
Site Address:	Dairy Crest Depot, Dunsbury Way, Havant		
Proposal:	Outline application for the redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road.		
Application No:	APP/18/01109	Expiry Date:	13/03/2019
Applicant:	Mr J Lott		
Agent:	Alex King	Case Officer:	Lewis Oliver
	Mission Town Planning		
Ward:	Warren Park		

Recommendation: **GRANT OUTLINE CONSENT**

1 Site Description

The former Dairy Crest Depot, Dunsbury Way, is located on a prominent corner plot with Fulflood Road, with the site measuring approximately 0.5ha. The site consists of several single storey buildings which consist of residential and commercial uses, a bungalow, an end of life service and a small warehouse.

A single storey flat roofed brick and concrete built office building fronts the site onto Dunsbury Way. A small red brick built office with concrete flat roof is located to the rear of the site. An open fronted storage area with steel structure and corrugated metal sheeting roof is located to the west of the site. A breezeblock constructed shed with sloping roof is located to the south west of the site.

A single storey bungalow fronts onto Dunsbury Way and a red brick single storey End of Life Service with glass frontage also fronts onto Dunsbury Way. The bungalow and the glass fronted buildings are currently occupied. At the front of the End of Life Service site, and to the front and rear of the bungalow building there are small areas of lawn. No Protected trees are on or around the development site. There is a large area of hard standing within the Dairy Crest site.

The site is located adjacent to the Riders Creek, but falls within flood zone 1 given the elevated nature of the site. The creek falls within flood zones 2 and 3.

The immediate and surrounding area is varied, with industrial uses adjacent to the site, and further north. However significant residential development has taken place within the immediate area. To the south of the site lies the site of the Former Leigh Park Garage on the corner of Dunsbury Way, which now comprises a 3/4 storey residential development. Further to the north of the site, the redevelopment of the former Proctor and Gamble Site for a mixed residential, employment and community/health services has been completed, which consists of a variety of built form, and does include 4/5 storey residential buildings. Immediately to the north of the site is an empty piece of land, which did form part of the former Proctor and Gamble Site, and has planning permission granted under application 07/57754/054, which was not implemented, this was for a 4/5 storey building.

2 Planning History

No applications for this site.

3 Proposal

Outline application for the redevelopment of Former Dairy Crest site for up to 74 dwellings with access off Fulflood Road. The outline application seeks to reserve all matters

apart from access to the site, which will be from Fulflood Road. The indicative plans indicate layout of the building is L-shaped form which seeks to utilise the site efficiently. The layout is similar in layout to the development located on the corner Bramdean Drive and Dunsbury Way. The plans indicate that the development would be 5 storey development. The plans indicate that stepping back of the building back from the elevations at the forth floor, fronting Dunsbury Way and Fulflood Road, this seeks to reduce the overall impact of the building at this level.

The application plans and documentation outline that proposed development has been designed with an undulating façade which provides balconies and terraces to the apartments. The façade is shown as wrapping itself around the building to not only provide private amenity space but moreover break up the overall mass of the building. Due to the design layout of the building it was important to consider the extent of massing along both Dunsbury Way and Fulflood Road to ensure that the visual appearance of the building did not provide an overbearing effect to these street frontages.

Following concerns raised by the Local Planning Authority the application has been amended, the amendments are as follows:

- The number of units has been reduced from 79 to 74. 4no. apartments at ground floor level that overlooked the carpark have now been removed. These units were appropriately positioned and afforded limited amenity space and were the most vulnerable from both overlooking and from a security aspect. The removal of these units has now allowed parking spaces in the form of garages to be provided.
- Within the submitted scheme the building was positioned 2.1 metres away from the boundary line along Fulflood Road. Through the amendments, the scheme can now sit 4.9m away from the boundary. This has allowed the applicant to provide usable outdoor amenity space for those properties located on the ground floor of the scheme. Each ground floor flat now has a front garden which creates a clear buffer zone between public and private spaces. These gardens are enclosed by robust boundary treatments, indicatively shown on the plans as being both through fences and shrubs.
- Improvements in relation to soft landscaping throughout the scheme. Whilst, landscaping remains a reserved matter, the indicative ground floor plan shows the level of landscaping which is possible. The large swathes of parking have been broken up with vegetation every 5/6 spaces.
- A communal amenity space which measures at 176sqm has been included within the scheme which can be used by all occupiers. Access has been indicatively shown through a dedicated path which serves the amenity space from the flats.

The quantum of parking remains at 1 space per unit, as such the development proposes 74 car parking spaces. The agent for this application has stated that this is consistent with the quantum of parking former Procter & Gamble site, application 07/51184/054 scheme, and the wider redevelopment of the wider Procter & Gamble Site.

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)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS21	(Developer Requirements)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM3	(Protection of Existing Employment and Tourism Sites)

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)

Pre-submission Havant Borough Local Plan 2036

The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and was subsequently published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 4 February 2019 to 18 March 2019. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, dependent on the level of objection received to each individual policy during the consultation process. The relevant planning policies of the emerging Local Plan are:

The relevant planning policies of the emerging Local Plan are:

- DR1 - Delivery of Sustainable Development
- DR2 - Regeneration
- IN1 - Effective Provision of Infrastructure
- IN2 - Improving Transport Infrastructure
- IN3 - Transport and Parking in new development
- IN5 - Future management and management plans
- E1 - High Quality Design
- E2 - Health and wellbeing
- E3 - Landscape and settlement boundaries

E9 - Provision of public open space in new development
E12 - Low Carbon Design
E13 - Historic Environment and heritage assets
E14 - The Local Ecological Network
E15 - Protected Species
E16 - Solent Special Protection Areas
E17 - Solent wader and Brent Goose feeding and roosting sites
E18 - Trees, hedgerows and woodland
E19 - Managing flood risk in new development
E20 - Drainage infrastructure in new development
E22 - Amenity and pollution
H1- High Quality Homes
H2 - Affordable Housing
H3 - Housing Density
H4 - Housing mix
C2 - Protection of Existing Employment Sites

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

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

I note the tree constraints plan which has been submitted. An AIA, AMS and TPP will need to be conditioned if outline permission is approved.

Arboriculturalist, Havant Borough Council

No objection to the revised plan. My previous comments still apply regarding the need for a AIA, Method Statement and TPP.

Communities Manager

No response

Community Infrastructure, Planning Policy & Urban Design

As an outline application this application is not CIL Liable, however the applicants need to be aware that a subsequent full or reserved matters application would be CIL Liable.

