

Councillor E Shimbart - Hart Plain - No Comment

Crime Prevention - Minor Apps - No Comment

Developer Services, Southern Water - No Objection

Please see the attached extract from Southern Water records showing the approximate position of our existing public surface water sewer in the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 525 mm public surface water sewer requires a clearance of 3 metres on either side of the public surface water sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public surface water sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public surface water sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

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 have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal (flow rate 2.5 l/sec at manhole number SU68116750) 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.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging

Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Officer Comment: *If permission is granted a condition relating to measures to protect the public sewers is recommended, with the advice of Southern Water an informative on the decision notice.*

Engineering/Drainage - No Comment

Environment Agency - No Comment

Environmental Health Manager, Community Group - Contamination - No Objection

I have reviewed the application supporting documents, inclusive of the RSK Phase 2 Ground Investigation (Factual & Interpretive) Report, ref: 305258-R01 (01).

The site is considered to be of inherently very low (source) risk, and the report findings are broadly consistent with this qualitative/desk-based assessment, being broadly favourable in its findings. Some fragments of Asbestos are however noted to have been found in a trial pit, and that the % fibres identified in the quantification is rather higher than is typically reported.

This notwithstanding, it is recognised that asbestos containing materials occur relatively commonly within domestic made soils, and because Asbestos containing materials are easily identified by visual means, this contaminant is relatively easily managed through the observance of a watching brief during construction groundworks, as is suggested in 8.3 (Recommendations).

Given the low risks associated with all other contaminants, I am minded to conclude that it is not necessary to condition the suggested additional trail-pitting exercise (8.3), and that simply conditioning the asbestos watching brief would be an adequate & proportionate response to managing this limited (but not insignificant) risk.

Accordingly, no objections are raised to the principle of development, subject to the imposition of the following condition;

[Condition 1] Contamination (Asbestos Watching Brief)

"The Asbestos 'watching brief' referred to at section 5.5.2 & 8.3 of the RSK Environment Ltd. Report No. 305258 R01 (rev 01) August 2022 shall be observed during all groundwork operations. In the event that suspected asbestos-containing materials are encountered reasonable efforts shall be taken;

- i) to identify the extent of the asbestos deposit,*
- ii) to segregate asbestos from soils in a way which minimises physical damage to the encountered material,*
- iii) to store segregated asbestos containing materials in a way which minimises the risk of fibre release to either air or soils, and*
- iv) to record and document each discovery by means of in-situ images of the materials encountered, a brief narrative description of the type & approximate quantity of asbestos encountered, and confirmation of disposal to an appropriately licensed facility (an aggregated disposal record will be acceptable)*

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 statement confirming that no suspected asbestos containing materials were identified during development, OR;*
- B. Documentation in accordance with iv) above.*

“Reason: Asbestos containing materials have been shown to be present within made soils at the site that could pose a risk to construction personnel, the public, and future occupants. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021”

Officer Comment: If permission is granted the above condition is recommended.

Environmental Health - No Objection

have read the enclosed documentation provided by the applicant and can comment as follows:

I would ask that the following condition(s) and informatives be included, on any consent that might be granted.

Condition 1: Piling

If piles are to form any part of the foundations proposed for these dwellings, then the least intrusive noise and vibration method of piling shall be employed. This should be accompanied by a justification as to the reasons why a particular piling method has been chosen, and additionally the proposed mitigation methods to be employed, to ensure minimal impact on nearest residential receptors, during piling operations.

Reason: To ensure the amenities of nearby residential properties are not impacted upon by any external noise or vibration levels during any piling operations, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Informatives:

Regarding Hours of Work:

You are hereby advised to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday:

8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Bonfires:

You are hereby advised to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of this and other nearby residential properties from smoke nuisance.

Regarding Dust Control:

You are hereby advised to ensure that appropriate measures are employed for the control of any dust that might emanate from the development site. The methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities.

This is in order to protect the occupants of nearby residential properties from dust nuisance.

Regarding Dust Control:

You are hereby advised to ensure that appropriate measures are employed for the control of any dust that might emanate from the development site. The methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities.

This is in order to protect the occupants of nearby residential properties from dust nuisance.

Regarding external lighting:

Contractors are to ensure that any external lighting, installed to the buildings or on the site, does not impact on occupants of nearby residential properties and / or prevent such residents from enjoying the amenities of their properties.

This is in order to protect the occupants of nearby residential properties from any artificial light disturbance / nuisance

Regarding Site Noise control:

You are hereby advised to ensure that mitigation measures as defined in BS 5528: Parts 1 and Part 2 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance.

Officer Comment: *If permission is granted a condition relating to piling is recommended, with the suggested informative included in the decision notice.*

Hampshire Highways - Final Comment - No Objection

In response to the Highway Authorities formal response, and direct discussions with the applicant, response to highway comments, Stage One Road Safety Audit and the following revised drawings have been submitted for consideration by the Highway Authority:

- ☐ Drawing 2637/2000/P2 – Stopping Up Plan;
 - ☐ Drawing 2637/2001/P2 – Parking and Footpaths Setting Out and Levels;
 - ☐ Drawing 2637/2010/P1 – Parking Court sections;
 - ☐ Drawing 2637/2011/P1 – Vehicle Tracking, space 16;
 - ☐ Drawing 2673/5100/P2 – Landscape Masterplan and Materials Plan;
 - ☐ Drawing 2637/5302/P2 – Sections and details through highways and footpaths;
- and
- ☐ Drawing 2637/ES/E702 – Proposed Street Lighting Layout

The Highway Authority have reviewed the submitted information and have the following comments to make.

Site Ownership

The applicant has confirmed that they are the subsoil title holder.

Stopping Up

As requested previously, a detailed plan has been submitted showing the extent of the stopping up as shown within drawing 267/2000/P2. The land is to be stopped up through a S247 agreement. The applicant is reminded that this process is time consuming and not guaranteed that it will be successful.

Access for Road Users with Reduced Mobility

As requested within the Highway Authorities previous response, further consideration has been given to users with reduced mobility. Drawing 2637/2001/P2 and 2637/5302/P2 shows a proposed dropped kerb with corduroy paving. This is agreed. These works will be undertaken as part of a S278 agreement with the Highway Authority and will be secured through an appropriate planning condition.

