

Dated 15th October 2015

PORTSMOUTH CITY COUNCIL (1)

and

THE COUNCIL OF THE BOROUGH OF HAVANT (2)

and

HAMPSHIRE COUNTY COUNCIL (3)

AGREEMENT

under Section 106A of the Town and County Planning Act 1990
relating to development on land at

Dunsbury Hill Farm, Havant in Hampshire

THIS DEED is made the *1st* day of *October* 2015

BETWEEN

- (1) **PORTSMOUTH CITY COUNCIL** of Civic Offices Guildhall Square Portsmouth ("the Owner") and
- (2) **THE COUNCIL OF THE BOROUGH OF HAVANT** of Public Service Plaza Civic Centre Road Havant Hampshire ("the Council") and
- (3) **HAMPSHIRE COUNTY COUNCIL** of The Castle Winchester Hampshire SO23 8UJ ("the County Council")

WHEREAS:

- 1 The Council and the County Council are the local planning authorities for the purposes of the Act for the area within which the Land is situate and are the local planning authorities entitled to enforce the obligations contained in the Original Agreement
- 2 The County Council is the highway authority for Hampshire (save for trunk roads and special roads) and the transport authority for Hampshire for the purposes of the Transport Acts of 1985 and 2000 for the area within which the Land is situate
- 3 The Owner is the freehold owner of the Land registered at Land Registry under Title Numbers HP94806 (part title) and SH28597 (part title)
- 4 A Section 106 agreement, further referred to in this Agreement as "the Original Agreement" relating to the Land dated 19 February 2014 pursuant to Section 106 of the Act was made by the Owner (1) the Council (2) and the County Council (3)
- 5 On 1 July 2015 the New Application was submitted to the Council by the Owner
- 6 This Deed is conditional upon planning permission being granted pursuant to the New Application
- 7 Without prejudice to the terms of the other covenants contained in the Original Agreement the parties have agreed to vary the terms of the Original Agreement as set out in this Deed

- 8 The parties have agreed to enter this Deed with the intention that the obligations contained in this Deed may be enforced by the Council and the County Council against the Owner and its successors in title
- 9 This Deed is made under Section 106A of the 1990 Act and is supplemental to the Original Agreement

NOW THIS DEED WITNESSES AS FOLLOWS:

1 DEFINITIONS

In this Deed and in the Original Agreement so far as the context requires the following expressions shall have the meanings shown following:

- 1.1 "Deed" means this Deed of Variation
- 1.2 "Land" means the area so described in the Original Agreement
- 1.3 "Permission" means the planning permission granted by the Council to the Owner pursuant to Planning Permission reference APP/12/00338 dated 19 February 2014
- 1.4 "New Application" means the planning application submitted to the Council by the Owner given reference number APP/15/00732 comprising an application to vary Condition B6 of planning permission APP/12/00338 to increase the proportion of B8 floorspace permitted from 12,356 square metres to 18,534 square metres
- 1.5 "New Permission" means any planning permission granted by the Council pursuant to the New Application
- 1.6 "Original Agreement" means the Section 106 Agreement dated 19 February 2014 relating to the Land

2 INTERPRETATION

- 2.1 For the purposes of this Deed "Owner" shall mean the party so identified at the beginning of this Deed and its successors in title
- 2.2 All references in this Deed to clauses in the Original Agreement are to clauses within the Original Agreement
- 2.3 The clause headings in this Deed are for reference only and do not affect its construction or interpretation

- 2.4 References to clauses and Schedules are to the clauses and Schedules of this Deed unless stated otherwise
- 2.5 A reference to a paragraph is to the paragraph of the Schedule in which the reference is made, unless stated otherwise
- 2.6 Words importing one gender include any other genders and words importing the singular include the plural and vice versa
- 2.7 A reference to a person includes a reference to a firm, company, authority, board, department or other body and vice versa
- 2.8 Unless this Deed states otherwise, any reference to any legislation (whether specifically named or not) includes any modification, extension, amendment or re-enactment of that legislation for the time being in force and all instruments, orders, notices, regulations, directions, byelaws, permissions and plans for the time being made, issued or given under that legislation or deriving validity from it
- 2.9 References to the Site include any part of it
- 2.10 References to any party in this Deed include the successors in title of that party and any references to the Council include any successor local planning authority exercising planning powers under the 1990 Act
- 2.11 References to "including" means "including, without limitation"
- 2.12 Any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing
- 2.13 Where two or more people form a party to this Deed, the obligations they undertake may be enforced against them all jointly or against each of them individually
- 2.14 If any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of the Deed shall be unaffected

3 EFFECT OF THIS DEED

- 3.1 This Deed is agreed pursuant to Section 106A of the Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.
- 3.2 To the extent that they fall within the terms of Section 106 or 106A of the Act, the obligations contained in this Deed and the Original Agreement are planning obligations for the purposes of Section 106 and 106A of the Act and are enforceable by the Council against the Owner
- 3.3 To the extent that any of the obligations contained in this Deed and in the Original Agreement are not planning obligations within the meaning of the Act they are entered into pursuant to Section 111 of the Local Government 1972, Section 1 of the Localism Act 2011 and all other enabling powers

4 VARIATION TO THE ORIGINAL AGREEMENT

- 4.1 The parties hereby agree that the Original Agreement shall remain in full force and effect and that the Owner may Commence Development in whole or in part subject to complying with the terms of the Original Agreement and the conditions attached to the Permission save as the same may be varied from time to time or by the provisions of this Agreement
- 4.2 The terms and provisions of the Original Agreement shall enure for the benefit of the land in relation to the New Permission to the full extent as applied to the Development on the Original Agreement and by the terms of this Deed for such time as the New Permission remains in full force and effect
- 4.3 On grant of any New Permission Schedule 10 appended to this Deed shall replace Schedule 1 of the Original Agreement

5 REGISTRATION AS A LOCAL LAND CHARGE

- 5.1 This Deed shall be registered as a local land charge

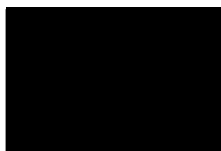
6. COMMENCEMENT

This Deed shall take effect on the date that the New Permission is issued by the Council.