County Archaeologist, Strategic Environmental Delivery Group, HCC

No objection

Crime Prevention -Major Apps

Concerns on original scheme - The proposal creates a number of ground floor apartments. From the plans it appears easily possible to access both the French windows and ground floor windows from the public realm, this increases the opportunities for crime and anti-social behaviour. Planning guidance advises, "There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security." To reduce the vulnerability of the ground floor apartments to crime and

antisocial

behaviour each ground floor dwelling should have a generous garden to prevent access to the French windows and ground floor windows.

Crime Prevention -Major Apps

Comments on amended plans - The amended plans have addressed some of the concerns previously highlighted. Concerns still exist regarding pothole access from the cycle store into the flats - **Officer comment** - This is an outline application and these comments will be addressed in any subsequent Reserved Matters application, which will consider the layout in detail.

Developer Services, Southern Water

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

Initial feasibility, detail modelling and preliminary estimates

Flow monitoring (If required)

Detail design, including land negotiations

Construction

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that planning approval has been granted.

Development Engineer - Highways

The Highway Authority have no adverse comment to the application subject a planning condition that the existing vehicular crossings to the site are reinstated to footway construction with full face kerbing.

Transport Assessment

I can confirm that the Transport Assessments is robust and uses the accepted standard method of traffic modelling

Using the TRICS database the Developers Consultant has determined the number of trip from the proposed development of 78 apartments.

Traffic modelling shows that 21 trips and 24 trips are likely to be generated in the AM and PM peak hours respectively. The traffic generated by the existing permitted has not been deducted from these figures

Paragraph 6.1.12 of the Transport assessment states

The number of trips during the peak periods are relatively low and will not have a severe impact at the junction of Dunsbury Way, Fulflood Road and Bramdean Drive. The PICADY modelling result showed that the maximum RFC with base flow was on Bramdean Drive during the PM peak (0.60) which is well below the acceptable limit of 0.85, showing that the junction will operate well within capacity with the associated traffic from the proposed redevelopment.

The Highway Authority agrees with this analysis and therefore the application cannot be refused given the guidance within the updated National Planning and Policy Framework (NPPF) which states

"Development should only be prevented or refused on Highways Grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Education Department

Thank you for the opportunity to comment on the above planning application. A development of approximately 78 dwellings would be considered to yield about 23 or 24 primary age pupils across all seven year groups, i.e. about 3 or 4 per year group.

Front Lawn Academy and Havant academy serves the proposed development. Front Lawn Primary will have sufficient surplus places from its catchment recruitment for pupils from this development to be able to secure a place at the school. Similarly Havant academy has surplus places in all year groups to accommodate the yield of pupils from the development.

Consequently I do not intend seeking a contribution from the developer to provide any additional places within these schools.

Environment Agency

No Objection subject to conditions

Advice to Applicant

Flood Risk Activity Permit

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

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

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

Environmental Health Manager, Community Group

No Objection - I have studied the documentation provided, including the Mayer Brown, September 2018, noise assessment. It is noted that this is an outline application and as such I would advise that the applicant / developer follows the advice as proposed by the noise consultants to ensure that the final design of the building meets the criteria recommended in the aforementioned report, especially with regard to BS8233:2014 and ProPg:Planning & Noise guidance.

It is also noted that consideration may be given to a passenger lift being provided to the block, but I cannot find any reference to such in the noise assessment. If to be provided, relevant information should be provided with regard to anti-vibration and noise mitigation measures if so required.

Whilst this office would have no objection in principle to this development, relevant conditions and informatives be added need to be added to any decision notice.

Environmental Health Manager, Community Group

Documents registered against this application which post-date the previous comments of Environmental Health are noted to represent either comments from other consultees, or documentation & amendments relating to scheme viability, quantum and layout/massing (only). Having reviewed these documents, I would not wish to revise my original advice (Ref: CONS/18/02560, dated 08/01/2019).

I note that the Environment Agency has sought contamination-related conditions which are complementary to those sought by Environmental Health. Notwithstanding the comments & recommendations of the Agency, in the event that development management is minded to grant outline consent for this scheme the conditions recommended under CONS/18/02560 are still required to ensure that the development is acceptable in planning terms.

Housing Needs Manager, Havant Borough Council

Current planning policy requirements Core Strategy policy CS9. 2, the Havant Borough Housing SPD (July 2011), the governments Ministerial Statement published during the summer of 2016, the Local Plan Housing Statement, and the emerging Havant Borough Local 2036 mean that developments of 11 units or more would be required to provide 30-40% affordable housing on site; the draft HBLP 2016 includes an emerging affordable housing requirement of 20% on sites that sit within town/local centres. However, at this stage, the new plan carries more limited weight, so I would expect this proposal to deliver the current minimum 30% affordable housing requirement, 23.4 units.

The applicants are proposing 78 new homes comprising a mixture of 1 and 2-bedroom

units with a variety of internal areas.

I would expect the 30% affordable requirement to be rounded up to 25 units, however would consider the shortfall being met by way of a financial contribution in lieu of the 0.4 of a unit.

The demand for affordable housing remains high within Havant borough; as at 3rd January 2019 there were 1730 households registered on Hampshire Home Choice seeking accommodation in our area and of these 866 are waiting for a one-bedroom home, 579 for a two-bed, 218 for a three bedroom, and 67 for a 4+ bedroom home. I note that the applicants have submitted a viability assessment which concludes that the inclusion of affordable housing would render this development unviable. I would expect this assessment to be reviewed by a third party at the applicant's expense.

Landscape Team, Havant Borough Council

From a landscape perspective we have the following comments:

- The proposed width of planting beds used to break up the car parking along the eastern and southern boundary are not deemed acceptable. We require larger beds to provide sufficient planting to help break up the massing of the car parking. The planting should provide vertical height (such as fastigate trees) as low level planting will not be visible if the car park is full.
- We have concerns with amount of construction along the southern boundary and how this will impact on the existing root protection areas (RPA) of the trees along the southern boundary. We require clarification on whether there is an impact on the existing trees outside the sites boundaries based on the current proposed site layout. Should construction be present within the RPA an appropriate mitigation strategy will need to be implemented.
- There is insufficient information provided on the design intent of the proposed community amenity space, further details are required for submission.
- The existing drop kerbs that gave access from Dunsbury Way and Fullflood will need to be removed and the footway/verge reinstated. Planting of additional trees into the reinstated verge would help to retain the vernacular of Dunsbury way.
- A footpath that connects from Dunsbury way to the south of the car park (west of the communal amenity space) should be implemented to avoid unsightly desire lines.