Proposed Footway

It has been confirmed footway is to have a width of 2.0m and have a flush tie in with the existing footpath to the north. Additionally, the footway adjacent to parking space 11 is to be retained at 2.3m as shown within drawing 2637/2001/P2. This is agreed. The applicant is reminded that these works must be undertaken via a S278 agreement with the Highway Authority. Should any part of the realigned footway fall outside of the adopted highway, a deed of highway agreement will be required, or it should be secured as part of a S38 agreement.

Parking Provision

Drawing 2637/2001/P2 shows the setting out and levels for the proposed parking spaces, with drawing 2637/2010/P1 showing the proposed sections. It is agreed that a retaining wall is not required.

Parking spaces 1-14 are to fall within the highway and thus should be constructed to adoptable standards. Construction will be undertaken as part of a S278 agreement with the Highway Authority.

The heavy duty hi-vis rubber parking buffer is acceptable for parking spaces 15 and 16 as these are to remain unadopted; these would not be agreeable on parking spaces within the highway. Following concerns that manoeuvring into and out of parking space 16 may be tight due to a constrained turning space, additional width has been provided and is supported by tracking as shown within drawing 2637/2011/P1. It is agreed that the cars are able to manoeuvre appropriately.

Stage One Road Safety Audit (RSA1)

As requested previously, the applicant has undertaken a Stage One Road Safety Audit (RSA1). It is noted that the RSA1 has picked up no safety issues with the development proposals at this stage.

Materials

The materials plan for the development area is shown within drawing 2637-5100-P2.

Final details regarding the materials will be secured through an appropriate planning condition to be agreed prior to commencement. The applicant is reminded that any materials that fall within adoptable areas should comply with Hampshire County Council Technical Guidance TG5 and TG6.

Arboriculture

Following the Highway Authorities previous response, the applicant has confirmed that root protection barriers will be provided for new trees to minimise any impact on the existing and proposed footpaths. The applicant is reminded that any proposed planting in adoptable areas should be in accordance with HCC TG15.

Drainage

The applicant has confirmed that all drainage, exception the new parking bays are to connect with the existing Southern Water sewer network.

The foul pumping chamber to serve the 3 dwellings falls within the area being stopped up, with the applicant responsible for ownership, servicing and repairs. The foul pipes connecting to the pumping chamber do however still fall under the highway, and therefore a S50 notice will be required for any maintenance to the pipes to be undertaken in perpetuity. Further information can be found at the following links:

Apply for a licence to dig up the road | Hampshire County Council (hants.gov.uk) and
Apply for a licence to place and retain apparatus in the highway | Hampshire County Council (hants.gov.uk).

Whilst the storm water pumping chamber and pipes could be installed under a S278 agreement, the same comments regarding the maintenance of these in perpetuity stand here, and a S50 notice will be required.

The existing highway gully adjacent to space 11 serves circa 223m² with proposed adoptable parking spaces 1-14 providing an additional 147m² of surface water. Thus, an additional gully is proposed adjacent to the existing gully to accommodate this additional surface water. This is agreeable in principle. The applicant should be made aware that additional gullies may be required at the S278 detailed design stage following submission of drainage calculations.

Final details regarding the drainage strategy will be secured through an appropriate planning condition to be agreed prior to commencement.

Street Lighting

Drawing 2637/ES/E702 shows the proposed street lighting layout. Details regarding the street lighting will be secured through an appropriate planning condition to be agreed prior to commencement. Any street lighting which falls within adoptable areas must meet adoptable standards and comply with HCC TG13.

Construction Details

The applicant is reminded that an appropriate license will be required to undertake works on the highway to access the proposed dwellings.

Recommendations

Having regard to the above, the Highway Authority provide no objections to this planning application subject to the following conditions being secured:

- ☐ No part of the development shall commence until such time as the details of the off-site highway works at Bunting Gardens as shown in principle in drawing 2637/2001/P2 and 2637/5302/P2 has been approved by the Planning Authority in consultation with the Highway Authority
Reason – In the interest of Highway Safety

☐ Prior to occupation the off-site highway works at Bunting Gardens as shown in principle in drawing 2637/2001/P2 and 2637/5302/P2 to be completed to the satisfaction of the Planning Authority in consultation with the Highway Authority
Reason – In the interest of Highway Safety

☐ No development shall start on site, except for the off-site highway works, until a successful S247 process has been undertaken to extinguish the highway rights for development works as shown indicatively within drawing 2637/2000/P2
Reason – To comply with the requirements of Section 130 (1) of the Highways Act 1980 (as amended)

☐ No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- a) A programme of and phasing of demolition (if any) and construction work;
- b) The provision of long-term facilities for contractor parking;
- c) The arrangements for deliveries associated with all construction works;
- d) Methods and phasing of construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during construction;
- g) Location of temporary site buildings, compounds, construction material, and plant storage areas
- h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.

Demolition and construction work shall only take place in accordance with the approved method statement.
Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality and in the interest of Highway Safety

☐ Prior to commencement to submit the detailed street lighting design to the Planning Authority for approval in consultation with the Highway Authority and for the lighting design to be implemented in accordance with the approved plans
Reason – In the interest of Highway Safety

☐ Prior to commencement to submit the drainage strategy to the Planning Authority in consultation with the Highway Authority and for the drainage to be implemented in accordance with the approved plans
Reason – In the interest of Highway Safety

☐ Prior to commencement to submit the final ground levels plan to the Planning Authority in consultation with the Highway Authority and for the levels to be implemented in accordance with the approved plans
Reason – In the interest of Highway Safety

☐ Prior to commencement to submit the final material details to the Planning Authority in consultation with the Highway Authority and for the materials to be implemented in accordance with the approved plans
Reason – In the interest of Highway Safety

Officer Comment: As advised by Government advice matters controlled by other legislation should not be the subject of planning conditions. Therefore, a planning condition will not be imposed in respect of the extinguishment of highway rights under the Highways Act 1980. That said, an informative will be added to the decision notice setting out that such rights need to be extinguished under the S247 process. As to the other suggested conditions, these are recommended.

