

3 Proposal

Variation of Condition 3 of Planning Permission APP/15/01235 relating to wording to be amended from provision of replacement lay by prior to commencement of development, to provision prior to first occupation.

Condition 3 requires the replacement lay by to be provided prior to commencement of development. The applicant has stated that this requirement will lead to the lay by being used by the public in the confines of an active building site and their safety consultant has advised that this will not only put the public at risk but will almost certainly lead to a breach of Health and Safety Legislation. The details of the lay by required by Condition 3 form part of the road design within the Section 38/278 Highway agreements and the proposed amendment involves the temporary loss of one car parking space during the construction phase up to first occupation.

Given the nature of the change relating solely to the timing of the parking lay by for the school, a nutrient assessment not required.

Application APP/15/01235 was the subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 2 August 2016 in respect of Affordable Housing, Management of Common Parts, Sustainable Drainage and associated bond, Solent Recreation Mitigation Project Contribution, Employment and Skills Plan, and Traffic Regulation Order funding. The S106 is worded such that a deed of variation is not required to secure these requirements as they will carry forward to the current S73 application.

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

As the applicant appears to be offering the temporary loss of one car parking space during the construction phase up to first occupation I confirm the Highway Authority have no objection to this proposed variation of condition 3 of permission APP/15/01235.

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: 55

Number of site notices: 2

Statutory advertisement: Yes

Number of representations received: 0

7 Planning Considerations

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 lay by, and other than condition 3, all conditions as previously imposed would still be required. As such the matters for consideration are:

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

(i) Form of development and impact

The form of development and impact were assessed under application APP/15/01235 and found to be acceptable subject to conditions which included for a replacement lay by to be provided prior to commencement of work, The current application would retain the existing lay by, with the exception of one parking space during the construction works, with the replacement lay by being provided prior to occupation. The headings below consider the impact of the proposed change.

(ii) Impact upon residential amenity

During construction the proposal would result in a reduction in one space from the length of the existing lay by, and whilst this will add to pressure on the availability of parking spaces especially during school drop off and pick up times, the impact is

temporary until the replacement lay by is provided, and is not considered to be so great as to result in significant detriment to amenity.

(iii) Highway considerations

The replacement lay by is proposed to be located adjacent the new access road near the junction with Woodcroft Lane. In this location all vehicles entering the site, including those for construction and delivery purposes would need to pass the lay by, resulting in potential conflict. The Highways Officer has assessed the proposal and advises that as the application proposes the temporary loss of only one car parking space during the construction phase up to first occupation, the Highway Authority has no objection to this proposed variation to condition 3 of permission APP/15/01235.

8 Conclusion

The application is considered acceptable and approval is recommended, subject to conditions as previously approved.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00339 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 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 to be submitted to and approved in writing by the Local Planning Authority. The approved parking shall be retained and maintained thereafter unless other wise 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 take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(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 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.
- 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 No development shall commence until the proposed ecology mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing 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 CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 No development shall commence until a Arboricultural Impact Assessment and Method Statement has been submitted and agreed in writing by the Local Planning Authority. The proposed works shall be carried out in accordance with the approved details.
Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough

Local Plan (Core Strategy) 2011 and National Planning Policy Framework.

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

Location Plan 1002-DF

Proposed site plan 2001DF RevG

General Arrangement Proposed Highway Access; Dwg ref: 502728/SK1, Rev D - dated May 2012.

General Arrangement Proposed Emergency Access; Dwg ref: 502728/SK3, Rev A - dated May 2012.

Reason: - To ensure provision of a satisfactory development.