
Site Address:	Land adjacent Woodcroft School, off Woodcroft Lane, Waterloooville		
Proposal:	Variation of Condition 10 of Planning Permission APP/19/00339 altering the timing of the footpath link to the west from 'prior to occupation' to 'prior to practical completion of entire site'.		
Application No:	APP/19/01183	Expiry Date:	02/03/2020
Applicant:	Mr Mike Wootton Exbury Homes Ltd		
Agent:	Mrs Sarah O'Brien Exbury Homes Ltd	Case Officer:	Daphney Haywood
Ward:	Hart Plain		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site, which measures approximately 1.39 hectares and previously formed part of the Woodcroft School site, is located to the north of the Borough of Havant. The County Council applied for and was granted S.77 Consent under the Schools Standards and Framework Act 1998 to dispose of surplus playing field land by the Department of Children, Schools and Families on 05/08/2011. The Milton Road Local Shopping Centre is situated approximately 200 metres to the east while a greater range of shops is available in the Cowplain District Centre located on London Road approximately 1.2 kilometres to the south east.

Situated to south and west of Woodcroft Primary School, the development site is overlooked by the southern façade of the refurbished school. The School campus itself separates the site from Woodcroft Farm, identified as a Strategic Site in the Havant Borough Local Plan (Core Strategy) 2011. The south-western part of the surplus School land was safeguarded for the road access to serve the Strategic Site, which has now been constructed and runs from Eagle Avenue. To the south and west is the residential development of Wecock Farm, while to the north lies the community of Lovedean.

The site which is accessed from Woodcroft Lane lies in a primarily residential area.

2 Planning History

09/59532/002 - Conversion of the existing 3 form entry junior school building into a 1 form entry primary school, with the demolition of the existing 3 form entry infant school and playground for the construction of a grass playing pitch. , PERM,07/04/2009
APP/15/00538 - Consultation by Hampshire County Council for change of use from a paddock to a grass playing field., RNO,19/06/2015

APP/15/01235 - Outline application for residential development for 43 residential dwellings with access off Woodcroft Lane and emergency access off Eagle Avenue with all other matters reserved., PERM,05/08/2016

APP/19/00281 - Reserved matters application following Outline Planning Permission
APP/19/00339 - Variation of Condition 3 of Planning Permission APP/15/01235
relating to wording to be amended from provision of replacement layby to be approved
and provided prior to commencement of development, to prior of first occupation.
PERM 29/8/19 APP/15/01235 relating to appearance, landscaping, layout and scale
for residential development for 43 residential dwellings with access off Woodcroft
Lane and emergency access off Eagle Avenue., not yet determined

3 Proposal

Variation of Condition 10 of Planning Permission APP/19/00339 altering the timing of
the footpath link to the west from 'prior to occupation' to 'prior to practical completion
of entire site'.

condition 10 reads:-

No development shall commence until details of the emergency link and footpath link
to the west, including details of the road crossing point, have been submitted to and
approved in writing by the Local Planning Authority. The approved details shall be
implemented in accordance with the approved plans prior to occupation of any dwelling
unless otherwise agreed by the Local Planning Authority.

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.

The footpath will provide a pedestrian link between the application site and the access
road serving the Woodcroft Farm residential development.

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

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)
CS20	(Transport and Access Strategy)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

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

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

5 Statutory and Non Statutory Consultations

Hampshire Highways

Initial comments

To ensure the timely delivery of the footpath link, the Highway Authority is unwilling to agree to a Deed of Variation which would see the footpath delivered only once the site has been fully constructed. Instead, the Highway Authority would be willing to accept a variation which would see the link implemented prior to occupation of the 30th dwelling.

Further comments

I think a condition will still be necessary, I would be happy to base it on the suggestion of the developer. Such as - Prior to the on-site highway works being completed to the satisfaction of the LPA in conjunction with the Highway Authority the footpath link to Eagle Avenue will be completed and available to the public to enter and leave the site at all times.

Landscape Team, Havant Borough Council

From a landscape perspective we have no adverse comments in relation to this application.

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: 54

Number of site notices: Not applicable.

Statutory advertisement: 13/12/2019

Number of representations received: 0

7 Planning Considerations

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Additionally, the development of the site for residential purposes has been established by the existing extant planning permission. The only change to the proposed development relates to the footpath link to the west, and as such the matters for consideration are:

- (i) Form of development and impact upon the character and appearance of the area
- (ii) Highway considerations and Impact upon residential amenity

(i) Form of development and impact upon the character and appearance of the area

There would be no change to the character of the area as it is only the timing of the link which is proposed to be changed.

(iii) Highway considerations and Impact upon residential amenity

The applicants have advised that the reason for the variation to the condition is that the link cannot be utilised by the general public until all site works are practically complete due to public safety walking through a building site. Furthermore, Engineering and technical approval need to take place between the applicant and Linden(Woodcroft Farm developer) and Highways to redesign the footpath link as the current designs do not tie in together due to site levels.