Hampshire Highways - 1st Comment - Additional Information Required

The Highway Authority provided a detail response in respect of the additional information required, which is on the Council's website, which is summarised as follows:

- ☐ Consideration should be given to those road users with reduced mobility to access the proposed dwellings;
- ☐ Dimensions of the proposed realigned footway should be provided to ensure it is compliant with guidance;
- ☐ The highway boundary should be provided on the proposed parking plan for clarity on land ownership of the proposed parking layout;
- ☐ Further details are required on the proposed parking layout as laid out within this response;
- ☐ Dimensions of parking spaces should be provided;
- ☐ Stage One Road Safety Audit (RSA1) should be provided along with a designer's response for consideration;
- ☐ Materials plan should be submitted;
- ☐ Applicant should ensure that planting of trees will not have any future impact on the existing or new footpaths – a root barrier may be required should this be deemed to cause a future concern;
- ☐ Clarification on the drainage strategy to be provided as laid out within this response; and
- ☐ Clarity requested as to whether any additional street lighting is proposed as part of this planning consent

Hampshire Wildlife Trust, Beechcroft House - No Comment.

Landscape Team - No Objection

From a landscape perspective we have no adverse comments. Recommend to condition soft landscaping, hard landscaping, boundary treatments.

Officer Comment: If permission is granted the above conditions are recommended.

Local Lead Flood Authority HCC - Comment

As this application relates to a site which is a residential application less than 0.5 hectare in size / fewer than 10 dwellings, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> for further information on recommended surface water drainage techniques.

If you specifically need our advice on this application, please contact us. A fee may be charged for this service depending on the complexity of the site.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse>

Officer Comment: *If permission is granted the above comments would be an informative on the decision notice.*

Natural England Government Team - No Objection

DESIGNATED HABITATS SITES – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 21 November 2022, 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.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Further Advice

Nutrient Budget – Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Norse South East, Operations Director - No Comment

Nutrient Team - No Objection

As of 14 November 2022, I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

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/>

Officer Comment: *The agent has been advised of the above and has chosen to use the scheme at Warblington Farm.*

Policy - Comments

Policy Status:

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough.

The following policies are of relevance:

- AL1- Presumption in Favour of Sustainable Development
- AL2- Urban Area Boundaries and Undeveloped Gaps Between Settlements
- CS9 – Housing
- CS13 – Green Infrastructure
- CS16 – High Quality Design
- CS17- Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM1 – Recreation and Open Space
- DM10 – Pollution
- DM13 – Car and Cycle Parking on Residential Development
- DM24- Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Principle of Development:

The site lies within the built-up area as defined by Policies CS17 and AL2 of the Adopted Local Plan and as such, there is a presumption in favour of sustainable development, subject to other material considerations.

Loss of Open Space: _

As the proposals would result in the loss of open space, Policies CS13 and DM1 are of relevance. Policy CS13 generally protects green infrastructure and includes a presumption against proposals that adversely affect green infrastructure unless superior alternative provision can be provided. Policy DM1 sets out the exceptional circumstances in which development of existing open space may be permitted:

- 1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the council's Open Spaces Plan or any subsequent review of the plan; and*
- 2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.*

or

Where there is no identified surplus of the original type of open space, contributions to new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy.

Criterion 3. relates to sites in the Solent Wader and Brent Geese Strategy of which this site is not one.

Though the site falls below the study threshold (being less than 0.2ha), the [Open Space Strategy](#) defines the site as falling within the definition of 'amenity greenspace':

Amenity Greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces (private or open to the public), roadside verges, greenspaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises and village greens. May include other typologies, most frequently Provision for Children and Young People.

The Strategy concludes there is currently surplus in this type of open space, and although the gap reduces there would still be a surplus in 2036. As such, it would be possible for the proposal to demonstrate compliance with criterion 1. In this respect, it is noted that the agent has only addressed criterion 1. But it should be noted that Policy DM1 also requires it to have been demonstrated that the site could not reasonably be converted to alternative open space provision under criterion 2.

It is noted that there is an identified surplus of amenity greenspace, and as such, the latter part of the policy does not apply. It is however, noted that the Communities Team have been consulted in respect of the loss of open space provision.

Design

The adopted local plan requires high quality design in all development under policy CS16 High Quality Design (Core Strategy).

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13 and the Council's Parking SPD.

Conclusion:

The proposal would result in the loss of amenity greenspace and as such Policies CS13 and DM1 are of relevance. Whilst the surplus of this type of open space provision is noted, the applicant needs to address both criterion 1 and 2 of Policy DM1 in order to demonstrate the loss of open space is acceptable in policy terms. In particular, it is noted that the applicant has not addressed whether the site could be reasonably converted to a different type of open space provision.

Officer Comment: *The loss of the amenity greenspace, for which there is a surplus, is balanced under Section 7 against the other material planning considerations.*

Portsmouth Water Company - No Objection

Site Location

This application is of interest to Portsmouth Water as the site is located within Source Protection Zone 1 (SPZ1) of the groundwater catchment. The site lies on Bedrock consisting of the Lambeth Group underlain by the Principal Chalk aquifer. Thus, the groundwater area is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply.

Piling and Foundations

No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the local planning authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details. The method statement should detail the equipment, methodology, grout, control measures and monitoring that will be implemented to ensure there is no increased risk to controlled waters or drinking water supplies.

Reason - Piling or any other foundation construction methods using penetrative methods could allow hazardous substances and non-hazardous pollutants to enter groundwater by for example, mobilising contamination and creating preferential pathways. Thus, it should be demonstrated that any proposed piling;

a. Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 109.

b. Nor any increased risk to drinking water supplies (including turbidity).

c. Nor deterioration in the transmissivity of the aquifer

Construction of Environmental Management Plan (CEMP)

No development shall start on site until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with Portsmouth Water detailing all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Reason- Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local public water supply source

Officer Comment: if permission is granted, the above conditions are recommended.