IN WITNESS of which this document has been duly executed as a Deed and delivered on the date stated at the beginning of this document:

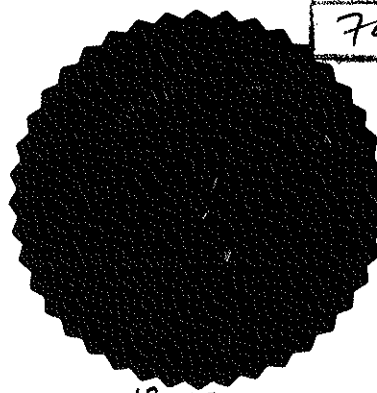
EXECUTED as a DEED by affixing THE
COMMON SEAL of **PORTSMOUTH CITY
COUNCIL** in the presence of:

AUTHORISED OFFICER



EXECUTED as a DEED by affixing THE
COMMON SEAL of **THE COUNCIL OF THE
BOROUGH OF HAVANT** in the presence of:

AUTHORISED SIGNATORY

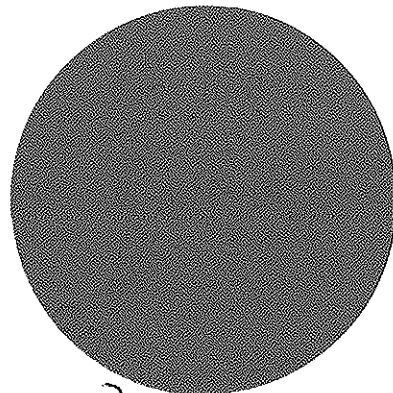


SEAL REGISTRY No.
74795

13089

EXECUTED as a DEED by affixing THE
COMMON SEAL of **HAMPSHIRE COUNTY
COUNCIL** in the presence of:

AUTHORISED OFFICER



36/6213

Schedule 10

New Permission



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Havant
BOROUGH COUNCIL

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For: Mr Ball
Portsmouth City Council

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Grant of Planning Permission**

Application Number: APP/15/00732

Site Address: Dunsbury Hill Farm, Park Lane, Cowplain, Waterlooville

Proposal: Variation of Condition B6 of Planning Permission APP/12/00338 to change the maximum B8 floorspace from 12,356 square metres (20%) to 18,534 square metres (30%).

Further to your application received on 01 July 2015, Havant Borough Council, as Local Planning Authority,

A) Grants Full Planning Permission for only the following part of the above proposal as described:

A new access link road with bus gate to Woolston Road; together with landscaping, infrastructure and associated works

This permission is subject to compliance with:

- (i) Part of the plans and other documents submitted with regard to your application, which relate to the development as described at (A) above and;
- (ii) Conditions A1-19 and C4-5 below:

and;

B) Grants Outline Planning Permission for only the following part of the above proposal as described:

Development for employment uses and a hotel with conference facilities; together with landscaping, infrastructure and associated works.

This permission is subject to compliance with:

- (i) Part of the plans and other documents submitted with regard to your application, which relate to the development as described at (B) above and;
- (ii) Conditions A1-19 and B1-11 below:

Conditions:

Conditions A1 – A19 apply to the entire development site

(all land within the red line shown by the drawing 'Planning Application Site Boundary - Figure 1.2')

1 A1: Landscape, Open Space and Ecology Strategy and Habitat Creation Area details

Unless otherwise approved in writing by the Local Planning Authority, development shall only be carried out and shall be permanently managed and maintained in accordance with the documents below which were approved under APP/14/00270 & APP/15/00478:

- i) Landscape, Open Space and Ecology Strategy plan 1569-1009 Rev 1, terrafirma, April 2015
- ii) Dunsbury Hill Farm Landscape Management Plan, terrafirma, April 2015
- iii) Habitat Management & maintenance Plan (Link Road and Associated infrastructure phase), Atkins, February 2014

and unless otherwise approved in writing by the Local Planning Authority a review of these documents and details shall be submitted to and approved in writing by the Local Planning Authority within four years of the date of the approval of the last approved version of the document.

Reason: To ensure satisfactory comprehensive and high quality development and proper planning of the area and to safeguard ecology, including protected species having due regard to policies CS11, CS16, CS18 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012 and in view of the likely length of the development period, to ensure that any refinements needed are made to reflect changed circumstances or new information or best practices.

2 A2 SUDS Masterplan

Unless otherwise approved in writing by the Local Planning Authority, the development shall be carried out in accordance with the Sustainable Drainage (SUDS) Masterplan and supporting technical information approved under application APP/15/00478, which includes:

- a) measures to attenuate flows on the site so as not to exceed the greenfield run-off rate of 3.4 l/s/ha from the site, calculated in accordance with the relevant standard (currently Institute of Hydrology 124 with appropriate pro-rata adjustment to reflect the site area), and
- b) proposals tested against 1, 30 and 100 year return periods, and
- c) proposals tested for a 100 year + 30% climate, and
- d) detention basins (where relevant) designed in accordance with the method prescribed in the Flood Risk and Drainage Assessment submitted with the outline application, and
- e) design parameters of the SUDS masterplan which address its construction, use and maintenance in light of local hydrology, land use, the impact and use of physical site features, resulting benefits to the community & the environment, and future operation (both economic & maintenance),

f) An explanation of how sustainable drainage for the Access Link Road Corridor and Reserved Matters Areas are to be interconnected and designed not to exceed the greenfield run-off rate of 3.4 l/s/ha from the site.

g) Details of future SUDS management and maintenance arrangements including proof of adequate financial provision and a named body responsible for management plus production of a detailed management plan.