We require the following drawings to be submitted for comment:

- A detailed soft landscape scheme requiring submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant tree pit details, specification schedules, comprising plant size, number and density, as well as, the proposed planting implementation programme.
- Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:
 - finished levels
 - hard surfacing material type / product reference and colour
 - laying bond
 - edging or kerb detail / type
 - retaining structures or steps

- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new walling / fencing or other type of enclosure and associated gates.
- Further details on building material specification for the development requiring submission including material type, product reference and colour to understand how the proposed development will affect the existing streetscape.

Local Lead Flood Authority HCC

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

- Additional information provided by email dated 17/10/19 to justify pre and post development runoff rates

The calculations provided show that the post development proposals will have a far lower discharge rate than the existing site and gives sufficient justification for our remaining query.

As such, we have no issues in relation to surface water drainage and no further comments.

Natural England Government Team

Planning Policy, PPUD

Principle of development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. There is therefore a presumption in favour of sustainable development, subject to other relevant policy considerations in the Plan.

Loss of Employment

Policy CS2 of the Core Strategy (2011) states that planning permission will be granted for development proposals that prioritise the use of previously developed land for the provision of new floorspace; and safeguard existing employment sites that are not fit for current purpose.

Policy DM3 which is counterpart to this policy makes clear that the development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. An active and exhaustive marketing exercise would normally be required to demonstrate the site is no longer suitable for B use class employment.

Emerging Policy C2 of the Draft HBLP 2036 is also of relevance in terms of the Council's proposed approach to safeguarding B-Class uses. The application site is not defined within one of the established employment areas in the emerging policy.

Paragraph 5.24 of the submitted Planning Statement suggests that the Dairy Crest element of the site ceased trading in 2014, and was actively marketed for approximately 2 years before being acquired by the applicant in 2016. Very limited

detail on the marketing undertaken has been provided. Paragraph 10.14 of the supporting text in the Core Strategy also confirms that the period of marketing must have ended on a date within the six months prior to the date the planning application was submitted. In the absence of an active and exhaustive marketing exercise, a policy objection would normally arise.

In addition, the applicant has submitted a Property Feasibility Report which suggests that the former milk depot has insurmountable issues with regards to the existing configuration and location which cannot be overcome with a simple refurbishment and therefore no longer fit for purpose. In terms of the latter, it is expected that the submitted Viability Appraisal would generally need to be validated by an independent third party at the developer's expense.

Notwithstanding the above, in the context of the emerging policy in the HBLP2036, the site would lie adjacent, but outside one of the proposed employment areas. As the site is vacant, there would not be a need for the applicant to demonstrate there is suitable and available accommodation for the occupier(s) to relocate. On this basis, it is considered that it would be unreasonable to sustain an objection in the absence of an active and realistic marketing exercise.

Housing Density

Emerging Policy H3 in the HBLP 2036 indicates that development proposals should secure a net density of at least 35 dwellings per hectare. More recently, the NPPF has confirmed that local planning authorities should support development that makes optimal use of each site and refuse applications which they consider fail to make efficient use of land. The outline development proposals would provide for a net density of 156 dph based on a gross site area of 0.5 ha. This would exclude any provision of on-site open space.

Summary

Whilst a policy objection would normally arise in the context of the adopted policy framework, the site is vacant and not proposed for inclusion in one of the established employment areas in the emerging Local Plan. As such, an objection could not be sustained on these grounds.

There are however, various detailed considerations, which need to be taken into account bearing in mind the timescales for the determination of any planning application. Significantly, the applicant is not proposing any affordable housing and the validity of the viability assessment will need to be subject to independent third-party valuation.

Ecology

No objection subject to conditions to secure proposed mitigation

SE Hants Clinical Commissioning Group

Whilst we recognise that not all of the occupants of the proposed dwelling will be new to the area, we make the Heath Care planning assumption that this application will generate up to 179 additional residents (proposed no. of dwellings at 2.4 persons per dwelling).

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

Our estimate of the level of additional demand that will be placed on NHS primary care does not in our view warrant the commissioning of an additional GP surgery. The increased demand will be accommodated by the existing GP surgeries open to new registration requests from people living in the area of the proposed development, however additional capacity within the premises will be required.

The CCG considers that the application should be required to make an appropriate financial contribution to the capital investment that the NHS will make in this regard. Please see below the NHS investment projection that the CCG will consider should the application be granted by the Council;

The proposed contributions formula for developments under 2000 dwellings that we use is:

78 No. of dwellings x 2.4 divided by average list size (1800) x 16 (size of a consultation room (m²) x £375 (cost of rent and other additional expenses with regard to premises) x 20 (number of years expected on a lease)

This means that Fareham and Gosport CCG will be looking for a contribution of £12,480 for planning gain for health.

The South Eastern Hampshire CCG Strategic Estates Plan (2015) identifies Park lane surgery as the primary site for investment and this planning application

Southern Electric

No response

Southern Gas Networks - stage 1

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations

Traffic Management, East Hampshire District Council

It appears that there is insufficient parking space allocated as per HBC Supplementary Planning Document; 0.9 spaces per 1 bed and 1.3 spaces per 2 bed apartment. It also appears that there is no additional space allocated for visitors.

Waste Services Manager

We just need to make sure the service road part of this new development is suitable to accommodate 26ton refuse vehicle for the collection of waste as part of this planning application

Portsmouth Hospitals NHS Trust

Summary:

Planning for the Future

It is evident that the existing, ageing population and future population growth will require additional healthcare infrastructure to enable it to continue to meet the acute and community healthcare needs of the local population.

It is not sensible for the Trust to plan strategies to cope with further population growth on a piecemeal basis. The cost and planning implications of so doing are impracticable. Instead, the Trust has considered the anticipated population and demographic growth across our area and looked at the overall impact of the proposed increased population through an internal process which acts as an anticipated healthcare demand forecasting tool to serve the future healthcare needs of the growing population. This process takes into account the trend for the increased delivery of healthcare both in and out of the hospital and into the community and the impact of an aging population on the provision of acute healthcare.

Current Position

Across England, the number of acute beds is one-third less than it was 25 years ago, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years. The number of emergency admissions is currently at an all-time high.