Royal Society for the Protection of Birds - No Comments

Traffic Management Team - No Objection

The Traffic Team have 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: 28

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Loss of privacy Height unacceptable Out of keeping Overdevelopment of site Other more appropriate sites Housing necessary, but not here	See Section 7 below.
Ecological valuable space, should remain Loss of community green space - adversely impact on existing residents Detract from community adhesion Detrimental impact on well being of families	See Section 7 below.
Existing anti-social problems, not dealt with - potential to exacerbate problem PCC not listening to residents' expressed concerns.	Anti-social behaviour would be a matter for the Police Public consultation events were held by the applicant on 15 & 16 June 2022 at the Acorn Community Centre. Flyers were also delivered to approx. 1000 nearby residents around the site and poster also advertised the event locally. A booklet summarising all responses, together with PCC's agreed commitments was subsequently published in response to concerns raised.
Existing parking problem in Gardens - development would exacerbate this. Only one way in/out - lead to obstruction with builders' vehicles	Additional parking is proposed, over and above that required for the development, which should help mitigate any existing parking problems. Any obstruction of the highway would be a Police matter.

	The recommended Construction Method Statement condition includes a requirement for the provision of long-term facilities for contractor parking, which should help reduce on street parking by such vehicles.

7 **Planning Considerations**

Habitat Regulations Assessment & Appropriate Assessment

The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

The proposed development is **not** located within 5.6km of Chichester & Langstone Harbours SPA/Ramsar. Therefore, the proposal would not result in an increase in recreational disturbance to the Solent SPSs and mitigation under the Solent Recreation Mitigation Strategy, is not required.

Water quality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out.

Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site. The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

The Habitats Regulations Assessment concluded that the avoidance and mitigation package proposed in the Appropriate Assessment are sufficient to remove the significant effects on the Solent's European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation package.

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Loss of Amenity Green Space
- (iv) Impact upon residential amenity
- (v) Highways & Parking
- (vi) Impact on Trees & Landscape
- (vii) Flood Risk & Drainage
- (viii) CIL & Developer Contributions

(i) Principle of development

7.2 The application site is situated within an urban area as defined by policies CS17 and AL2 of the adopted plan where further development is considered acceptable subject to the usual development control criteria. Policy AL1 of the adopted Allocations Plan advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the revised NPPF (to improve the economic, social and environmental conditions in the area). Planning applications that accord with the policies in the adopted local plan will be approved unless material considerations indicate otherwise. The location of the proposed development is in a sustainable urban area with access to amenities in the form of public transport, health provision, social and retail opportunities and so in principle is considered to be a suitable location for more intensive residential development.

7.3 Adopted Policy C16 of the Havant Borough Local Plan (Core Strategy) 2011 requires designs to be of a high standard, which is reflected in Havant's Design Guide SPD. Therefore, significant weight should be given to this policy and guidance when determining the application, as advised by the NPPF.

7.4 As regard the Council's Five Year Land Supply Update (March 2023) this indicates the Council has a 1.81 year supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF) and approving development proposals that accord with an up-to-date development plan without delay. In circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date permission should be granted unless *"...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

7.5 The Council has identified that it has a finite amount of undeveloped land and environmental designations in the borough which limit opportunities for new development. Within this context, the Council's strategy for the delivery of new growth is to concentrate development within the urban areas where there are existing facilities and where new development would have the least impact on the range of highly protected designations within the Borough. To support this approach, Policy CS17 of the Havant Borough Core Strategy (2011) sets out that development will be permitted that makes the most effective use of land in the borough.

- 7.6 Policy CS9 of the Core Strategy supports housing proposals which achieve a suitable density of development for the location, considering accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form. The supporting text of the policy sets out density thresholds, and in this regard the proposal would represent a low density development at 3 dwellings on a site of approximately 0.15 hectares (a density of approximately 20 dwellings per hectare).
- 7.7 With regard to the type and size of proposed accommodation on the site and its potential to create a mixed and integrated community, regard is to be had to Core Strategy policy CS9 which states that development should 'Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities'. Paragraph 6.24 states that a mix of dwelling types is sought from one and two bedroom flats to terraces and larger detached houses. In this case, this small housing development, comprises 3, 4 bedroom properties. For such a small development, this is considered to be an acceptable mix for this site. The site is proposed to be 100% affordable and, whilst a mix of tenures is usually sought, there is a clear recognised need within the Borough, for affordable accommodation in a sustainable location close to all local amenities and services. Therefore, having regard to the individual merits of the application, this type of housing is considered to be acceptable.
- 7.8 The adopted Local Plan policies are considered to echo the more recent advice in the National Planning Policy Framework (NPPF).
- 7.9 Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.
- 7.10 Paragraph 124 of the Framework supports development that makes efficient use of land where it takes into account the desirability of maintaining an area's prevailing character. Policies CS9 and CS17 together are broadly consistent with this approach.
- 7.11 The Framework goes further and sets out at Paragraph 125 that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities to ensure that development makes optimal use of the potential of each site.
- 7.12 The principle of making more efficient use of an existing urban site, in a sustainable location, is therefore supported having regard to the surrounding character and built form, albeit that the acceptability of the scheme put forward will turn on consideration of a number of detailed planning considerations as set out below.

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

- 7.13 The land is adopted highway, with footpaths around/across the application site. The plot is recognised as amenity greenspace, with trees around the periphery of the site. Policy DM1 of the Havant Borough Local Plan (Core Strategy) states, amongst other matters, "...that Development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

"Development of existing open space, including play spaces, playing fields, pitches, courts and allotments, for alternative uses will only be permitted where the following criteria can be met:

- 1. It has been demonstrated that there is a surplus of provision according to the local standards set out in the council's Open Spaces Plan or any subsequent review of the plan; and*
- 2. It has been demonstrated that the land cannot reasonably be converted to another type of open space for example green infrastructure for which the council's Open Spaces Plan has identified a deficit.*

Where there is no identified surplus of the original type of open space, contributions to new provision of an equivalent or improved standard, both in terms of quality and quantity, will be required in line with the council's Open Spaces Plan and developer contributions policy."

7.14 In response to this policy the agent has advised that:

"With regards to the question of open space we would consider that the proposal complies with item 1. in your email below, ie that there is a surplus of provision of this type of open space according to the local standards set out in the council's Open Spaces Plan.