The development shall only be carried out in accordance with this Masterplan and supporting technical information and all surface water SUDS drainage shall be permanently managed and maintained in accordance with the management and maintenance arrangements and provisions approved under part g of this condition.

Reason: To ensure the provision of a satisfactory comprehensive sustainable drainage system to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having due regard to policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

3 A3. Phasing Plan & Schedule

Prior to the commencement of any development hereby approved a phasing plan and schedule shall be submitted to and approved in writing by the Local Planning Authority to show how the full development of the site is to be carried out in numbered phases, and this plan and schedule shall be updated as phases are subsequently divided, subdivided or amalgamated and each updated version shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan and schedule and any updated version shall include all of the following information:

- i) The location of each phase
- ii) The quantum of the development of each phase (size of the site or floorspace of buildings)
- iii) Any elements of Sustainable Drainage (SUDS) to be provided within each phase and how these will connect to other drainage downstream or upstream of each phase with a timetable for the provision of drainage relative to each phase
- iv) The provision of access to each phase, including any phased provision of the Access Link Road, the bridge over Hermitage Stream, bus gate (including vehicle turning space), bus stops and shelters, paths and cyclepaths and other new access roads, with a timetable for the connection of the Access Link Road to Woolston Road and for the provision of access roads relative to each phase
- v) A timetable for the provision of ecological mitigation and provision of new habitat relative to each phase
- vi) A timetable for the provision of a Habitat Creation Area
- vii) A timetable for the provision and completion of open space and landscaped areas, including publicly accessible open space relative to each phase

Development shall only be carried out in accordance with the approved phasing plan, schedule and timetable or any approved updated version unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a co-ordinated and comprehensive form of development in which interdependent elements of the overall development are planned for and timetabled. It also allows flexibility by means of updating of these phases and timetabling as detailed plans for the site emerge. This is important in delivering a high quality and properly planned form of development having due regard to policy CS18 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework 2012.

4 **A4. Environmental Impact**

The development hereby approved shall be in broad conformity with the Environmental Statement which forms part of the current application.

Reason: To ensure that the impacts of development and mitigation are broadly in accordance with the Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

5 **A5. Materials**

Construction of each building or structure shall not commence until samples and details of all external materials and any surfacing (including semi-permeable materials) have been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in the construction of each building, structure or surfacing work.

Reason: In the interests of the amenities of the locality and having due regard to policies CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

6 **A6. Means of enclosure - PD Restriction along Access Road, Park Lane and frontages**

No means of enclosure shall be erected along any frontage with the principal access road (the Access Link Road as shown by Figure 4.5 contained within the Environmental Statement Volume 2 – Drawings, dated March 2012), or any frontage onto Park Lane or any frontage onto other access roads and paths throughout the development area, unless details have first been approved in writing by the Local Planning Authority. This condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any Order amending, revoking or re-enacting that Order.

Reason: To control enclosures in prominent locations and where highway visibility may also be important, in order to ensure a high quality form of development and in the interests of safety, to accord with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

7 **A7 Landscaping - Implementation**

All landscaping for each phase of development shall be completed, in full accordance with detailed landscaping schemes as shall first be approved under conditions B3 & C3 of this notice of permission, prior to the occupation of each such phase or during the first planting season immediately following occupation. Any tree or shrub planted or retained as part of any such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and CS18 of the Havant Borough Local Plan (Core Strategy) 2011 Framework and National Planning Policy Framework March 2012.

8 A8. Hermitage Stream Restoration – Details

Unless otherwise agreed in writing by the Local Planning Authority the proposed restoration of Hermitage Stream shall be carried out in accordance with the scheme approved under application APP/15/00676 which includes the following features:

- i. Full details of channel design, including but not limited to, details of channel alignment, marginal zones, bed material and any proposed features such as pools and riffles.
- ii. Proposed cross sections and a long section.
- iii. Details of flow alterations.
Detailed calculations confirming that the restoration scheme and bridge over Hermitage Stream will not increase flood risk to the Dunsbury Hill Farm site or off-site areas.
- iv. Details of proposed planting scheme.
- v. Implementation details for the construction methodology
- vi. Details of future maintenance regimes.

The Stream shall be permanently managed and maintained in accordance with the detailed maintenance regime approved under this condition.

Reason: To ensure that the proposed river restoration is carried out and in a way that contributes to nature conservation value and contributes to the outcomes of the Water Framework Directive, having due regard to policies DM8, CS11, CS15 & CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL7 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012.

9 A9. Hermitage Stream – Buffer

ii) Prior to the commencement of development of that part of the site to the east of the Park Lane bridleway (FP 123) a scheme for the provision and management of a sufficient buffer zone alongside Park Lane Stream shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved schemes i) and ii) and any subsequent amendments which are first agreed in writing by the Local Planning Authority. The buffer zone scheme shall be kept free from built development including lighting, and formal landscaping, unless otherwise approved in writing by the Local Planning Authority. The schemes i) and ii) shall include:

- a. Plans showing the extent and layout of the buffer zone.
- b. Details of any proposed planting scheme.
- c. Details demonstrating how the buffer zone will be protected during development and permanently managed and maintained including proof of adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason: To protect the ecological value of the Hermitage Stream & Park Lane Stream in the long term, especially where there is the opportunity to restore the heavily modified

channel to a natural state in accordance with the outcomes of the Water Framework Directive, having due regard to policies DM8, CS11, CS15 & CS16 of the Havant Borough Local Plan Core Strategy 2011, and policy AL7 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012.

10 **A10. Tree Protection**

Prior to the commencement of each phase of development a full Tree Protection Plan for that phase must be submitted to the LPA for approval, (unless agreed otherwise in writing by the Local Planning Authority)

No development including site clearance shall commence on the site until all trees not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing, the extent of which shall first be agreed in writing with the Local Planning Authority. Such fencing shall conform to the following specification in accordance with BS5837 2012.: Trees in relation to construction shall be of a minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.

Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

11 **A11. Environmental Management During Construction**

Prior to the commencement of each phase of development a Construction Environment Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority including:

- a. Site management conforming to Environmental Statement, air quality, suppression of dust, control of noise & vibration, protection of water quality, waste management plan, wheel washing, hours of work
- b. Traffic management, routing, delivery hours, frequency, site manager / banksman,
- c. Identify specific responsibilities and enforcing agencies (not only Planning Authority)

Each phase of development shall only be carried out fully in accordance with the Construction Management Plan for that phase unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate and minimise the impacts of development in accordance with the Environmental Statement submitted with the application and having due regard to policies DM8, DM10, CS18 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL1 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and National Planning Policy Framework, March 2012

12 **A12. Contractor parking on site.**

Prior to the commencement of each phase of development, including any related site clearance, a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of each phases of development, all such temporary parking provision shall be provided and used only as such.

Reason: In the interests of highway safety and to safeguard the amenities of the locality and and having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

13 **A13. Site compound & Storage**

Prior to the commencement of each phase of development , including any related site clearance, plans and particulars specifying the provision to be made for a material storage compound shall be submitted to and approved in writing by the Local Planning Authority. The approved compound shall be available prior to the commencement of any building works and throughout the contract period for each phase and no materials shall be stored anywhere else on the site unless otherwise agreed in writing by the Local Planning Authority. This condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or and Order revoking or re-enacting that Order.

Reason: To mitigate and minimise the impacts of development in accordance with the Environmental Statement submitted with the application, to control pollution, to safeguard the amenities of the locality and having due regard to policies CS16, CS18 CS20, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

14 **A14. Contaminated land – scheme**

Prior to the commencement of each phase of development a scheme to deal with the risks associated with contamination of that part of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority.

vii. A desk study identifying:

- a. All previous uses
- b. potential contaminants associated with those uses.
- c. a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

viii. A site investigation scheme based on previous investigation reports, for the purpose of provide informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.

ix. The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of the remediation measures required and how they are to be undertaken.

x. A verification report shall be prepared on completion of the remediation

measures set out in (3) confirming that measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The approved scheme shall be implemented prior to development of each phase commencing on site and shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent future site users, and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas, and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM17 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and National Planning Policy Framework, March 2012.

15 **A15 Contaminated land – mitigation**

If, during development of any phase, contamination not previously identified on site is found to be present, no further development of that phase shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be implemented and fully adhered to prior to works recommencing on site .

Reason: To ensure that potential risks from unanticipated land contamination to the future users of the land are minimised, together with those to property. To ensure that the development can be carried out safely without unacceptable risks to workers, and having due regard for policies and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM17 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and National Planning Policy Framework, March 2012.

16 **A16 Archaeology - investigation & management.**

No development hereby permitted shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been first submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved programme of archaeological work and scheme of investigation.

Reason: The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011, and National Planning Policy Framework, March 2012.

17 **A17 Ecology – Dormice**

Prior to the commencement of any development activities, fully-detailed dormouse mitigation, compensation and enhancement measures for shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall be broadly in accordance with the measures detailed within Chapter 15 of the 'Dunsbury Hill Farm Environmental Statement Volume 1' (Atkins, March 2012) and the 'Dormouse Mitigation Strategy Technical Note' (Atkins, August 2013) and will include (but not necessarily be restricted to) such matters as: location, extent and timing of vegetation loss; location, extent and composition of habitat creation; location of mitigation features such as nest boxes. The development shall only be carried out in accordance with the approved details and mitigation, compensation and enhancement measures, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard protected species and having due regard to policy CS11

of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

18 A18 Ecology – Bats

Prior to the commencement of any development activities a detailed scheme of bat mitigation measures shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details shall be broadly in accordance with the outline mitigation, compensation and enhancement measures detailed within Chapter 15 of the 'Dunsbury Hill Farm Environmental Statement Volume 1' (Atkins, March 2012) and the 'Phase 2 Bat Survey' report (ECOSA, August 2013) and will include (but not necessarily be restricted to) such matters as: results of updating Phase 1 and Phase 2 bat roosting and activity surveys; assessment of likely impacts to roosting, foraging and commuting bats; measures for the enhancement of the site for bat species (e.g. protected/enhanced flight routes, new roosting opportunities etc.). The development shall only be carried out in accordance with the approved mitigation measures unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard protected species and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

19 A19 Approved Plans

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

Plan Number	Title	Date of revision
Figure 1.2	Planning Application Site Boundary	March 2012
5099849/TP/LP/101 Rev B	Location Plan Overview	4.11.11
Figure 4.5	Access Road and Link Road	March 2013
Figure 5.8 – Rev A	Indicative Masterplan	January 2013
5099849/TP/GA/101 Rev C	General Arrangement (sheet 1 of 4)	16.3.11
5099849/TP/GA/102 Rev B	General Arrangement (sheet 2 of 4)	4.11.11
5099849/TP/GA/103 Rev D*	General Arrangement (sheet 3 of 4)	4.11.11 (*Issue date 10.12.12)
5099849/TP/GA/104 Rev C*	General Arrangement (sheet 4 of 4)	4.11.11 (*Issue date 10.12.12)
5099849/TP/GA/102 Rev A	Long Sections M001 & M002 (Main Development Alignment)	4.11.11
5099849/TP/XS/101 to 5099849/TP/XS/112 (All Rev A)	Cross Sections (Sheets 1-12)	4.11.11
5099849/TP/BR/101 Rev D*	Bridge General Arrangement	4.11.11 *but this version issued to Local Planning Authority by email Ecologist's 23 rd August 2013
HW1852/4354	Potential Pedestrian/Cycle Route.	15 January 2014
5099849/TP/LP/0009 Rev	Tree Survey Plan 8	15.8.11