HCC Highways have advised that *To ensure the timely delivery of the footpath link, the Highway Authority is unwilling to agree to a Deed of Variation which would see the footpath delivered only once the site has been fully constructed. Instead, the Highway Authority would be willing to accept a variation which would see the link implemented prior to occupation of the 30th dwelling.*

The applicant has advised:-

due to the phased nature of the build contract the footpath link will be completed before all of the building works are complete. This seems pointless as it could not be used whilst works are ongoing in that part of the site. If a timing condition needs to be imposed then perhaps instead HCC should link it to the Section 38 road going into maintenance, i.e. that the provision of the link is one of the pre-conditions to the Part 2 Certificate from HCC. That would remove the need for a timing element to the condition and give control to HCC Highways.

The applicants comments have been forwarded to HCC, and subject to a condition requiring the completion of the footpath link to Eagle Avenue prior to completion of the highway works HCC raise no objection .

In respect to residential amenity the footpath runs through the site so it would not be safe for the public to use until all the units have been built.

8 Conclusion

Subject to a condition tying in provision prior to completion of the highway works permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01183 subject to the following conditions

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of permission APP/15/01235 and the development must be begun not later than whichever is the later of the following dates: (a) The expiration of three years from the date of approval of APP/15/01235 or (b) The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The approval of the Local Planning Authority shall be obtained in respect of the following reserved matters before the development first takes place - the appearance; landscaping; layout; and scale.

Reason: The application is granted in outline only under the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

- 3 The development shall not be first occupied until the replacement layby parking has been provided in accordance with details approved under reserved matters application APP/19/00281. The approved parking shall be retained and maintained thereafter unless otherwise agreed by the Local Planning Authority.

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.

- 4 No development shall be carried out until details have been submitted to and approved in writing by the Local Planning Authority in respect to:-

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

Reason: To safeguard the amenities of the locality and/or 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 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development shall take place until all trees and hedgerows that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, fences or other means of enclosure at the road junctions shall be set back to the sight lines shown on the approved drawing and these visibility splays shall be kept free of obstruction.

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

- 8 No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course.

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

- 9 The dwellings hereby permitted shall not be occupied until plans and particulars specifying the provision to be made for external lighting of the same and the type of street lighting including calculations, contour illumination plans and means to reduce light pollution for that phase has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved. The approved details should be adhered to at all times.

Reason: To safeguard the amenities of the locality and having due regard to policy CS16 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No development shall commence until details of the emergency link, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans prior to occupation of any dwelling unless otherwise agreed by the Local Planning Authority.

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.

- 11 The development hereby permitted shall not commence until the new sports facilities shown within the land edged red and blue on drawing numbered E1653-L-104, identified on planning permission APP/15/00538, have been constructed and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The development shall be constructed in accordance with the submitted Phase 1 Environmental Assessment dated August 2019 (reference CCL03230.CJ58) approved under reserved matters APP/19/00218.

Reason: In the interests of ecology and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 The development shall be constructed in accordance with the submitted Arboricultural Impact Assessment dated 4th July 2019 (reference D1859AIAa) approved under reserved matters APP/19/00281.

Reason: To prevent damage to retained trees and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 The footpath link to the west shall be completed to the written satisfaction of the Local Planning Authority in conjunction with the Highway Authority prior to completion of the Section 38 highway works.

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.

- 15 The development shall be carried out in accordance with the submitted Materials Schedule dated 29th July 2019 approved under reserved matters APP/19/00281. The development hereby permitted shall be completed in accordance with the approved specification.

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

- 16 The landscaping works shown on the approved Landscape Strategy Plan DD275L01G approved under reserved matters APP/19/00281 shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

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

- 17 The materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, shall comprise Pricketts Autumn Blend bricks and Close boarded 1.8m high fencing in accordance with the approved Landscape Strategy Plan DD275L01G approved under reserved matters APP/19/00281. The development hereby permitted shall be completed in accordance with the approved specification.

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

- 18 The surfacing of all open parts of the site proposed to be hardsurfaced shall comprise:-

Adopted highway and pavements – Black Terram
Private Roads and driveways – Block paving – Charcoal / Natural edgings
Slabs and private pathways – Marshall Saxon – Buff .

The development hereby permitted shall be completed in accordance with the approved specification.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough

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

Location Plan 1002-DF

Proposed site plan 2001DF RevG

Section 38 agreement Plan received 2 Dec 2019

Phase 1 Section 278/38 Highways Works received 2 Dec 2019

And the following plans approved under APP/19/00281

AMENDED HOUSE TYPE ELEVATIONS 17053 - 3001 F, 4001C,
4002C, 4003C, 4004D, 4005C

MIX FLATS - ELEVATIONS- 17053 - 4007A

FLOOR PLANS - 17053- 3001F, 3002D, 3003D, 3004D, 3005D,
3007C

Our Ref: APP/19/00281

LANDSCAPE STRATEGY PLAN DD275L01G

MATERIALS SCHEDULE DATED 29 JULY 2019.

Reason: - To ensure provision of a satisfactory development.