The Trust's hospitals are now at full capacity and there are limited opportunities for it to further improve hospital capacity utilisation. The Trust is already experiencing difficulty in managing to provide the services in a manner that complies with the Quality Requirements of the NHS. Coping systems already incur some premium rate costs, and even so some penalties are inevitable at current activity levels. This is under address currently, and is requiring diversion of resources, as the current pricing mechanism is not sufficient to cover the costs of the marginal rate increases in activity. There are not sufficient resources, services or space within the existing facilities to accommodate more and sudden population growth created by the development, without the quality of the service as monitored under the standards set out in the Quality Requirements dropping further, and ultimately the Trust facing additional costs and inevitable further sanctions for external factors which it is unable to control.

In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support a maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes. This enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right wards for the treatment of a particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available. Although multiple bed/ward moves increases the length of stay for the patient and is known to

have a detrimental impact on the quality of care. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, sub-optimal care and being put at significant risk.

Appendix 2 details that the Trust's utilisation of acute bed capacity exceeded the optimal 95.26% average in 2016/17 with escalation beds open. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in the population, which does not coincide, with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity and is why there is now a very real need to expand the Trust facilities. Any new residential development will add a further strain on the current acute healthcare system.

The existing infrastructure for acute and planned health care is unable to meet the additional demand generated because of the proposed development. The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase. As a consequence of the development and its associated demand for emergency healthcare there will be an adverse effect on the Trust's ability to provide on-time care delivery without delay, this will also result in financial penalties due to the Payment by Results regime.

The direct impact on the delivery of suitably and safely staffed hospital services, caused by the proposed development

The NHS, in common with public health services in many other countries is experiencing staff shortages. The Trust has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for major trauma and emergency care and diagnostic and elective care. Rising unplanned demand for care in a hospital setting, often paid for at a Premium Cost, has detrimentally impacted on the financial position of the Trust. To ensure the continuing provision of the highest standard of patient care, the need will arise for the Trust to employ both medical and non-medical agency staff where prospective cover arrangements are not in place. Agency staff play a vital role in the NHS, giving hospitals the flexibility to cope with fluctuating staff numbers and helping Trusts to avoid potentially dangerous under-staffing. Agency staff can be cost effective, because they are only hired when needed and don't carry the same longer-term costs, as directly employed staff - such as pensions, sick pay and holiday pay. They are an essential part of the Trust's staffing resources presently and with current vacancy rates any expansion in service will require agency staffing at premium cost. As an NHS Trust we are required to manage the value of agency costs within a threshold set by our NHSI. The Trust needs to ensure that the level of services is delivered as required, by the NHS Standard Contract for Services regardless of the increased demand due to the development. To engage agency staff is the only option to keep up with the required standard.

For the additional acute interventions, the Trust will be required to source additional, suitably qualified agency based staff to work alongside the permanent workforce in order to meet this additional demand, until it is in receipt of CCG funding to enable recruitment of substantive posts to manage the additional demand. The normal funding arrangement is only related to the existing staff levels. It does not include the additional staffing demand required to address the required additional service levels.

The Trust has a duty to provide high-quality care for all and ensure that it is appropriately and safely staffed in order to manage both the unpredictable demand for both emergency as well as required elective care. There is no way to reclaim this additional premium cost for un-anticipated activity. The only way that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality requirements is that the developer contributes towards the cost of providing the necessary additional capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from each dwelling during the first year of occupation and the health care provided by the Trust for all patients would be significantly delayed and compromised, putting the local people at risk.

Impact Assessment Formula

Residents from the area are currently generating significant interventions per head of population per year. This is detailed in full in Appendix 3.

(Development Population x Average Emergency Admission Activity per Head of Population x Tariff x 30% Cost per Emergency Admission Activity (=Total delivery cost)) + (Total Delivery Cost x Trust Pay Costs 30 % x Premium Pay Costs 39 %) = Developer Contribution

This proposed development comprises of 78 dwellings and based on the 2011 Census average household size per dwelling being 2.4 we have calculated that this development will accommodate a population of 183 residents. This means that this residential development will generate 323 interventions for the Trust based on the average calculation above. The consequences of that number of interventions and the costs of them are set out in Appendix 3 The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution, being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for other patients in the Trust's area.

As a consequence of the above and due to the payment mechanisms the Trust is subject to, it is necessary that the developer contributes towards the cost of providing additional designed capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will receive no commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals under the applicable average cost per case payment system and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area. Therefore, the contribution requested for this proposed development of **78 dwellings** is **£94,525.00**. This contribution will be used directly to provide additional services to meet patient demand.

Having considered the cost projections, and phasing of capacity delivery that the Trust requires for this development, it is necessary that the Trust receives 100% of the above figure on the implementation of the planning permission. This will help us to ensure that the services are delivered in a timely manner.

Summary

As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective - to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with the Core Strategy and Annual Monitoring Report.

Officer Comment: This issue is addressed further in part 7 (????) of this report.

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: 31

Number of site notices: 2

Statutory advertisement: 21/12/2018

Number of representations received: 5

Comment	Officer Comment

The new properties will overlook previous tenants on Dunsbury Way, Fullflood road and surrounding.	Addressed in paragraph 7.1 (iii)
The local traffic infrastructure namely heading toward the A3 along Purbrook Way is already congested between 7:30am and 8:30am. Having potentially 78+ vehicles extra to add to this would be chaos.	Addressed in paragraph 7.1 (iv)
There is no parking for visitors to the property, and the Havant Borough Council Supplementary Planning Document also dictates that there should be 0.9 spaces per 1 bed dwelling, 1.3 spaces per 2 bed dwelling and 1.9 spaces per 3 bedroom dwelling the current plan does not allow for this.	Addressed in paragraph 7.1 (iv)
The proposal will cause anti-social activities to take place	The amended plans received with this application have sought to address the concerns raised by Hampshire Police. Furthermore residential development, through a potential subsequent reserved matters application will look in detail at the layout
Adverse impact on the character and appearance of the area, and concerns about vitality of existing neighbouring commercial properties	Addressed in paragraph 7.1 (ii)

7 **Planning Considerations**

- 7.1 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and

the decrease in water quality that would be results of the proposed development.

- 7.2 The Council's assessment as competent Authority under the Habitats Regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to recreational pressure, water quality, loss/degradation of supporting habitats and construction impacts. The planning application was then subject to Appropriate Assessment under Regulation 63. This included a package of avoidance and mitigation measures. The first element of this is a financial contribution based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based. Natural England were consulted on the findings of the HRA.