A		
5099849/TP/LP/0010 Rev A	Tree Survey Plan 9	15.8.11
5099849/TP/LP/0008 Rev A	Tree Survey Plan 7	15.8.11
5099849/TP/LA/0001 Rev A	Tree Survey Key Plan	23.8.11
5099849/TP/LA/0004 Rev A	Tree Survey Plan 3	23.8.11
5099849/TP/LP/0007 Rev A	Tree Survey Plan 6	15.8.11
5099849/TP/LP/0006 Rev A – Draft	Tree Survey Plan 5	15.8.11
5099849/TP/LP/0009 Rev A	Tree Survey Plan 4	15.8.11
5099849/TP/LA/0002 Rev A	Tree Survey Plan 1	23.8.11
5099849/TP/LA/0003 Rev A	Tree Survey Plan 2	23.8.11
	Arboricultural Report	March 2012
	Correction to application form question 18 – Floorspace figures	July 2012
	Design and Access Statement	March 2012 but the Indicative Masterplan corrected by figure 5.8 – Rev A dated January 2013
	Environmental Statement Volume 1 Including Appendices: 2.1, 2.2, 2.3, 10.1, 11.1, 13.1 and 15.1 – 15.10 Environmental Statement Addendum	March 2012 June 2015
	Environmental Statement Volume 2 – Drawings	March 2012 but the Indicative Masterplan Figure 4.4 corrected by Figure 5.8 – Rev A dated January 2013 and Figure 15.2 amended by Summary of Mitigation Strategy - Figure 15.2 - Rev A received by the Local Planning Authority by Ecologist's email 23rd August 2013
	Environmental Statement Volume 3 – Technical Appendices (and Appendices 15.1 – 15.10)	March 2012
Rev 2.0	Flood Risk Assessment	2.9.11
	Planning Statement	March 2012
	Sustainability Statement	March 2012
Transport Assessment	March 2012	

Rev 1.0	Transport Assessment Addendum	15 January 2013
Ecology – additional information:		
	Dormouse Mitigation Strategy – Technical Note	23 August 2013
	Phase 2 Bat Survey – ECOSA Ltd.	August 2013
Figure 15.2 – Rev A	Summary of Mitigation Strategy	Dated March 2013 but this version issued to Local Planning Authority by Ecologist's email 23rd August 2013

Reason: - To ensure provision of a satisfactory development.

Conditions B1 – B11 apply only to the Outline Application Area (within the red line shown by the drawing 'Planning Application Site Boundary - Figure 1.2' but not including the area within the red line shown by the drawing 'Access Junction and Link Road - Figure 4.5' which is contained in the 'Environmental Statement Volume 2 – Drawings')

20 **B1. Time limit**

The development comprising employment uses, a hotel and conference facilities hereby permitted shall be begun before the expiration of 7 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 Town and Country Planning Act 1990 CPA 1990 as amended.

21 **B2. Submission of Reserved Matters**

Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 10 years from the date of the grant of this planning permission.

Reason: To comply with Section 92 Town and Country Planning Act 1990 CPA 1990 as amended.

22 **B3. Reserved Matters**

Approval of the details of the following aspects of the development, **hereinafter called "Reserved Matters"** shall be obtained from the Local Planning Authority in writing before each individual phase of development is commenced:

3. access, (with the exception of the access road corridor for which full permission is granted by this permission)
4. the layout of the development
5. the scale of the development;
6. the appearance of the development
7. the detailed landscaping scheme for the site, including provisions for open space, including publicly accessible open space, and ecology.

The development shall only be carried out in accordance with the approved Reserved Matters.

Reason: In order to secure a satisfactory form of development and having due regard to policies of the Havant Borough Local Plan (Core Strategy) 2011, including CS2, CS11, CS16, CS18, CS19, DM1, DM8, DM10, DM11 & DM14, and Policies AL1 and AL5 of the Havant Borough (Allocations) Document (Publication Version) October 2013 and National Planning Policy Framework, March 2012.

23 **B4. Other Matters - strategic documents**

No building or other structure shall be erected in the Outline Application Area pursuant to this permission until the following 'Other Matters' have been submitted to and approved in writing by the Local Planning Authority.

- a. Design Code and Signage Strategy
- b. Public Realm Strategy

Furthermore no building or other structure shall be erected in the Outline Application Area pursuant to this permission within 30 metres of the Park Lane bridleway (FP 123) until a Park Lane Visual Framework document has been submitted to and approved in writing by the Local Planning Authority.

These documents shall be substantially in accordance with the Design and Access Statement dated March 2012 and the Environmental Statement, (including mitigation measures) also dated March 2012, which were submitted with the planning application. These documents shall be substantially in accordance with the Design and Access Statement dated March 2012 and the Environmental Statement, (including mitigation measures) also dated March 2012, which were submitted with the planning application and unless otherwise approved in writing by the Local Planning Authority, a review of each document shall be submitted to and approved in writing by the Local Planning Authority within four years of the date of the approval of the last approved version of the document.

The development shall only be carried out in accordance with the documents approved under this condition.

Reason: In order to maintain a satisfactory comprehensive and high quality development and proper planning of the area and having due regard to policies CS11, CS16, CS18 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012 and in view of the likely length of the development period, to ensure that any refinements needed are made to reflect changed circumstances or new information or best practices.

24 **B5. Submission of 'Other Matters'**

Application for approval of each reserved matters for new buildings, structures or uses of land pursuant to this permission shall be accompanied by information and plans concerning the following other matters, unless otherwise agreed in writing by Local Planning Authority,

- a. Details of parking including provision for non-car modes
- b. Details of delivery and vehicle turning space
- c. Levels of existing and proposed ground and buildings
- d. A sustainability statement detailing measures to ensure that development attains the BREAM 'excellent' standard

- e. Provision for waste storage and recycling
- f. Measures for the reduction of crime risk
- g. Details of lighting, (including access roads if subject of a particular reserved matters application)
- h. A noise assessment for any development for General Industrial purposes (Class B2) or Storage and Distribution purposes (Class B8).