Whilst we have not carried out our own analysis of the amount of open space in the area, we do note that Havant Borough Council's "Open Space Strategy" document dated November 2018 states that there is a surplus of Amenity Greenspace throughout the Borough as a whole compared to the FIT national guideline of 0.6 ha/1,000 population and that there is fairly even coverage of this greenspace with overlapping catchments across most settlements. We note that the Open Space Strategy document does not include any reference to our proposed site, but the maps included in the document show that the whole of the Wecock Farm Estate is within the FIT standard of 480m walking distance (6-minute walk time) of other suitable Amenity Greenspace."

7.15 As to the loss of this amenity greenspace in terms of criterion 2, no response to the consultation has been received from the Community Team.

7.16 It is acknowledged that the proposal for 3 dwellings would materially change the character and appearance of the site, from the loss of part of an amenity greenspace to built development. The proposal would also result in the loss of three areas of highway verges to accommodate the provision of car parking. These losses of green spaces are required to be balanced in terms of the recognised need for affordable housing, the surplus of such amenity greenspaces throughout the Borough, that is well served by such spaces within the locality, with the impact the proposal would have on the character and appearance of the area. (The loss of this amenity greenspace is considered further below under the same heading.)

- 7.17 The proposal is a terrace of 3 dwellings, 3 storey in height, with an asymmetrical pitched roof which would accommodate the 4th bedroom, shower room, landing and storage areas. Photovoltaic panels would be sited on the south side of the roof. Due to the change in level of the site, the terrace would be accessed via steps to the front (south) which would link into existing/relocated footpaths to the west and east. The change in level of the site increases the height of the development from the south. However, this is not considered to be out of keeping with the scale of development within the immediate locality, when viewed against the larger 3 storey residential block immediately to the south west and to the north, with the latter set at a higher ground level. As to existing development to the east, this is a 2 storey pitched roofed retirement home, with a separation distance of 24m. The scale and massing of the proposal would not be out of keeping with development within the locality.
- 7.18 The design of the terrace has similarities to other 2 storey terraced housing within the locality, albeit with a more modern theme, constructed to Passivhaus standards, with the dwellings designed to meet the Building Regulations M4(2) "Accessible and Adaptable Dwellings" resulting in more generous floor plans. The proposal would also include the use of wide, highly insulated external walls, which would result in the proposed houses being larger than most of the neighbouring houses but smaller than the neighbouring blocks of three storey residential developments.
- 7.19 To provide interest, canopies would be provided over the front doors, with the front gardens enclosed by brickwork and railings, providing future occupiers with their own defensible spaces. The rear boundaries would comprise of brickwork and fence at 1.8m in height. Landscaping is proposed around the development.
- 7.20 The proposal would be surrounded by the remaining amenity space, with landscaping proposed around the site. Footpaths used by the general public would also be around the application site. The layout, with footpaths close to existing properties, is similar to other developments within the locality and the estate generally. Therefore, the proposal would not be out of keeping with the local context in terms of layout, scale, design and appearance.
- 7.21 To provide a quality appearance and to reduce the need for ongoing maintenance, a simple palette of traditional materials is proposed. These would be selected to sit alongside the existing housing stock, and would include facing brickwork, cast stone cills, concrete roof tiles, composite aluminium clad triple glazed windows and powder coated aluminium rainwater goods as follows:
- Bricks - Ibstock Coleridge Yellow Multi
Cast Cills: Forticrete Cast Stone, Portland
Roof Tiles - Marley Duo Edgemere, Smooth Brown
Windows - Aluminium clad composite frames, Powder coated light grey RAL 7040
Front Doors - Composite doors and frames, colour dark grey RAL 7016
Rainwater Goods - Aluminium box gutters and down pipes, Powder coated RAL 7040
- 7.22 It is acknowledged that the proposal would result in the loss of part of an amenity greenspace, changing the appearance of the immediate area. However, the proposal would provide a high-quality energy efficient affordable rental development, for which there is a clear recognised need within the Borough, with a design which would not be out of character or keeping with the locality, in accordance with Policy CS16 of the HBLPCS. The loss of this small area of amenity greenspace is covered below under the heading 'Loss of Amenity Greenspace.'

(iii) Loss of Amenity Greenspace

- 7.23 As set out above, the proposal would result in a loss of amenity greenspace as defined in the Open Space Strategy November 2018, which from representations received is enjoyed by the local community. The definition of 'amenity greenspace' in this Strategy is:

"Amenity Greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces (private or open to the public), roadside verges, greenspaces in and around housing and other premises e.g. hospitals, schools and colleges, industrial and business premises and village greens. May include other typologies, most frequently Provision for Children and Young People."

- 7.24 The Strategy concludes there is a surplus of this type of open space within the Borough, which would still be the case in 2036 with this small loss (ie 0.15 ha). Therefore, having regard to Policy DM1 criterion 1 in the HBLPCS as set out above in paragraph 7.13, it has been demonstrated that there is a surplus of provision of this type of open space in accordance with local standards set out in the Council's Open Spaces Strategy'. Therefore the proposal is not considered to be in conflict with this part of Policy DM1.

- 7.25 As to Policy DM1 criterion 2, it is recognised that there is a conflict, as the applicant has not sought to demonstrate that the land cannot reasonably be converted to another type of open space. It is also noted that no response has been received to the planning consultation from the Community Team. In the absence of an objection from the Community Team, the loss of this area of open space will be weighed against housing delivery and the need for affordable housing within the Borough, in a sustainable location.

(iv) Impact upon residential amenity

Impact on existing residents

- 7.26 The proposal would result in the loss of part of an amenity greenspace, which from representations received, is enjoyed by the local community. Small areas of grassed verges would also be lost, to provide car parking areas. As to the former, the proposal, if granted would only result in part of the immediate greenspace being lost, with smaller areas remaining to the west, north and south. As mentioned above, within the locality of the site, the area benefits from similar greenspaces provided for the enjoyment of the local community. The loss of this amenity greenspace is considered further under the heading ' Loss of Amenity Greenspace' set out above. As to the loss of the latter this would provide additional parking for existing residents, which from representations received, is currently an issue.
- 7.27 Residential development surrounds the proposal. As to the developments to the south west and north these are 3 storey residential blocks. The housing block to the south west is at an angle to the proposal, with no side windows in this block (there are also no side windows in the proposal). The separation distance at the closest point between this housing block and the south west corner of the dwelling on Plot A would be approximately 5m, rising to approximately 8m at the north west corner of the existing housing block. The relationship between the proposal and this housing block, which is angled to the south west would not give rise to an unacceptable level of overshadowing or dominance to the occupiers of this housing block.