Recreational Pressure

- 7.3 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water Quality

- 7.4 The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study 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. NE have highlighted that there are high levels of nitrogen input into the water environment at these sites, with evidence that these nutrients are causing eutrophication and that there is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether upgrades to existing waste water treatment works will be sufficient to accommodate the quantity of new housing proposed. The applicant has undertaken a nutrient budgeting assessment for this application.
- 7.5 The Council's adopted Position Statement on Nutrient Neutral Development sets out that for development on agricultural sites, that it would be expected that on-site avoidance and mitigation measures would be used to achieve nutrient neutrality. In this case, this site is used for horse grazing. 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 indicated a willingness to enter into a legal agreement to secure the mitigation packages.

Appropriate Assessment conclusion

- 7.6 The Habitats Regulations Assessment concluded that the avoidance and mitigation packages 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). Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England advised that they concur with the conclusion of the HRA, provided all mitigation measures are adequately secured with any permission. The applicant has indicated a willingness to enter into a legal agreement and appropriate conditions to secure the mitigation packages.

7.7 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) Housing issues/ Affordable Housing
- (iv) Impact upon residential amenity
- (v) Highways, parking and accessibility issues
- (vi) Drainage and flood risk
- (vii) Contamination Issues / Air Quality
- (viii) Ecology
- (ix) Arboricultural impacts
- (x) Archaeology
- (xi) Education
- (xii) Developer Contributions/CIL and S106 requirements

(i) Principle of development

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. There is therefore a presumption in favour of sustainable development, subject to other relevant policy considerations in the Plan.

Loss of Employment

Policy CS2 of the Core Strategy (2011) states that planning permission will be granted for development proposals that prioritise the use of previously developed land for the provision of new floorspace; and safeguard existing employment sites that are not fit for current purpose.

Policy DM3 which is counterpart to this policy makes clear that the development of land or premises currently or last used for B use class employment purposes to non-B use class employment will only be permitted where it has been demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes. An active and exhaustive marketing exercise would normally be required to demonstrate the site is no longer suitable for B use class employment.

Emerging Policy C2 of the Draft HBLP 2036 is also of relevance in terms of the Council's proposed approach to safeguarding B-Class uses. The application site is not defined within one of the established employment areas in the emerging policy.

Paragraph 5.24 of the submitted Planning Statement suggests that the Dairy Crest element of the site ceased trading in 2014, and was actively marketed for approximately 2 years before being acquired by the applicant in 2016. Very limited

detail on the marketing undertaken has been provided. Paragraph 10.14 of the supporting text in the Core Strategy also confirms that the period of marketing must have ended on a date within the six months prior to the date the planning application was submitted. In the absence of an active and exhaustive marketing exercise, a policy objection would normally arise.

The application is accompanied by a Property Feasibility Report which suggests that the former milk depot has insurmountable issues with regards to the existing configuration and location which cannot be overcome with a simple refurbishment and therefore no longer fit for purpose. In terms of the latter, the submitted Viability Appraisal has been considered by an independent third party, which agrees that the property in its current state cannot be overcome with a simple refurbishment and therefore no longer fit for purpose.

Notwithstanding the above, in the context of the emerging policy in the HBLP2036, the direction of travel in this plan, whilst noting it currently has limited weight the site would lie adjacent, but outside one of the proposed employment areas. As the site is vacant, there would not be a need for the applicant to demonstrate there is suitable and available accommodation for the occupier(s) to relocate. On this basis, it is considered that it would be unreasonable to refuse this application in the absence of an active and realistic marketing exercise. As such this proposal will enable a site, which is largely vacant to be regenerated, in a sustainable location and contribute towards the Borough's housing supply.

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

The current application is for outline planning permission with access being the only reserved matter to be determined at this time. The acceptability of the access arrangements will be considered under section (iv) of this report. It is however necessary to give some consideration to the indicative layout for the residential floorspace and proposed density, as it must be demonstrated at this stage that the site can successfully accommodate the extent of development proposed. As has been highlighted in the proposal section, this application has been amended to address concerns raised by the Local Planning Authority. To this regard the following factors have been considered;

The density of residential development

The design and layout of the residential development

The density of residential development

The application seeks 74 No. dwellings which equates to approximately 123 dwellings per hectare. Core strategy Policy CS9 (Housing) states that planning permission will be granted for housing proposals which (amongst other matters) 'Achieve a suitable density of development for the location, taking account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form'.

Supporting text of the Core Strategy paragraph 6.21 provides further guidance stating that:

The density of new housing will depend on its design and appropriateness to its location. As a guide the following minimum density thresholds have been developed using the Havant Borough Townscape, Landscape and Seascape Character Assessment and the levels of accessibility to a range of facilities:

High Density - Minimum of 60 dwellings per hectare

Medium Density - Minimum of 45 dwellings per hectare
Low Density - Up to 45 dwellings per hectare

Under this assessment the density of development can be considered to be within the High Density category.

Paragraph 6.23 makes it clear that 'It is not intended that density requirements should be too prescriptive as it is often a difficult balance between maximising the use of land and reflecting surrounding built character and the amenity of neighbouring residents. This is therefore best assessed through individual planning proposals through the development management process'. The NPPF states that 'To boost significantly the supply of housing, local planning authorities should, (amongst other matters) set out their own approach to housing density. The proposed density of 123 dph is considered to be an appropriate density, given the context of the surrounding residential redevelopment to the north, at the Former Proctor & Gamble Site, and the development on the other side of Dunsbury Way, from the application site.

The design and layout of the residential development

The actual design layout of the development is to be agreed at the reserved matters stage however, indicative amended plans have been submitted as part of the application, to see if the quantum of development can be accommodated within the site.

Vehicular access to the site is proposed from Fulfood Road, which currently has an access to the existing complex. The principle of this access point is considered acceptable. The layout of the building has been developed in an L-shaped form. The indicative plans indicate that the building would largely be four storey in height, with a fifth storey on the corner element of the building. Illustrative street scenes have been submitted to understand how the development would appear in the context of the wider area. Given the character of the surrounding area, which includes four and five storey flatted blocks, the proposed frontage of the flats is considered acceptable in terms of the potential visual impact on the character and appearance of the streetscene and illustrative streetscenes have been provided to demonstrate how the development could appear.