Reason: To ensure satisfactory high quality development and proper planning of the area and having due regard to policy CS18 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012

25 **B6. Range of Uses**

The development hereby approved shall not exceed the following totals,:

a) 61,779sqm comprising a range of uses within Classes B1, B2, B8 of the Use Classes Order 1987 as amended. Furthermore the B8 component shall not exceed 30% of this floorspace (18,534sqm)

and

b) Up to 5574sqm comprising an hotel with conference facilities.

Reason: To ensure that development can provide for a range of business and employment opportunities, including knowledge based businesses and a quality hotel with conference facilities, in accordance with policy CS18 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL1 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012.

26 **B7. No Residential Use**

Notwithstanding the provisions of the Section 55 of the Town and Country Planning Act or Town and Country Planning (Use Classes) Order 1987 as amended, or the Town and Country Planning (General Permitted Development) Order 1995, as amended or any Order amending, revoking or re-enacting either of those Orders, none of the development hereby approved shall be used for any residential purpose whatsoever, without the prior written approval of the Local Planning Authority.

Reason: In light of the temporary changes to the Town and Country Planning (General Permitted Development) Order 1995 as amended, contained in SI 2013/1101, to ensure that this strategic business and employment allocation and development is implemented in accordance with policy CS18 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL1 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012, and because the development is subject to Environmental Impact Assessment procedures, in which the impacts and mitigation have been based on the range of uses applied for.

27 **B8. Provision & Retention of access parking, turning and loading areas.**

All vehicular access roads and site accesses, parking, turning and loading areas serving each building or premises pursuant to this permission, shall be constructed prior to the occupation of each such building or premises and thereafter kept permanently available for access, parking, turning or loading purposes respectively, unless the Local Planning Authority gives prior written approval for any variation

Reason: To ensure that adequate provision is made and retained for access, parking,

turning and loading in the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

28 **B9 Provision of Access Roads Within the Outline Application Area**

Prior to the commencement of each phase of development within the Outline Application Area plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same for that phase, shall be submitted to and approved in writing by the Local Planning Authority. All roads shall be constructed to an adoptable standard and the implementation and making up of the same shall be completed in full accordance with such plans and particulars as are thus approved by the Authority and in accordance with the timetable approved as part of the phasing plan and schedule under condition A3 (iv) of this permission.

Reason: To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

29 **B10. Drainage Plans and Information**

Prior to the commencement of each phase of development within the Reserved Matters Area:

i) Details of foul water drainage along with written confirmation of the agreement of Southern Water shall be submitted to, and approved in writing by, the Local Planning Authority, and

ii) Sustainable surface water drainage (SUDS) scheme with supporting technical information shall also be submitted to and approved in writing by the Local Planning Authority to explain how the scheme is in conformity with the SUDS Masterplan and supporting technical information approved under condition A2 of this notice of permission. Unless otherwise approved in writing by the Local Planning Authority, each SUDS scheme shall include a change scenario (i.e. information showing that alternative drainage solutions and their impact have been tested),

and

iii) Details of the timing for the provision of the surface water SUDS scheme and foul water drainage,

and

iv) Details of future SUDS management and maintenance arrangements including proof of adequate financial provision and a named body responsible for management plus production of a detailed management plan.

Each approved foul water plans and surface water SUDS drainage shall be fully implemented, in accordance with the approved timing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Furthermore all surface water SUDS drainage shall be permanently managed and maintained in accordance with the management and maintenance arrangements and

provisions approved under this condition

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure that the access bridge will not increase flood risk to the site or to off-site areas and to ensure that there is sufficient foul water drainage capacity within the sewage network to deal with the waste water supply from the site having due regard to policies CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

30 **B11 Details of floodlighting and external lighting to be approved**

No floodlighting shall be installed within the development unless it has been either been agreed as part of the Lighting Strategy under condition 4b 3 of this notice of permission or has been submitted to and approved by the Local Planning Authority. Such details shall include, location, height, type and direction of light sources and intensity of illumination. The approved lighting scheme shall be fully implemented and adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the landscape, bats and residents close to the site occupiers from light disturbance and having due regard to policies DM10 CS11, CS16 and CS18 of the Havant Borough Local Plan (Core Strategy) and National Planning Policy Framework, March 2012.

Conditions C4 and C5 apply only to the Full Application Area (within the red line shown by the drawing 'Access Junction and Link Road - Figure 4.5' which is contained in the 'Environmental Statement Volume 2 – Drawings')

31 **C4 Construction of Hulbert Road Access**

The vehicular access to Hulbert Road and the first 40 metres of the Access Link Road eastward of Hulbert Road shall be constructed prior to the commencement of any other part of the Access Link Road, unless the Local Planning Authority gives prior written approval for any variation. The access shall thereafter be kept permanently available to serve development at the site.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL5 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012.

32 **C5 Bus gate – provision**

The bus gate shall be installed prior to the connection of the Access Link Road to Woolston Road, unless the Local Planning Authority gives prior written approval for any variation. For the sake of clarity, this condition shall not apply to the provision of any temporary cycle and/or pedestrian only connection to Woolston Road.