- 7.28 Due to the internal layout in Plot A, with a bathroom at first floor in the south west corner, the proposal would not result in an unacceptable level of overlooking or loss of privacy to the rear garden of the housing block closest to the development to the south west. The proposed relationship with this existing housing block is therefore considered acceptable in residential amenity terms.
- 7.29 With regard to the 3 storey housing block to the rear, this is set at a higher level, due to the changes in ground levels. Along the southern boundary of this block is a retaining wall, with a 1.8m wooden fence on top and an existing footpath to the front of this development. The separation distance between the proposal and this housing block would be approximately 25m, which exceeds that set out in Havant's Design SPD. Due to the separation distance, and with the proposal to be built at a lower level, the development would not result in an adverse loss of amenity for the occupiers of this existing housing block to the north.
- 7.30 With reference to the two storey residential retirement complex to the east, its first floor windows overlook the greenspace, with a 1.8m wooden fence at ground floor level. The separation distance to the flank wall of the proposal, (which would not have any windows in it), would be approximately 24m. This exceeds the 10m separation distance set out in Havant's Design Guide SPD. The proposal would not adversely impact on the amenity of occupiers of this retirement home, by reason of overlooking, loss of privacy or dominance.
- 7.31 As to parking implications for existing (and proposed) residents, additional parking is provided within the scheme, over and above that required for the development - ie 16 spaces, instead of 9 - which should address some of the concerns of existing residents over current and future issues with the claimed lack of on-street parking.

Impact on proposed residents

- 7.32 The front of the new properties would face south towards the parking area and Bunting Gardens, with parking approximately 12m from the front doors of the new houses. Access from the parking area to the front door of the new houses would be via new footpaths extending the existing footpaths. Due to the slope of the site, the existing footpath to the south west of the new terrace is quite steep, with a short length having a fall of approximately 1:11. The proposals therefore include two alternative routes that could be used to get from the car parking spaces to the front of the houses. The first route to the west is step free, but does use the existing 1:11 footpath. The second alternative route to the east is less steep, but in order to keep the new footpaths within permissible gradients, the design incorporates a flight of 5 steps to the south east of the new terrace. This gives pedestrians the option of using the more steeply sloping existing footpath or a more gently sloping footpath with some steps, which having regard to the constraints of the site, is considered to be acceptable.
- 7.33 The proposal would exceed the Government's Technical housing standards - nationally described space standard with the dwellings designed to meet the Building Regulations M4(2) "Accessible and Adaptable Dwellings" resulting in more generous floor plans. The proposal would be constructed to Passivhaus standard in the interests of energy efficiency for future occupiers and to reduce the development's ecological footprint. As part of the energy efficiency of the proposal, photovoltaic panels would be sited on the south elevation of the roofs.

- 7.34 As mentioned above, the 3 dwellings would have an enclosed front garden, by brickwork and railings, which would provide future occupiers with their own defensible spaces. Within the front gardens, brick enclosures would be provided for bin storage. The gardens to the rear would be approximately 12m in depth, (in excess of the 10m length required by Havant's Design Guide), with patio areas to the back of the houses. Sheds would be provided for cycle storage, sited to the end of the gardens, together with rear pedestrian accesses. The boundary treatment would be part brickwork and fencing, both of which would be 1.8m in height, which is widely used around neighbouring properties.
- 7.35 The proposal is considered to provide an acceptable level of amenity for future residents, in accordance with Policy CS16 of HBLPCS and Havant's Design Guide SPD.

(v) Highways & Parking

- 7.36 The Highways Authority (HA) has advised that the whole of the application site is currently designated as highway land, with the applicant the subsoil title holder. The intention of the applicant would be to submit a separate application under S247 of the Town and Country Planning Act 1990 to seek the stopping up and extinguishment of highway rights of the application site, if permission is agreed, with no guarantee that such extinguishment would be forthcoming. The Highway Authority acknowledges that the applicant site does not appear to fulfil any highway function, however, it does provide a public amenity in the form of public open space. The Local Planning Authority concurs with this assessment.
- 7.37 The HA sought several changes to the proposal in their initial consultation response, as summarised under Section 5 above. This resulted in a number of changes to the proposal, which are summarised as follows.

Stopping Up

- 7.38 The full extent of the highway which would be the subject of a S247 application is shown on drawing 2637/2000/P2, which includes the diversion of the footpath to the east which currently crosses the site. This would be diverted to the east to run parallel with the site, linking into the existing footpaths to the north and south. The width of this footpath would be 2m.

Access for Road Users with Reduced Mobility

- 7.39 The HA has agreed Drawing Nos. 2637/2002/P2 and 2637/5302/P2 which shows a dropped kerb with corduroy paving to aid users with reduced mobility. These works would be undertaken as part of a S278 agreement with the HA and through an appropriate planning condition, if permission is forthcoming.

Proposed Footway

- 7.40 The footpath that crosses the site, would be replaced with a new 2m wide footpath to the east/south east, linking into existing footpaths to the north and south.

Stage One Road Safety Audit (RSA1)

- 7.41 An RSA 1 was carried out , which picked up no safety issues associated with the development proposal at this stage.

Materials

- 7.42 The Landscape Masterplan and materials plan for the development area is shown on drawing No. 2637-5100-P2, with final details to be secured through recommended conditions.

Arboriculture

- 7.43 It has been confirmed that root protection barriers would be provided for new trees to minimise any impact on the existing and proposed footpaths. The applicant is aware that the proposed planting in adoptable areas should be in accordance with HCC TH15.
- 7.44 As to the Arboricultural Officer's comments as to root protection for the tree identified as T11, this was further considered by the HA, following which an amended plan was submitted identifying a no dig area for the protection of tree T11, with the full extent of such an area to be agreed at the detailed design stage, under the S278 works.

Drainage

- 7.45 It has been confirmed that all drainage, except for the new parking bays, would be connected to the existing Southern Water sewer network.
- 7.46 Other drainage matters would require the service of a S50 notice under the Highways Act 1980 on the HA, with works being carried out under a S278 agreement. It is recommended that final details regarding the drainage strategy be secured through a planning condition.