Concerns were raised that the proposal as initially submitted had limited amenity area for residents and the car parking area, located behind the buildings was dominated by hard standing. The amended plans, whilst acknowledging they are indicative, have been amended and have increased the areas of landscaping within this area and including an amenity space area for residents. The National Planning Policy Framework makes clear the Government's continuing commitment to "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion". In relation to crime prevention, the Hampshire Constabulary Crime Prevention Design Advisor (CPDA) has commented on the proposals in detail. However as the layout and landscaping is indicative at this stage, the comments will be addressed at the reserved matters stage.

To the east of the residential area is existing industrial uses. Features will be required in order to provide a physical separation and barrier between the existing employment uses to the east and the residential development. Requirements in terms of the adequate mitigation measures will be secured through appropriate conditions, and through management and maintenance of all common parts would be secured through a S106 Agreement.

Overall the outline illustrative plans are considered to demonstrate that the quantum of

development envisaged in the application can be accommodated on site whilst providing an appropriate and acceptable impact on the character and appearance of the area subject to suitably designed and detailed schemes coming forward at the Reserved Matters stage.

(iii) Housing issues/ Affordable Housing

The proposal would provide for 74 flats. Policy CS9 (Core Strategy) requires development to deliver on average 30-40% affordable housing unless a lesser requirement has been transparently justified on viability grounds. The Housing Officer has confirmed that there is a high need for affordable housing in the Borough.

In this case the application has been submitted with a Viability Assessment which concludes that the only method of bringing forward the site (as encouraged by the NPPF) is to reduce the affordable housing contribution to nil which is justified by the NPPF, CIL Regulations 2010 (as amended), and the RICS Guidance Note 'Financial Viability in Planning'.

The Council has tested the Viability of the scheme independently at the developers expense. This testing has concluded that the lack of affordable housing on site or a contribution is justified on viability grounds. In these circumstances it is considered that the applicant has justified transparently on viability grounds the lack of affordable housing as required by policy CS9. Having an understanding of the changing costs of development a viability review mechanism has been secured within the legal agreement, this enables the costs of the development to be reviewed as development progresses. If the review demonstrates that the Residual Land Value exceeds the benchmark land value then an appropriate affordable housing contribution shall be required.

In terms of the mix of development, whilst this would remain to be determined at the Reserved Matters Stage, the illustrative masterplan indicates the following mix:

Apartments:

1 bed - 40 units

2 bed - 34 units

This mix is considered acceptable meeting the requirements of the area and policy CS9.

(iv) Impact upon residential amenity

There are considered to be two aspects to the consideration of impacts on residential amenities, firstly the impacts on existing residential uses (in particular to the south in Dunsbury Way and to the west in the block of flat on the corner of Dunsbury Way and Bramdean Drive. To the north of the site, on the opposite side of Fulwood Road, lies a two storey detached building, which is used as an office building. To the north west, on the other corner of Dunsbury Way and Bramdean Drive lies a church.

Impacts on existing residential properties

To the south of the site is a Riders Stream, which has mature trees on either side of the embankment, and has a Public Right of Way. The main impacts from the development are the potential for overlooking from flats proposed. The outline proposals show one blocks of flats fronting both Dunsbury Way and Fulwood Road ranging from 4-5 storeys in height. The proposal shows that the southern element of the scheme, facing towards Riders Stream would be 4 stories in height have flank wall facing south. The distance to the closest residential dwelling house is approximately 32m to 220 Dunsbury Way, this property has a flank wall facing towards the

application site. Guidance in relation to appropriate separation distances between properties is provided in the Havant Borough Design Guide SPD 2011. When considering back to back distances (a more direct relationship than to a flank wall) there should be a minimum separation of 20m. This is increased by 4m for each additional storey. The relationship here is 4 storey flats to two storey houses, therefore the minimum separation distance would be 28m and this is clearly exceeded and an acceptable relationship can therefore be achieved. In addition extensive mature trees are located with side of the Riders Stream embankments, which provides further screening.

To the west, on the other side of Dunsbury Way is the existing four storey flatted development, this would be located approximately 34 metres from the development. Given this flat to flat relationship, in combination with the distance taking into account the separation of the highway, it is not considered that the proposed development would have a significant adverse impact on the amenities on the occupiers of these properties.

With regards to the properties to the north and west of the site, comprising the Church and commercial/office building, it is not considered that the development would have a significant adverse impact on these non-residential buildings.

Impacts on future residents

In relation to future residents there are considered to be three main issues, the relationship to the employment site to the north east, the indicative layout of the development and relationships between properties and the adequacy of private or communal amenity spaces.

In the illustrative plans the rear elevations of some of the flats back onto the employment site. The layout includes space for landscaping and an acoustic fence on the northern boundary, which is separated by the vehicular access point into the proposed car parking. It is considered that subject to appropriate design of the mitigation measures that the potential impacts from noise and odours can be suitably managed and mitigated to secure appropriate residential amenities for future residents.

Following concerns raised by the LPA, about lack of amenity space for some of the flats, that did not have access to balconies, the revised plans now propose a shared amenity space alongside the southern boundary. The Council does not have a current Local Plan Policy that allows it to require compliance with particular space standards. Policy H1 is proposed within Draft Local Plan which would secure new housing developments to provide adequate internal and external space to ensure appropriate living environments for future occupiers. The Reserved Matters application would need to provide further details of communal and private space in relation to the proposed flats. In addition small areas of open space and landscaping would provide a setting to the residential units and further communal space. The management of these common parts would be secured through the associated S106 Agreement.

Overall it is considered that the development can achieve the quantum of development whilst having a limited and acceptable impact on existing residential properties. The Reserved Matters stage will finalise the internal layout, however, the illustrative plans are considered to demonstrate that an appropriate residential environment can be achieved in principle for future residents.

(v) Highways, parking and accessibility issues

The application has been submitted with a Transport Assessment and Travel Plan and these have been amended and revised following detailed consideration by the Highways Authority (HCC Highways) and would be secured via the associated S106 Agreement.

There are considered to be two main issues in relation to the highways aspects. The first relates to the suitability of the access points into the site and the suitability of the wider highway network to serve the development and secondly the parking proposed.

Access and highway networks

The proposed access, which is to fixed at this stage is located on Fulflood Road this access point is considered acceptable by the Highways Authority. In terms of the impact on the wider network, modelling in relation to relevant junctions has been carried out. HCC Highways have tested the modelling and this has been refined with further work taking place during the consideration of the application. This demonstrates that the proposal would have an acceptable impact on the wider transport network.

Car and Cycle Parking

Whilst the application is in outline form, the illustrative plans indicates car parking provision. This has been assessed against the Councils Parking Standards SPD.

Residential Parking

The 5 storey flats would require 108 spaces, the illustrative layout proposes 76 un-allocated spaces. The parking standards also require 20% unallocated parking for visitors, which had not been provided. The total parking requirement for the 76 units shown would be rounded up to 129 and the parking standards require 20% visitor parking (21 spaces). As such there is therefore a shortfall in parking as currently shown. It is acknowledged however that this can be addressed in the final Reserved Matters layout. However the applicant has provided justification for this level of parking.

The applicant refers to an appeal decision for the neighbouring Proctor & Gamble site for application 06/51184/053, the applicant identifies that the Inspector considered that noted the site was close to local facilities and was close to bus services to Havant and Portsmouth and this in a sustainable location, with the proposed parking provision of 1 space per flat being considered acceptable. The submitted transport assessment outlines that the site represents a sustainable location which provides good access to public transport and which would facilitate active travel choices. given the location of the site relative to local bus services, retail opportunities and local service, – they would be able to support a more ambitious (i.e.

lower) quantum of parking if spaces were unallocated, and that some consideration is given the exclusion of non residents. Having considered the Transport assessment justification for the level of proposed parking, this is similar to the comments detailed within the appeal Inspectors decision for 06/51184/053. It is considered that the Inspectors decision is a material consideration when considering this application. While the changes to planning policy both locally and nationally over this time are noted, they would not fundamentally change the Inspectors conclusion as set out above, in that the character of the area remains the same, the site is within a sustainable location. Whilst it is acknowledged this is critical as this relates to the site being within a sustainable location, it cannot be argued the site is now not sustainable given the quantum of development that has been undertaken in the intervening period.

The concerns of the Traffic Team are noted, however no imperial evidence of highway issues, from the surrounding development has been provided, which has the same level of parking as this proposed development. As such the proposed car parking arrangement remains unallocated. The sites acceptability of being a sustainable location and as such being able to provide a lower quantum of car parking seems to be encouraged both through the internal consultees and the direction of travel within the NPPF. Moreover the site to the north which is subject to the appeal was considered to be within a sustainable location. As such the scheme, through the submitted justification, it is considered that the lower quantum of parking than the SPD, given the sustainable location of the site and that through the reserved matters application the suggested recommendations within the travel plan would help ensure the proposal helps to promote and encourage the opportunities for sustainable development is acceptable.

Taking all these factors together with regard to impact on the highway and parking provision, it is considered that given the sustainable location of the site, that in this situation the provision of the car parking proposed is considered acceptable and the development would not have a significant adverse impact on the highway network.

(vi) Drainage and flood risk

There are two main aspects in relation to drainage, surface water and foul water. The site is in Flood Zone 1 (low flood risk), the Riders Stream, which is adjacent to the southern boundary is in flood zones 2 and 3.

Surface Water

With regard to surface water it is important to note that the current site is brownfield with industrial buildings and car parking covering much of the land. The current proposal would result in more open land especially in relation to garden areas which would help to mitigate run off. The submitted indicative drainage strategy essentially proposes three surface water drainage runs to serve the development. These would link to attenuation tanks of differing capacity and release water in a controlled manner to the existing watercourse. There would also be petrol interceptors to prevent pollution to watersources.

The proposed surface water drainage scheme has been considered by the Local Lead Flood Authority, the Environment Agency, and Southern Water. Subject to conditions in particular requiring detailed designs, contamination requirements and maintenance (secured via S106 obligations) the approach to surface water drainage is considered to be acceptable.

Foul Drainage

Southern Water can provide foul sewage disposal to service the proposed development. Southern Water have requested a preoccupation condition in respect of foul sewage, to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development". When considering the matter of planning conditions Government guidance on the use of planning conditions is clear that they should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted. In this regard the matter of foul sewage connections is

directly controlled by the Water Acts. Applying the principle of avoiding dual regulatory control it is not necessary for the planning system to impose a condition on this matter when it should be dealt with properly through the Water Acts. In that context it should be noted that there is a right of connection for new development and this will be applied for in the usual way by the developer, and the relevant discussions with Southern Water can take place at this time.

Furthermore, it is also pertinent to note that this is a significant brownfield site within the urban area and, as such, Southern Water should have made allowance for its capacity in its previous and current operations. In conclusion on this matter it will be resolved between the developer and Southern Water through the Water Acts, as noted as above.

(vii) Contamination Issues / Air Quality

Contamination issues have been considered in detail by the Council's Environmental Control Officer, the Environment Agency, and Southern Water. The site's historic use means that there are multiple potential point source / release points for contaminants at the site that at this stage have not been investigated in detail, which the Ground Investigation Report recommends are subject to a further phase of intrusive work. It is anticipated that further assessment & /or remediation will be secured prior to commencement of significant groundworks at the site (including access roads and infrastructure). A series of detailed conditions are required to address the potential contamination issues.

Potential contamination to water sources is a particular concern as the site is located within a Source Protection Zone SPZ1c. There are particular concerns with regard to potential pollution to watercourses and these are addressed by the imposition of conditions for example in relation to piling, and foundations together with SUDs features. A suite of conditions are recommended to address these issues.

In relation to Air Quality, an Air Quality Assessment has been submitted in relation to the development and this has been assessed by the Council's Environmental Control Officer. The assessment is favourable and it is recognised that the quantum of development is acceptable in principle. The Reserved Matters stage provides an opportunity to provide a high quality development.

(viii) Ecology

In relation to ecology, the application has been accompanied by an Extended Phase 1 Ecology. The application has been considered in detail by the Council's Ecologist and Natural England. The Council's Ecologist has confirmed that the site is unremarkable from an ecological point of view. Bat surveys of one of the buildings has confirmed no emergences or re-entries and therefore it is concluded that roosting bats are not present within the site. The proposed ecological enhancements are proposed to be secured through condition.

(ix) Arboricultural impacts

The site has been extensively covered with buildings and car parking areas such that the significant trees are located mainly around the southern boundary of the site. The Council's

Arboriculturalist has considered the proposed development and arboricultural submissions and confirmed that there are no objections subject to conditions to secure relevant information and protection measures in the Reserved matters application.

(x) Archaeology

The site is located in an area of low archaeological potential and appears to have been heavily impacted by previous modern development, as such there are no archaeological issues.

(xi) Education

The County Children's Services Department have confirmed that they will not be seeking a contribution from this development for either primary or secondary school places.

(xii) Developer Contributions/CIL and S106 requirements

This is an outline application so CIL is not chargeable. A liability notice will be issued at Reserved Matters Stage or if a replacement full application is subsequently received.

Portsmouth Hospitals NHS Trust have requested contributions be secured towards the cost of providing additional designed capacity for the trust to maintain service delivery during the first year of occupation of each dwelling to bridge the lag of funding from other sources in response to the direct impact on, and cost to their acute healthcare services as a result of additional pressure placed on the service by residents of this development. Using a cost / dwelling tariff a contribution of £94,525 is sought. It should be noted that the contribution is for revenue rather than capital investment. As such, it is sought on a different basis to that for Primary Care. Whilst the pressure of new development on the service is recognised, this is not unique to Havant Borough and is applicable to the Trusts wider catchment area. All new housing development will place pressure on the service. However, pressure on healthcare services is not limited to a simple rise in population but also the changing nature of the population, including its aging nature. It is considered that this pressure should be assessed and planned for at a strategic level (and not on a site by site basis) based on forecast housing growth within the catchment of the Trust. It is considered that this important issue should be addressed at a strategic level and contributions are not secured as part of this development.

The S106 Agreement accompanying this Outline Planning Application secures the following:

Financial Contribution for the Solent Recreation Mitigation Strategy Contribution

Other Matters:

SUDS - management and maintenance

SUDS Bond

Viability Review mechanism

Common Parts

Management and Maintenance

Management Plan

8 Conclusion

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT OUTLINE CONSENT** for

application APP/18/01109

subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004
- 3 No development hereby permitted shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of that phase of the same [herein called "the reserved matters"] have been submitted to and approved in writing by the Local Planning Authority. -
 - (i) The reserved matters:
 - (a) Appearance, to include external appearance, materials, decoration, lighting, colour and texture;
 - (b) Landscaping including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, formation of banks or other earthworks, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels; and also the intended timing of completion of the landscaping works
 - (c) Layout;
 - (d) Scale, to include height, width and length of each building.
 - (ii) Other matters:
 - (e) The finished levels (above ordnance datum) of both the ground floor of the proposed buildings(s) and the surrounding ground levels;
 - (f) Tree protection including an Arboricultural Impact Assessment, Arboricultural Method Statement, and Tree Protection Plan which shall include an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the tree(s) to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree;
 - (g) The arrangements to be made for the future maintenance of landscaped and other open areas;
 - (h) The alignment, height and materials of all walls and fences and other means of enclosure;
 - (i) The provision to be made for the storage and removal of refuse

from the premises;

- (j) Measures for security and crime prevention;
- (k) The provision to be made for external lighting within the site; Such details shall include, Location, height, type and direction of light sources and intensity of illumination.
- (l) Vehicular and cycle parking (including secure cycle parking)
- (m) Measures to protect the public sewers,

The development shall be implemented in full accordance with the approved details.

Reason: To secure orderly development.

- 4 No development shall take place until a Construction Traffic Management Plan plans and particulars specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access
- (ii) the turning of delivery vehicles
- (iii) provisions for removing mud from vehicles
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development.
- (vi) construction traffic routes and their management and control
- (vii) adequate provision for addressing any abnormal wear and tear to the highway
- (viii) a programme for construction.

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used as such.

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

- 5 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation based on the proposals outlined within the

Ridge & Partners Report Ref: 5003415v2.0 (Oct 2018); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- o appropriately considered remedial objectives,
- o an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- o clearly defined proposals for mitigation of the identified risks.
- o

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action. All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site &/or to the quality of controlled waters in the vicinity of the site.

- 6 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 5 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site &/or to the quality of controlled waters in the vicinity of the site

- 7 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the Local

Planning Authority in consultation with the Environment Agency and Portsmouth Water. Any piling, if proposed, must be undertaken in accordance with the terms of the approved piling method statement.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Therefore, penetrative foundation methods have the potential to impact on the underlying groundwater and thus the Havant and Bedhampton Springs public water supply. This condition is therefore necessary 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.

- 8 In the event that contamination is found at any time when carrying out the approved development which was not previously identified, development shall stop on that part of the site affected by the unexpected contamination and it shall be immediately reported in writing to the Local Planning Authority. An additional investigation and risk assessment shall be undertaken and where remediation is necessary, a remediation scheme shall be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: Having due regard to Policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, contamination may be present within brownfield areas of the site that could pose a risk to future occupants and water pollution.

- 9 No development shall take place until the following matters have been submitted to and approved in writing by the Local Planning Authority:

1. Details of the finished floor levels (FFLs), ensuring that FFLs are raised with an appropriate freeboard allowance above the 1 in 100-year flood event, plus an allowance for climate change to ensure the development is flood resilient.
2. Details showing that exceedance flows from the site can be safely managed as stated in Section 5.7.1 in the FRA Part 1.

The development shall be carried out in accordance with the above details (1 & 2), and in accordance with the submitted Flood Risk Assessment (FRA) (ref 5003415 'Flood Risk Assessment & Drainage Strategy JLL - Dairy Crest Depot, Havant' 12 April 2018) and the mitigation measures it details.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is required in accordance with Section 9 of

the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011

- 10 Prior to the occupation of the development a Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. This shall include full details of the mitigation that has been installed and demonstrated through post validation testing. This report is to confirm the expected noise levels within the proposed dwellings have been achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. Any required mitigation measures shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development hereby permitted shall not be occupied until:
- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
 - (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 12 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be

maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

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

Plans

Site Location Plan 1100 Rev: A

Proposed ground floor plan 1201 Rev: E - which shows the approved access

Other documents

Ecological survey Phase I Ecological Survey - May 2017, prepared by Ecosupport limited

Flood Risk Assessment (FRA) (ref 5003415 'Flood Risk Assessment & Drainage Strategy JLL - Dairy Crest Depot, Havant' 12 April 2018

Contamination Desk Top Study report - produced by Ridge & Partners Report Ref: 5003415v2.0 (Oct 2018);

Noise Assessment - September 2018 version 1.0 prepared by Mayer Brown

Framework Residential Travel Plan - Project No. 5003415 - DLM No.

5003415-RDG-XX-ST-DOC-C-0004

Transport Statement - prepared by Ridge Project No. 5003415 - DLM No.

5003415-RDG-XX-ST-DOC-C-0003

Utilities Statement - Project No. 5003415 - DLM No.

5003415-RDG-XX-ST-DOC-C-002.

Reason: - To ensure provision of a satisfactory development.