Reason: In the interests of highway safety and the amenities of the area having due regard to policies DM13 and CS16 and CS18 of the Havant Borough Local Plan (Core Strategy) 2011, and policies AL1 and AL5 of the Submission Version of the Havant Borough Local Plan (Allocations) December 2013, and the National Planning Policy Framework 2012.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act,

Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Development Control Service at the Plaza or by telephoning 023 9244 6015.
- (4) This permission was granted subject to a deed of variation dated September 2015 to the planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 19 February 2014 and a which requires:

ASDA Roundabout - financial contribution and provision of land
Workplace Travel Framework
Workplace Travel Framework monitoring contribution
Workplace Travel Plans and Site Wide Co-ordinator
Highway Works - Provision of off-site works
Highway Works - Provision of access link road and related drainage and adoption
Highway Works - Provision of A3(M) crossing, or
Highway Works - Provision of payment for A3(M) crossing
Provision of temporary site access
Management of the land
Management company - to be approved by Havant Borough Council
Open Space - to be provided
Employment and Skills Plan
Provision of path between Hermitage Stream and Park Lane bridleway
Provision of land and access for paths to south and east of site
Provision of path linking to A3(M) crossing
ASDA Roundabout - arrangements for mitigation land

- (5) Phasing (Condition A3)

As development progresses and phases are completed, further updated versions of the Phasing Plan & Schedule will only need to refer to remaining phases.

- (6) Phasing of Sustainable Drainage (Conditions A3 (iii), B10 & C2 f & g)

Regarding Condition A3 (iii) it is important that sustainable drainage features are designed to cater for appropriate volumes of water and, where they are to be connected to other parts of the drainage system, that these connections are made and management arrangements put into place at the appropriate time in order to ensure that flows from the site do not exceed the Greenfield run-off rate. This should be reflected in the Sustainable Drainage Masterplan (Condition A3) and described in detail in each of the applications under Conditions B10 and C2. Any soakaways should be designed and constructed to the standard BRE 365.

- (7) Phasing - Landscape, Open Space and Ecology (Conditions A1 & A3)

It is recognised that as the development of individual phases or areas within the site are gradually completed, it is likely to become unnecessary for details of completed areas to be included in further reviews of the Landscape, Open Space and Ecology

Strategy Document, which can then be limited to the undeveloped areas. This approach can be agreed in writing with the Local Planning Authority at that time using the provision: "*unless otherwise approved in writing by the Local Planning Authority*", which is included in Condition A1.

(8) Drainage - Environment Agency (Conditions A2, A4, A11, A15, B3, B10 & C2).

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination. Please refer to the Environment Agency groundwater policies in Groundwater Protection: Principles and Practice (consultation draft 2011 - final version due July 2012), available from the Agency's website:

<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>.

This sets out the Agency's position for a wide range of activities and developments, including waste management, discharge of liquid effluents, land contamination and drainage.

The applicant is advised that the prior written permission of the Environment Agency is required for any works that are in, over, under or within 8 metres of a main river (Hermitage Stream). Consent will therefore be required for the river restoration works, the access bridge and any other infrastructure (e.g. outfalls/roads) within the 8 metres byelaw width.

The applicant is further advised that the culverting of non 'main river' watercourses will also require consent. Culverting of non 'main river' watercourses will only be approved where all other alternatives have shown to be unviable. The consenting of non 'main river' watercourses is now dealt with by the Lead Local Flood Authority (LLFA), in this case Hampshire County Council. The applicant is advised to contact Adam Collier (tel. 01962 845518, email. Adam.Collier@hants.gov.uk) to discuss the LLFA's position on culverting.

If any further advice is required on consenting issues please contact the Environment Agency, on telephone number 01962 764897.

(9) Foul & Public Sewers (Conditions B3, B10 & C2)

The Exact location of foul sewer crossing site must be identified pre-finalisation of development. No works will be permitted within 5m of centreline. Suitable layout should be determined pre-development. A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688 / 0845 2780845), or www.southernwater.co.uk

(10) Ecology and Habitat Creation (Conditions A1, A3, A17 & A18)

The Landscape, Open Space and Ecology Strategy and Habitat Creation Areas Ecology Strategy required at by Condition A1 should include habitat mitigation, compensation and enhancement for bats and dormouse (including details of bat commuting/foraging), consistent with the details required by conditions A17 and A18 and habitat mitigation, compensation and enhancement for invertebrates.

It is recommended that details of ecological mitigation and the habitat creation area should include the type and extent of new planting, focusing on the use of native species, of local provenance (further information about what plants to use can be found at the Natural England web site:

<http://www.nhm.ac.uk/nature-online/life/plants-fungi/postcode-plants/index.html>. Details

of the treatment of site boundaries and buffers around water bodies should also be included. Methods of new habitat creation and establishment, and management and maintenance responsibilities should be described both for the habitat creation area and any other new and retained habitat.

It is strongly recommended that new planting and habitat creation should be undertaken at the earliest possible time, in order to accrue early ecological and visual mitigation of the development.

Your attention is drawn to the provisions of the Conservation (Natural Habitats &c) Regulations 1994 which makes it an offence to deliberately capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It may be possible to obtain a licence from Natural England if the loss of a protected species cannot be avoided. For further advice about licences you can contact Land-Use Operations Team Natural England, Cromwell House - 2nd Floor, 15 Andover Road, Winchester SO23 7BT

(11) Wildlife & Countryside Act 1981

Your attention is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended by Countryside and Rights of Way Act 2000) which relates to the protection of nesting birds. Any felling or lopping of trees, tree surgery, or ground clearance affecting nesting birds during the months between April and September may be in contravention of that Act. You are advised to contact Natural England on 0300 060 3900 for further information.

(12) Tree Felling (Conditions B3 & C2)

Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice. Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission. You are advised to explore the requirement for a felling licence with the Forestry Commission in relation to this application. Full details can be found at: <http://www.forestry.gov.uk/forestry/INFD-6DFK86>

(13) Highways (Conditions B8, B9, C3 & C4)

Before undertaking any work which effects a public highway (including a footpath) you must obtain specific written approval from the Highways Manager, Hampshire County Council Highways (Havant) at the Public Service Plaza, Civic Centre Road, Havant, PO9 2AX. This requirement applies not only to the creation of new vehicle access involving excavation within a footway, verge or carriageway, but also to the stopping of existing access(es), the connection to existing or new foul and surface water sewer involving excavation within the public highway or the construction of new boundary walls and foundations immediately alongside the public highway.