Street Lighting

- 7.47 Drawing 2637/ES/E702 shows the proposed street lighting layout. It is recommended that final details of the street lighting would be secured via a planning condition, which would be required to meet adoptable standards and comply with HCCTG13.

Construction Details

- 7.48 The applicant is aware that an appropriate licence would be required to undertake works on the highway to facilitate the development.

Recommended Conditions

- 7.49 The majority of the recommended conditions are pre-commencement conditions, which includes a construction method statement, which have been agreed with the applicant.

Parking Provision

- 7.50 The parking provision and the footpaths linking into this provision is shown on Drawing No. 2637/2001/P2. In total 16 additional unallocated car parking spaces (i.e. 2.4m x 4.8m in size) would be provided as part of the development, with a requirement under Havant's Car Parking SPD, of 9 spaces. The parking would be provided to the south/south west of the application site, located off Bunting Gardens (14 spaces), with 2 spaces provided to the south/west of an existing parking court off Bunting Gardens. Additional parking spaces were provided, following a public consultation exercise, where concerns were raised by residents over the existing level of parking within the area and about the impact that the proposed development might have on parking. As a result a parking survey was carried out in accordance with the Lambeth Parking Survey Methodology, over two nights (i.e. 12 & 14 October 2020), which covered an area extending approximately 80m to the north of the proposed houses to include the car park at the eastern end of Dove Close and approximately 100m to the south to include the whole of the eastern side of Bunting Gardens. This equated to an area within approximately 1 minute walk of the front door of the proposed houses.
- 7.51 The parking survey identified a total of 66 available parking spaces within the area surveyed (28 on the Dove Close Car Park and 38 on the eastern part of Bunting Gardens). The parking survey also showed that the parking stress in the eastern side of Bunting Gardens was 100% but that the car park on the north side of the sites accessed from Dove Close had a parking stress of only 21% (i.e. 22 free parking spaces).
- 7.52 As mentioned above, the proposal provides an appropriate level of car parking for the development. Development proposals cannot be required to make up any shortfall of car parking that may be experienced by existing developments. Therefore, whilst the additional provision of car parking for existing residents is welcomed, it is not a material planning consideration in the determination of the application

(v) Contamination

- 7.53 A Phase 2 Geo-environmental Factual and Interpretive Report was submitted as part of the application, which has been reviewed by the Council's Contamination Officer (CO). The CO found that the site is considered to be *"...of inherently very low (source) risk and the report findings are broadly consistent with this qualitative/desk-based assessment, being broadly favourable in its findings. Some fragments of Asbestos are however noted to have been found in a trial pit..."* Given the low risks associated with all other contaminants the CO raises no objection, subject to the imposition of a Contamination (Asbestos Watching Brief), as set out in full under Section 5 above. This condition is recommended if permission is granted.

(vi) Impact on Trees & Landscaping

- 7.54 A tree survey of all trees on and around the proposed site has been submitted, which was carried out in June 2022. As a result of the survey, no trees need to be removed as part of the proposal. However, the tree survey has identified one small Swedish Whitebeam (*Sorbus Intermedia*) which was found to have extensive basal and lower stem decay and is in such a condition that it cannot realistically be retained as a living tree. That said, this tree is outside of the application site and therefore does not form part of the consideration of the application, which would be felled as part of the normal ongoing tree maintenance works carried out by the applicant.

- 7.55 The proposal would involve the planting of new trees. The Council's Arboricultural Officer (AO) has been consulted over the proposal and has advised that "*It is clear the development has sought to reflect the importance of trees on the site and their importance to the character and appearance to the area which is welcomed.*" and that "*Discussion with the agent has sought to reduce the impact on trees and this collaborative working is to be commended.*" That said, the AO raised a concern "... that the location of the planting at the rear of the new properties could create future shading to the existing residents, who have south facing rear gardens. It is recommended that the details for landscaping are to be secured by a condition, to ensure that any future planting does not result in an adverse impact on the existing residents and other opportunities for planting are maximised." The agent has agreed such a condition, together with the other conditions recommended by the AO, which cover tree pruning works and tree protection measures.
- 7.56 Another concern raised by AO, was over the protection and enhancement of the root protection area of tree T11. As mentioned above, this has been discussed with the HA, and an amended plan submitted identifying a no dig area for the protection of tree T11, with the full extent of such an area to be agreed at the detailed design stage, under the S278 works.
- 7.57 The Landscape Team's has raised no objection to the proposal, with a recommendation of conditions as to soft and hard landscaping and boundary treatments. These conditions would be incorporated in the decision notice, if permission is granted.

(viii) Flood Risk & Drainage

- 7.58 The application is accompanied by a 'Flood Risk Assessment & Drainage Strategy Report'.

Flood Risk

- 7.59 The site falls within Flood Zone 1, which has a low probability of flooding - less than 0.1% annual probability of river or sea flooding. Based on current information the site would remain in Flood Zone 1 in 2115 with climate change. Therefore, the development would not be subject to any significant flood risks i.e. tidal, fluvial, ground water or sewer.

Drainage

- 7.60 It is proposed that the foul and surface water would be discharged via new connections to the existing public storm and foul drainage system located close to the site. Southern Water (SW) has stated that "*Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal (flow rate 2.5 l/sec at manhole number SU68116750) to service the proposed development.*" However, "*The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.*", If permission is forthcoming a condition to this effect is recommended, together with an informative on the decision notice as to the need for a formal application to be made to Southern Water, by the developer/applicant to connect to the public sewer.
- 7.61 Except for the condition recommended by Southern Water and the drainage strategy condition required by the HA, the provision of foul and surface water drainage for the 3 dwellings would fall within the remit of Building Control.

(ix) CIL

7.62 The applicant as a social housing provider has applied for Mandatory Social Housing Relief under the CIL Regulations. Therefore, a CIL contribution would not fall due for the proposed development.

8. Overall Conclusions and Final Planning Balance

8.1 The proposal conflicts with the development plan as a whole. However, whilst the importance of the plan-led system is recognised, it is necessary to consider whether there are material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan.

8.2 The site is located within a sustainable residential area, with access to public transport, shops and services, for which substantial weight is given. The proposal is for affordable rental housing, which would be energy efficient, for which substantial weight is given. The very small contribution to the Council's housing stock, is given modest weight. The loss of this surplus amenity greenspace is given modest weight. When balancing the competing aims and having due regard to the advice in the National Planning Policy Framework at paragraph 11d, it is recommended that conditional planning permission be granted for the proposal.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/01054 subject to the following conditions.

1 **GENERAL**

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:

Plans

Location Plan - Drawing No. 2637-1100-P2

Proposed Block Plan - Drawing No. 2637-1102-P4

Site Plan as Proposed - Drawing No. 2637-1107-P2

Plans as Proposed - Drawing No. 2637-1200-P7

Proposed Elevations - Drawing No. 2637-1301-P5

3D Visualisations - Drawing No. 2637-1303-P1

Landscape Masterplan and materials plan - Drawing No. 2673-5100-P3

Planting plan - Drawing No. 2637-5301-P2

Stopping Up Plan - Drawing No. 2637-2000-P2

Parking & Footpaths Setting Out and Levels - Drawing No. 2637-2001-P2
Parking Sections - Drawing No. 2637-2010-P1
Vehicle Tracking - Parking Space 16 - Drawing No. 2637-2011-P1
Sections and Details Through Highways and Footpaths - Drawing No.
2673-5302-P2
Proposed Street Lighting Layout - Drawing No. 2673-ES-E702

Documents

Application Form
BS 5837:2012 Tree Survey - dated 4/7/22
BS 5837:2012 Arboricultural Impact Assessment
CIL Form 10: charitable and/or Social Housing Relief Claim Form
Design & Access Statement - October 2022
European Avoidance & Mitigation Checklist
Havant Occupancy Calculator
Nitrogen budget Calculator
Flood Risk Assessment and Drainage Strategy October 2022
Phase 2 Geo-environmental Factual & Interpretive Report August 2022
Parking Survey - Bunting Gardens
Parking Bays Road Safety Audit Stage 1 - Document reference 13/244

Reason: To ensure provision of a satisfactory development.

- 3 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment (Gristwood & Toms, 27/4/2023).

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The external materials used shall be as indicated on the submitted details and hereby approved plans, unless otherwise agreed in writing with the Local Planning Authority.

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

6 PRECOMMENCEMENT

No development shall commence on site until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- a) A programme of and phasing of demolition (if any) and construction work;
- b) The provision of long-term facilities for contractor parking;
- c) The arrangements for deliveries associated with all construction works;
- d) Methods and phasing of construction works;
- e) Access and egress for plant and machinery;
- f) Protection of pedestrian routes during construction;
- g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In the interests of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, the detailed street lighting design shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Unless otherwise agreed in writing with the Local Planning Authority, the street lighting shall thereafter be implemented in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, the detailed drainage strategy shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Unless otherwise agreed in writing with the Local Planning Authority, the drainage shall thereafter be implemented in accordance with the approved details prior to the occupation of the development.

Reason: In the interest of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, details of the final ground levels shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The levels shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Prior to the commencement of the development hereby approved, the final material details shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 No part of the development shall commence until such time as the details of the off-site highway works at Bunting Gardens as shown in principle in drawing 2637/2001/P2 and 2637/5302/P2 have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 Prior to the commencement of development, details of the measures to be undertaken to protect the public sewer during the construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full accordance with the approved measures and retained thereafter during the construction work for the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the public sewer 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 Prior to any piling or other deep foundation method being used for the development, then the least intrusive noise and vibration method of piling shall be employed, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to any such piling or deep foundation method being employed. This information shall include a justification as to the reasons why a particular piling method has been chosen, and the proposed mitigation methods to be employed to ensure minimal impact on nearest residential receptors during piling operations. The method statement shall also detail the equipment, methodology, grout, control measures and monitoring that will be implemented to ensure there is no increased risk to controlled waters or drinking water supplies.

Any approved piling or other deep foundation method shall be implemented in full accordance with the approved details and method, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the amenities of nearby residential properties are not impacted upon by any external noise or vibration levels during any piling operations, and because piling or any other foundation construction methods using penetrative methods could allow hazardous substances and non-hazardous pollutants to enter groundwater by for example, mobilising contamination and creating preferential pathways. Thus, it must be demonstrated that any proposed piling;

- a. Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 109;
- b. Nor any increased risk to drinking water supplies (including turbidity); and
- c. Nor deterioration in the transmissivity of the aquifer;

having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 14 No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with Portsmouth Water detailing all pollution mitigation measures to be adopted during the construction phase. This shall include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages. The development shall thereafter be carried out in full accordance with the approved CEMP.

Reason: Fugitive emissions from the site during construction could pose a significant threat to groundwater and therefore the local public water supply source having due regard to policies CS16 and DM 10 of Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

15 **PRIOR TO OCCUPATION**

Prior to occupation of the development hereby approved, the off-site highway works at Bunting Gardens as shown in principle in drawing 2637/2001/P2 and 2637/5302/P2 shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of Highway Safety and having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

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

- 17 The Asbestos 'watching brief' referred to at section 5.5.2 & 8.3 of the RSK Environment Ltd. Report No. 305258 R01 (rev 01) August 2022 shall be observed during all groundwork operations. In the event that suspected asbestos-containing materials are encountered reasonable efforts shall be taken;

- a) to identify the extent of the asbestos deposit,
- b) to segregate asbestos from soils in a way which minimises physical damage to the encountered material,
- c) to store segregated asbestos containing materials in a way which minimises the risk of fibre release to either air or soils, and
- d) to record and document each discovery by means of in-situ images of the materials encountered, a brief narrative description of the type & approximate quantity of asbestos encountered, and confirmation of disposal to an appropriately licensed facility (an aggregated disposal record will be acceptable)

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

- (i) A statement confirming that no suspected asbestos containing materials were identified during development, OR;
- (ii) Documentation in accordance with d) above.

Reason: Asbestos containing materials have been shown to be present within made soils at the site that could pose a risk to construction personnel, the public, and future occupants. This is in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework.

- 18 A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft and hard landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance and to safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 19 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

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

20

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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites.

In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

21 **FOLLOWING OCCUPATION**

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.