A road traffic regulation order (TRO) is likely to be needed as part of the highway works to form access to Hulbert Road and Woolston road. The applicant should contact the Traffic Management Engineer, Parking & Traffic Management Team, Public Service Plaza, Civic Centre Road, Havant PO9 2AX. 02392 446433. Should roads within the development remain unadopted it would also be possible to introduce a TRO on unadopted roads, with the consent of the land owner, and enforce this under contract with the managing agent of the site, for an annual fee .

For works affecting the Park Lane bridleway (FP123) or other public rights of way

please contact Hants County, Rights of Way office

For works affecting the A3M and junctions thereto please contact the Highways Agency, Federated House, London Road, Dorking PH4 1SZ.

(14) Access for People with disabilities. (Conditions B3, B4 & B5)

Your attention is drawn to the provision of the Equality Act 2010 and Part M of the Building Regulations relating to access for the disabled. If you require further advice regarding the implications of the above legislation, please contact the Council's Equality Officer on 023 9244 6007

(15) Hants Fire & Rescue Service. (Conditions B3, B8 & B9)

Your attention is drawn to the provisions of Sections 12 & 13 of the Hampshire Act 1983 relating to access for the Fire and Rescue Service. A copy of the Act can be viewed at www.legislation.gov.uk/ukla/1983/5/pdfs/ukla_19830005_en.pdf. Access roads should comply with Section 17 of Building Regulations Document B. Approach roads should be of a hard surface at least 3.7 metres wide, gateways at least 3.1m wide. Roads, manholes and service pits to support 12.5 tonne vehicles. Turning facilities will be needed where dead ends exceed 20m length. Inclusion of Automatic Water Suppression Systems (AWSS) within buildings is recommended as part of a total fire protection package.

(16) Layout (Conditions A19 & B3)

The layout of the Indicative masterplan is not binding upon the final layout provided there is broad accordance with the Environmental Statement, Parameter Plans and material planning considerations.

(17) Range of Uses (Conditions B3 & B6)

Reserved Matters applications for B1, B2 & B8 uses should include report, explaining how each proposal would satisfy business needs and deliver employment in accordance with Havant Borough Local Plan (especially policy CS18) and National planning policies. The inclusion of small scale facilities for food and drink, child care and possibly a small retail facility should be considered at an appropriate phase of development, provided that these are designed only meet the immediate needs of the business park.

(18) Reduction of Crime risk. (Condition B5 (f))

The applicant is advised to consider the following as part of the reduction of crime risk:

- i) The document: "Safer Places the Planning System and Crime Prevention"
- ii) Provision of direct access routes, shared between users, routes which are overlooked
- iii) Measures to prevent use of paths and the bridleway by motor cycles/motor vehicles
- iv) Robust boundary treatments where needed with limited (preferably single) points of access
- v) Sensitive designed lighting
- vi) CCTV and associated signage
- vii) The achievement of 'Park Mark' accreditation for car parking areas

Further advice can be obtained from the Hampshire Crime Prevention Design Advisor.
Hampshire Constabulary
Tasking and Co-ordination Directorate, Fratton Police Station, Kingston Crescent, North

(19) Waste management (Conditions A11 & A13)

It is a legal requirement under the provisions of the Site Waste Management Plans Regulations 2008 to have a site waste management plan (SWMP) before construction begins on all new construction projects worth more than £300, 000. The level of detail the SWMP should contain depends on the estimated build cost, excluding VAT. Further information can be found at www.netregs-swmp.co.uk

(20) High Pressure Gas Pipeline (Conditions B3 & C2)

The High pressure pipeline in the vicinity of the proposed development is of prime importance to local gas supplies. . There is an easement of 3m either side of the pipe, controlling matters such as addition or removal of surface levels and new structures. There is also a Building Proximity Distance (BPD). For zone 1 the BPD is 8 metres (Note: HSE consultation zones 2 & 3 are considerably greater). This is a safety factor for habitable buildings, calculated using diameter, material, wall thickness and pressure of the pipeline. It must be declared to the HSE under Pipeline Safety Regulations 1996. Any intrusion into this zone must be risk assessed.

Any road crossings will require calculations to prove that no additional stresses will be incurred on the pipeline; a design showing the roadway in relation to the pipeline; and method statements will have to be agreed with SGN before it goes ahead.

Compliance is required with the following:

- 1) No mechanical excavation is allowed within 3 metres.
- 2) No plant or storage of equipment shall be made within any easement strip.
- 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
- 4) All precautions stated in publication T/SP/SSW22 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SSW22 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- 5) No thrust boring shall take place within three metres of the pipeline.
- 6) All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity"
- 7) Before commencing work on site you must contact our Pipeline Maintenance Section on 0141 4184093 at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.
- 8) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.

9) This pipeline is cathodically protected and as such has test cables located in surface boxes, were these to be lost through this work we would look to you for remedial action at no cost to SGN.

10) Intrusive construction methods will require an agreed method statement prior to work starting.

11) Please ensure these conditions, together with any relevant drawings are forwarded for use by the construction personnel of your works.

(21) Working Hours - during construction (Condition A11)

As part of the CEMP which is to be agreed it is recommended that development operations in areas which are likely to impact upon residents should take place only between the hours of 0730 and 1800 hours on Mondays to Fridays, 0800 and 1300 on Saturdays and not at all on Sundays and all recognised public holidays.

(22) Overhead Cables

For works near overhead cables contact please contact SSE. Portsmouth Depot, Walton Park, Walton Road, Portsmouth PO6 1UJ.

(23) Working With The Applicant

In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

3 Offering a pre-application advice service, and

3 Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

3 You sought and were provided with pre-application advice,

3 You were updated about issues after the initial site visit,

3 Your application was acceptable subject to completion of a deed of variation to the S.106 Agreement 19 February 2014.

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager