
Site Address: Land at the rear of 2-56, Blendworth Crescent, Havant
Proposal: Variation of Condition Nos 12 (ecology), 14 (landscaping) and 15 (approved plans) of Planning Permission APP/16/00464 (Construction of 48 dwellings comprising 20 houses and 28 flats with associated landscaping, car parking, bin and cycle storage) to allow for a relocation of the foul pumping station to the south western corner of the site.

Application No: APP/17/00454

Expiry Date: 10/08/2017

Applicant: Mr Legg

Portsmouth City Council

Agent: Mr Kennett

Case Officer: Steve Weaver

Kenn Scaddan Associates Ltd

Ward: Battins

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site comprises a 1.17 hectare parcel of land located to the rear of properties in Blendworth Crescent and Stockheath Lane, Leigh Park. The site is of an irregular shape tapering to the south eastern corner. The site is bounded by housing to the north, east and west and to the south by Trosnant Infant and Junior schools. Prior to the development activity currently taking place at the site, it was previously public open space in the form of open grassland and is identified as a housing allocation site within the Havant Borough Local Plan (Allocations) 2014.
- 1.2 The site is enclosed by existing built form on all sides and is relatively flat, with a gentle slope down into the southwestern corner. It previously had little vegetation of note within the centre of the site, however along the western boundary lay a belt of bramble/scrub which formed a buffer to the western boundary with Stockheath Lane properties and which was identified as a 'bat corridor' in the previous application. In the course of construction works at the site this belt of vegetation was removed (it had no statutory protection), the implications of which are discussed in the report below. Consequently the boundary treatment to this area now principally comprises a standard 1.8 - 2.0m high close boarded fence. There are a number of mature trees located around the site edges, one of which lies adjacent to the western boundary where the hedge/scrub vegetation has been removed.
- 1.3 Running through the centre of the site is a culverted water sewer with a 4 metre easement. The site is within a flood zone 1 and there is low to moderate potential for unidentified archaeological deposits.

2 Planning History

- 2.1 APP/16/00464 - Construction of 48 dwellings comprising 20 houses and 28 flats with associated landscaping, car parking, bin and cycle storage. (Request to Discharge Condition No.s 2, 3, 4, 5, 6, 8 and 9 of Planning Permission APP/16/00464 (29.09.16), PERM,29/09/2016
- 2.2 This original planning permission anticipated the installation of a foul water pumping

station within the main body of the development in the western part of the site, linked via a rising main to the main foul sewer in Blendworth Crescent. However following discussions between the applicants and Southern Water it became apparent that this proposed location of the pumping station was not such as to meet the technical standards set out in 'Sewers for Adoption' 7th edition, and given a desire by the applicants to have the pumping station adopted by Southern Water a revised location has been proposed in the south western corner of the site adjacent to the boundary with Stockheath Lane properties. Southern Water subsequently agreed this layout under a discharge of condition application pursuant to the drainage condition pertaining to APP/16/00464.

- 2.3 Notwithstanding the approval of the pumping station location in isolation under discharge of condition arrangements under APP/16/00464, the fact that this conflicts with both the approved site layout plans as well as the approved ecological and landscaping proposals agreed for the site requires variations to be sought in respect of these aspects of the development also. A further issue which has arisen following the granting of planning permission APP/16/00464 relates to the actions of the contractor undertaking works on the site in removing the western boundary bramble/scrub zone which was to have been retained as a 'bat corridor'.

3 Proposal

- 3.1 The current application submitted in respect of this site seeks to address the matters that have arisen since the granting of Planning Permission APP/16/00464, specifically with regard to the pumping station location and the vegetation clearance works in the western boundary 'bat corridor' zone. As such revised proposals are made in respect of a number of conditional requirements of the original APP/16/00464 approval:

(i) Variation of Condition 12 (ecology) - instead of the previously existing vegetated corridor being retained as anticipated by the originally approved ecology report, this has been removed by the contractor. A revised set of ecology proposals has therefore been put forward with a view to re-establishing this area as favourable habitat for bats, whilst accommodating access arrangements and the compound for the pumping station.

(ii) Variation of Condition 14 (landscaping) - instead of the previously existing vegetated corridor being retained as anticipated by the originally approved landscaping plans, this has been removed by the contractor. A revised set of landscaping proposals has therefore been put forward with a view to re-establishing this area as a landscaped setting for the site, whilst accommodating access arrangements and the compound for the pumping station.

(iii) Variation of Condition 15 (approved plans) of Planning Permission APP/16/00464 - to address the issues arising from (i) and (ii), and also to accommodate a revised suite of materials for the feature cladding of the dwellings constituting Plots 7-20.

- 3.2 In all other respects - layout and landscaping of main body of site; number and mix of dwellings approved; detailed designs of dwellings (bar the cladding details the subject of (iii) above); access and parking layout - the proposed development remains as approved under APP/16/00464.

- 3.3 With regard to the pumping station itself, as proposed this is principally a subterranean structure with the only notable feature above ground to comprise a

'kiosk' structure of 1.75m high. It is proposed to lie within a fenced, surfaced compound, and served by a Geocell/Bodpave cellular grid surfaced access route from the main development sown with a wildflower mix.

4 Policy Considerations

National Planning Policy Framework 2012

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)
CS13	(Green Infrastructure)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS3	(Skills and Employability)
CS6	(Regeneration of the Borough)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

LP1	(Leigh Park Housing Allocations (Sites))
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

Arboriculturalist

I have reviewed the Arboricultural information submitted, if this were in relation to a tree subject to a TPO then I would be highlighting a number of areas cited within the report:

- Soil improvement within the RPA of the Oak
The removal of the Heras fencing and crown raising of the lower branches will do nothing to improve the soil within this area or to improve the health of the tree. I previously advised soil enrichment to ameliorate for the compaction that has taken place via heavy plant machinery being used in this area combined with the suspected use of glyphosate chemicals and the storage of building materials. (root damage has occurred yet crown lifting has been proposed – this is contrary practice to BS 3998 2005).
- No dig construction within the RPA of the Oak

The specification supplied for the construction of a new surface is referred to as a no dig design when in fact there is a requirement to dig 150mm below existing levels? There is also a requirement to build levels up? This area is very ambiguous and it has not been demonstrated that these works will not be detrimental to the tree.

- Soil levels in the RPA of the Oak
There is no mention of the original soil levels in the report in relation to the tree so it is a 'challenging' prospect when looking at the full extent of potential damage that may have occurred and also assessing impact the proposed new increased build up of soil may have. However what is currently in place is clearly not the original soil level prior to the undertaking of works on the site.

Officer comment: *The Oak in question is not the subject of a TPO and thus benefits from no statutory protection. The applicants' response to the issues raised are as follows:*

"With regards to the soil enrichment, the landscapers and arboriculturalist both advised that no chemicals had been used, so it was felt that with the imported top soil being brought in to make up the levels, that no further measures were required."

"With regards the soil to be removed around the tree, this is not wholesale across the RPA of the tree, but a specific section of soil which is at the highest level and therefore needs to be removed as per the AMS This will be done in strict accordance of the AMS and with the arboriculturalist present."

Building Control, Havant Borough Council

No comments

County Ecologist

Initial response:

I would echo concerns raised by your landscaping colleagues with respect to the intrusion of built development into the previously-permitted 'bat corridor' along the western boundary. One of the largest roosts of serotine bats in the county is situated immediately adjacent to this site and therefore a key component of the site's acceptability was the retention and buffering of the western boundary. This, along with a sensitive lighting scheme, was designed to retain unlit, undeveloped land near to the roost which would allow bats to commute from the roost and into the wider area.

Any reversal of this previously-agreed plan would be unsatisfactory from an ecological view: it is apparent that the applicant's ecologist is not comfortable with the plan either. It is proposed to remove two groups of vegetation (4c and 5c) at the south-western edge although it would appear that at least some of this vegetation has already been removed, prior to conditions being varied. It is unclear as to whether the ecologist is fully aware of the impacts to woody vegetation – the submitted letter dated 22nd March 2017 makes no explicit reference to anything other than grassland loss. In addition, there appears to be no compensatory planting proposed.

In summary, the proposed loss of part of the previously-agreed bat mitigation corridor is not a satisfactory approach.

Further response following receipt of revised plans:

As we know this site has been subject to works which have effectively destroyed most

suitable habitat for bats along the western boundary and we are therefore in a salvage situation. The site is immediately adjacent to one of the most important serotine bat roosts in the county and therefore the provision of meaningful mitigation habitat is of primary importance. The actions taken to date have been highly unfortunate but at last some effort has been made to remedy the previous damage.

The application now includes a Bat Corridor Habitat Creation and Management Plan (EcoSupport, August 2017) which seeks to provide a way forward which will allow the previously well-vegetated western corridor to re-establish. I have also reviewed the submitted landscape plan and planting specification. As we know, the previous plantings at the boundary were inadequate and were in any case not maintained, such that many specimens had failed or had been sprayed. It is absolutely imperative that any vegetation plantings are monitored and managed appropriately at least until they are well established and I would strongly urge Havant Borough Council to undertake regular monitoring visits to ensure compliance.

The proposed timing of vegetation planting is understandable but will mean that there is effectively no bat habitat corridor during the 2018 breeding season: clearly this would not be the case had the original vegetation been left undisturbed. It is important that we get this habitat right in time for the 2019 season.

The proposed planting mixes for new hedgerow, scrub and trees are acceptable and, once established, should provide the dense scrubby corridor that is required. Similarly, the proposed wildflower seed mixes for the bunds and cellweb areas are acceptable but, as ever, success will be entirely dependent on ongoing monitoring and management.

My observations from two site visits was that the existing plantings were too narrow, forming a very slim single row 'hedge' immediately adjacent to the boundary fence, and would be better forming a staggered 2-or-3 row buffer extending several metres into the site. The proposed site plan does now show that additional plantings will be included in a much wider buffer area, with a suitable range of species at 4 per m². These plantings will need to take account of the proposed no dig restrictions around the mature oak tree and so I am unsure how the stated planting specifications fit with this (presumably there cannot be a 450mm dug bed beneath the tree canopy?). The end point for this buffer, however it is achieved, should be a dense native area of scrub which grades naturally into the adjacent wildflower grassland.

The success of the proposed wildflower grassland will be dependent on using the correct substrate i.e. not rich topsoil but an impoverished soil which will assist in preventing competition from vigorous herbs. Monitoring will be key and actions will have to be taken to address any weed flushes: clearly any spraying will need to avoid damage to planted specimens which, unfortunately, has not occurred to date.

I note from the planting specification that the wildflower area will be used as a '*visually pleasing space for relaxation*'. Does this mean that public access will be encouraged? How will this impact the primary objective of the space, which is to provide bat habitat? Recreational use will inevitably bring with it pressures to over-manage for the sole benefit of people: this would not be acceptable given the objective of the buffer. Clarification is requested from the ecologist on the issue of public access to the bat habitat corridor.

I would also highlight that the original Bat Mitigation report states that '*two Schwegler 1WI Summer and Winter bat boxes will be integrated within the brick work of two of the*

new properties' and would request clarification that this has been achieved (photographs will be acceptable) or, if not, how this requirement of the planning permission is to be achieved. I note that bat boxes on trees are suggested now but would rather than such features be incorporated into dwellings as previously agreed.

In summary, the proposed remedial works to establish a meaningful bat corridor are much improved although some clarification is required and the success will need to be determined by the local planning authority.

Final response:

Clarification has been provided on the proposed bat corridor. I am willing to agree that (providing it is implemented as described) the corridor will be of a suitably-dense character in order to provide its primary function and would agree with you that the bow-top railing would be better than simply posts. I would rather that there is no routine public access to the bat corridor, in order to prevent pressure to tidy-up.

The bat boxes have not been installed as described. The applicant has now installed two wall-mounted boxes and has committed to incorporating cavity-boxes within the walls of the new flats. Short of requiring existing walls to be rebuilt, this is the best we can hope for and this will at least provide additional roosting opportunities within the built site.

The submitted Bat Corridor Habitat Creation and Management Plan (EcoSupport, August 2017) states that monitoring of the bat corridor will take place over five years from establishment. I consider that the LPA should be provided with written reports detailing the monitoring works and any remedial/management works resulting from them.

As we discussed yesterday, this has been a far-from-satisfactory development in many respects, not least in terms of ecology. The LPA has been forced into engaging with a complicated salvage situation rather than being able to sign-off a competent, well-designed ecological mitigation package. The applicant must commit to ensuring that the bat corridor is properly monitored and management is funded.

Officer comment: *The submitted Bat Corridor Habitat Creation and Management Plan confirms that the applicants have commissioned ecological consultants to undertake monitoring and management of the bat corridor for a minimum period of 5 years.*

Environmental Health Manager, Community Group

Initial response:

I had a look at the application and history of complaints. I could not find complaints related to smell or noise/vibration, pumping station, sewage, odour, drain in the Blendworth and Stockheath areas.

I had a look at the documents within the portal but could not find acoustic information about the pumping station only a letter from AirTight after they visited and took measurements of the station off and then on indicating that no difference could be obtained thus in turn not causing an issue or likely to. The letter however, did not mention vibration.

If you have further acoustic information related to the station, and method they have in place to control vibration (padding, anti-vibration mounting etc...) please may I ask to be sent it and I will assess it asap.

Pumping stations are a common thing and thus far, we have not received complaints

relating to either the noise or vibration etc. We do get complaint however, when they break down and sewage is not being pumped out.

Further response (following clarification from case officer that the pumping station was yet to be installed):

Most pumping stations are underground and the noise is usually contained within; in relation to vibration, if the pump is mounting on anti-vibration padding there should be no problems, similarly, as the system is a closed one, smells are not usually a problem.

I inspected one yesterday as it happens, in Denvilles, and there was no noise, smell or felt vibrations and was working as should be. I anticipate this one to be the same, so no real concerns.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment.

Landscape Team

Final response: From a landscape perspective we are pleased with the amendments on the soft landscaping plan.

However it is noted that the closest of the 3 no. Carpinus betulus 'Frans Fontaine' planted in the rear garden of plot 7 or 8 is roughly 5m away from the property. We are concerned that the specified species and location of tree is not in accordance to the NHBC standards? As such T52 should be omitted from the plan and T51 should be a less fastigate species to allow the canopy to soften views onto the site.

Additionally we have concerns with how access will be granted for maintaining the area of vegetation south of the pumping tank and plots 7 & 8. As such further clarification on an access route to this area need to be submitted.

Officer comment: *These issues have been relayed back to the applicants who have responded as follows:*

"The trees are fastigate Hornbeam trees that grow to a maximum width of 2.5m-3m so being 5m from the house shouldn't be an issue."

and

Amended plans have been received that set aside a strip of land between Plot 8 and the pumping station compound to accommodate the Hornbeams and also provide access to the area to the south of the pumping station (which is also accessible from the footpath running between Plots 7 and 8).

Southern Water

Southern Water has no objections to the above variation of condition. The comments in our response dated 02/02/2017 remain unchanged and valid.

Officer comment: *The response dated 02/02/2017 was in relation to the earlier application to discharge Condition 2 of Planning Permission APP/16/00464, which was approved. It stated:*

"Further to our previous comments correspondence regarding the above planning application and further to additional information provided by the applicant, Southern Water would recommend discharge of condition 2 relating to foul sewerage and surface water run off disposal. The approved drainage layout is as per drawing 502 Rev P3.

An approval for connections to the public foul and surface water sewers should be obtained under Section 106 of the Water Industry Act.

Any adoption proposals should be agreed and approved by Southern Water under Section 104 of the Water Industry Act. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers."

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: 51

Number of site notices: One

Statutory advertisement: 26/05/2017

Number of representations received: 3

Comment	Officer Comment
The applicant Portsmouth City Council has started to implement the foul sewer solution now being applied for as an amendment to the approved plans. They have done this prior to seeking authority from the planning authority despite neighbour protestations to local councillors, especially as this application is being dealt with under an officer delegated decision. Our property backs onto the development site immediately where the foul sewer pumping station is planned to be located. We object very strongly to this solution due to the following reasons: 1. The location of 1.8 metre high fencing around the pumping station and the secured gateway will obstruct the right of access that we have established onto the whole site via the gate in our back fence for over 40 years plus. Due to the fencing of plot number x and the pumping station this access will no longer be available to us. This is unacceptable and should not be allowed. The access we have should be maintained.	<i>Any work undertaken by the applicants in respect of the provision of the foul pumping station whilst the application has been under consideration has been entirely at their own risk; the application falls to be determined on its own merits in all other respects.</i> <i>Private rights of access are not a material planning consideration and fall to be resolved between the private parties involved.</i>

2. The plan to remove more or all of vegetation immediately behind our back fence in this new submission to accommodate the foul sewer solution is unacceptable. The bat corridor as originally planned should be upheld. The amenity of the bushes and trees in this area are widely used by birds which also come into our garden to feed and use water bowls to drink and wash. The height of these trees add to the immediate outlook and screening for our property to what was previously open space. The removal of these bushes and trees means that our corner of this space will be pretty barren in comparison to the majority of the development site with only low level wild grass planting for the pumping access road and then an industrial finish for the foul sewer solution.

It is acknowledged that the development process has resulted in the loss of vegetation originally intended to be retained. As part of this revised application detailed landscaping proposals have been negotiated with a view to returning the western area of the site to favourable ecological habitat. The original vegetation adjoining the boundary with No.26 has been retained.

3. The pumping station will be less than 15 metres from the back of our property which is contrary to advice from Southern Water. Therefore vibration, noise and odour will potentially be an issue.

Southern Water have confirmed that they are satisfied with the proposed drainage layout; also the Environmental Health officer has not raised any objections and has advised that such installations are now common and have not given rise to complaints in his experience.

4. The mitigation put forward regarding noise by Airtight & Noise Check Ltd. seems to be suggesting based on the Littlehampton development which has the same pumping station design that the day time background noise will mask the noise of the pumping station when running. However from the information I have previously received this pumping station at Blendworth will operate at night to pump the sewerage from the 48 units as the main sewer capacity cannot cope with any added flow during the day time. So the noise levels may therefore be unacceptable and intrusive at night. No evidence about noise levels in the surrounding development area has been assessed. Especially as immediately to the right of the development area is Trosnant School, which is a secure closed site outside of normal school hours. Thereby reinforcing the quietness of the immediate area around the rear of our property. Nothing in Airtight's mitigation submission states how many units the Littlehampton site pumping station services, if this is lower than the 48 units here and the mix of accommodation types. It is not a fair comparison and should be challenged.

The Littlehampton pumping station is understood to serve 52 properties.

5. The fact that the applicant's agent has implemented this solution at risk suggests that the planning authority will ignore our concerns and objections. Both ward councillors have been requested to challenge this planning application on our

Detailed negotiations have taken place with the applicant following the receipt of

behalf. The lack of genuine communication by the applicant's agent with us suggests our opinion was irrelevant as they thought we were all council tenants. This is not the case and never has been.	<i>representations; this including a site visit to No.26 to view the impact of the development under way at first hand.</i>
6. The area is part of the flight area of the bats and therefore the bat corridor should be reinstated in the plans and not amended.	<i>Detailed negotiations have taken place with the Council's Consultant Ecologist in order to arrive at a scheme for habitat re-creation.</i>
7. This corner of the site is very marshy and wet due to the run off from the higher level school site. The damage and removal of the storm drainage around the back of the 3 Stockheath Lane properties adjacent to the pumping station will increase the risk of flooding into our garden. Nothing in this revised submission is addressing this risk. Potentially leading to the foul sewer overflowing, especially as they are installing it at the lowest point for the whole site and as low in the ground.	<i>The foul pumping station is understood to be a sealed unit which will not be affected by surface water ingress. The surface water drainage arrangements for the site as a whole have been approved following consultation with both Southern Water and the Local Lead Flood Authority.</i>
The revised landscaping plans do not address all the concerns previously raised, as there is no addition to the screen on the boundary behind No. 28 Stockheath Lane were the pumping station has already been installed. The trees T50, T51, T52 added to the garden of plot 7 or 8 can be removed by the tenant, and so the screening provided adjacent to the pumping station is not afforded to other residents who surround this site. Nothing submitted regarding the siting of the pumping station has removed the issue about the operation of the station at night and the potential noise issue. The impact of this facility has also not been considered as part of the bat corridor and long term effect on the roost area and travel path. The siting of the pumping station is unacceptable to us for these reasons and the applicant has not addressed the overnight noise issue or taken into account the noise levels for this site prior to development on those properties that backed onto this dark, quiet area that had been left unused for over 20 years.	<i>The proposed site layout has been amended to introduce 3 new trees in the area between the pumping station and Plot 7, and following receipt of this representation it has now been agreed that the trees will fall outside the residential curtilage in the area of 'common parts' so no individual householder will be in a position to remove them. With regard to potential noise issues, the Environmental Health officer has not raised any objections and has advised that such installations are now common and have not given rise to complaints in his experience.</i>

I am writing in relation to the development of housing off Blendworth Crescent, which backs onto my property, 28 Stockheath Lane. I believe that the land is owned by Portsmouth City Council. I understand that a septic tank and pumping station is going to be placed in the area previously designated as a bat corridor, directly behind my property. These items are required to cope with the lack of foul sewer capacity in the existing system which was raised as an objection by one of my neighbours at the time of the public consultation. No solution was identified during this process, until now many months after permission has been granted under a delegated officer decision for this planning application. I am extremely concerned about the location of both the septic tank and pumping station being close to my property, especially as Southern Water have already stated in a letter to my neighbour that due to vibration, noise and potential odour by sewage pumping stations no habitable room should be located closer than 15 meters to the boundary of a pumping station site. By my estimation, the pumping station will be within this distance of my house, and the bedroom of my autistic son, who is very sensitive to noise, as am I, - particularly to low frequency noise. I am also deeply concerned that the pumping station will be within 2 - 3 metres of my aviary and my wildlife pond. The noise of the pumping station is likely to disturb my birds and any leakage will contaminate both my back garden and my pond. Already, for the first time this year in the 6 years I have been living here, I have no frogspawn in my pond. This is likely due to all of the disturbance to the soil and chopping down of trees that is going on just beyond my back fence. I dread to think of the impact of this on the local bats using the flight corridor. I cannot see from the online plans any assessment of the impact of this sewer & pumping station on my property, those of my neighbours, the local wildlife and the drainage of water in the area - which has always been extremely poor. I dug a drainage ditch adjacent to my back fence, in order to prevent ingress of surface water onto my property. This new development & pumping station is likely to make this surface water issue worse, particularly as my drainage ditch has already been damaged by the installation of a new fence, and lies directly where the pumping station is due to be located. Please would you ensure that a risk assessment is conducted, to which I am invited to contribute, before any further work is conducted. I can also see nothing in the published plans regarding the height of the pumping station nor the level of noise it will generate. Please can you enquire regarding this matter and provide me with this information. Clearly, if the pumping	<i>The foul pumping station location has already been agreed by Southern Water under separate discharge of condition arrangements associated with the original planning permission.</i> <i>With regard to potential noise issues, the Environmental Health officer has not raised any objections and has advised that such installations are now common and have not given rise to complaints in his experience.</i> <i>Detailed negotiations have taken place with the Council's Consultant Ecologist in order to arrive at a scheme for habitat re-creation.</i> <i>The surface water drainage arrangements for the site as a whole have been approved following consultation with both Southern Water and the Local Lead Flood Authority.</i> <i>The pumping station is principally a subterranean structure with the only notable feature above ground to comprise a 'kiosk' structure of 1.75m high - as such it will not be visible from No.28 as it will be screened by the existing 1.8m close</i>

station blocks light from my garden, then this will be unacceptable. I should point out that the residents of 26, 28 & 30 Stockheath Lane are owner occupiers of houses that are not ex Council housing (a point that reportedly one of your colleagues was not aware of. What checks has the planning department made to ensure that the point made by Southern Water regarding noise & proximity to housing is not being ignored? What is the planning authority doing to protect me & my neighbours, taking into account that pumping station noise has been the subject of local news items due to causing problems for residents because of the noise. I understand that the foul sewage will collect in the septic tank during the day, and at night the pumping station will then discharge into the main sewer in Blendworth Crescent. What assurance do the residents have that the pumping station will not fail, what is its expected useful life and who will be responsible for its upkeep and maintenance. If it fails and foul water contamination occurs in my garden is there recourse against Southern Water or the land owner? I will be copying this email to my ward councillors, in the hope that they will get involved in a matter which is causing me and my neighbours great distress. Also, what happened to the approved plan which maintained an undeveloped strip behind these 3 properties for a bat corridor or was that a planner's ruse to avoid any objection to the residents in the western area of the site as more vegetation seems to have been removed than was indicated on the plans submitted, and the objections raised were ignored with solutions only now being submitted and residents views having been sidelined, as no official consultation has been forthcoming by the land owner for these late changes.	<i>boarded fence. Southern Water have been consulted both in relation to the original discharge of condition application and in relation to this current application; the latter confirming that the foul sewerage arrangements previously agreed remain valid.</i> <i>The foul pumping station is being constructed to 'Sewers for Adoption' standards to enable it to be offered to Southern Water for adoption in due course - they will then be responsible for future maintenance. Until such time as that occurs, Portsmouth City Council are responsible for its performance.</i> <i>It is acknowledged that the development process has resulted in the loss of vegetation originally intended to be retained. As part of this revised application detailed landscaping proposals have been negotiated with a view to returning the western area of the site to favourable ecological habitat.</i>
I am writing to seek reassurance that: 1. The proposed variations in the planning permission for this site will not adversely affect the agreed bat commuting corridor. 2. All sources of artificial illumination will be strictly regulated in the bat corridor and Plots 9 and 10. 3. That the agreed built-in bat bricks are incorporated into the buildings at the current stage of construction. The Bat Mitigation Report for the development, dated Feb 2016, page 18, recommends that at least 5 bat bricks of several types be built into the new dwellings. The recommendations include	<i>The applicants have responded directly to the correspondent on these detailed constructional matters which, other than the bat corridor, are not proposed to be altered from the original approval and thus are</i>

integrated bat bricks of designs suitable for larger bats and the siting of these structures should be as shown on the plan in that report. Have such specialist bat bricks been purchased? Will their installation be supervised by suitably qualified ecologists, such as from Ecosupport? 4. The Bat Mitigation Report also specifies the use of bituminous roofing felt rather than any of the breatheable types for the roofs of the dwellings. Is this recommendation being carried out? 5. That you have a compliance checking protocol in place to ensure that the bat mitigation is being properly implemented. It will be desirable to monitor the site to check the response of the bat population to the mitigation and enhancement measures.	<i>not under re-consideration as part of this application.</i> <i>The revised Ecology reports and landscaping proposals have been devised in an effort to re-create suitable habitat for bats.</i>

7 **Planning Considerations**

7.1 This application has been submitted pursuant to S73 of the Town and Country Planning Act, in order to seek approval for a form of development on the site which differs from the original APP/16/00464 permission - this principally relating to the proposed location of the foul water pumping station in the south western corner of the site, and the implications arising from both the pumping station and the clearance of 'bat corridor' vegetation by the site contractors which is in conflict with the ecological and landscaping proposals originally agreed for the site. Also under consideration, although of less overall significance, is the revised materials schedule put forward for the development which puts forward an alternative range of cladding materials and colours for the dwellings within the site itself.

7.2 S73 (2) of the Act states: *On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.*

The matters considered under the original application which are not affected by the proposed changes - the principle of developing the site for residential purposes; the nature of the development and its impact on the character of the area and neighbour amenity (except in so far as the revised proposals change these details); access and highway issues; surface water drainage; crime prevention and developer contributions - therefore do not fall to be reconsidered. It has also been established that the S106 Agreement entered into in respect of the original application remains valid for the current case, as it was expressly drafted to apply to any subsequent permission granted under S73 of the Town and Country Planning Act.

7.3 Therefore, having regard to the relevant policies of the development plan it is considered that the main issues arising from the changes proposed in this S73 application are:

- (i) Impact upon the character and appearance of the development and the wider area
- (ii) Impact upon residential amenity
- (iii) Impact on ecology, in particular bat habitat, and trees

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

- 7.4 The proposed pumping station location and the associated access and turning zone required to serve it are located at the western end of the development approved under APP/16/00464 which is currently under construction. As such they lie at the western terminus of a new residential estate and are approached via the main estate road. The works proposed to install the pumping station principally involve the provision of Geocell/Bodpave surfacing for the access route, a fenced compound in 1.8m close boarded fencing, with the station being located underground with only a 1.75m high 'kiosk' structure above ground level. Beyond the site, the area the subject of the pumping station works is well screened by existing close boarded fencing and adjoins the rear gardens of properties in Stockheath Lane. Consequently, in itself, the pumping station will not be prominent in views from the public domain, and its impact upon the character and appearance of the area as whole will be limited and acceptable.
- 7.5 Within the development site itself, the access route and fenced compound will read as an extension of the layout of the main estate road, with fencing and surfacing materials compatible with its setting adjacent to residential development. It is not considered to significantly harm the character of the estate under construction.
- 7.6 The proposed location of the pumping station necessitates the removal of an area of bramble/scrub planting which previously lay along the western boundary of the site - this has already been carried out, along with further bramble/scrub planting along the remainder of the western boundary, in error by the contractor prior to the submission of this application. The area of planting removed formed a backdrop to the western end of the development site, and also a backdrop to adjoining residential gardens, but was not prominent in wider views. Thus its removal has had a limited impact on the overall character and appearance of the area as a whole.
- 7.7 Given that the bramble/scrub planting also provided a landscaped belt at the western terminus of the new estate road, negotiations have been undertaken with the applicants to secure a replacement suite of landscaping to restore a 'soft edge' to this part of the site. The revised proposals incorporate a range of native trees and shrubs to form a new buffer planting zone along the entirety of the western boundary, with the exception of the pumping station compound - although additional tree planting has also been secured between the pumping station compound and the rear garden of Plot 8. Existing trees and shrubs in the south western corner of the site which have not been removed by the contractor will be retained and augmented by new tree and shrub planting. The access route to the pumping station is proposed to be sown with a wildflower seed mix. Taken together, and once established, it is considered that the replacement planting will form a suitable landscaped setting for this part of the site.
- 7.8 Turning to the elevational changes proposed to the dwellings comprising Plots 7-20 of the development, the revised plans and materials schedule do not alter the size or layout of the development, instead substituting Marley Eternit materials for the originally approved Hardie Plank materials, of a similar quality and in similar hues to the original approval. The cladding detailing principally features on the front elevations of the dwellings in question which face into the site itself, and so the impact of the changes will not be felt outside of the development itself.

(ii) Impact upon residential amenity

- 7.8 The revisions sought to the approved layout for the site affect the part of the

development site directly adjoining the rear gardens of Nos 26-46 Stockheath Lane, and 2a, 2 and 4 Blendworth Crescent - with the pumping station compound directly adjoining the boundaries of Nos 28 and 30 Stockheath Lane in particular.

- 7.9 With regard to Nos 32-46 Stockheath Lane, and the Blendworth Crescent properties, in the course of development activity at the site the occupiers of these dwellings will have seen the removal of the previously existing bramble/scrub planting which lay along the western boundary of the site. As discussed above, the submitted proposals make provision for a comprehensive suite of replacement planting in the form of native trees and shrubs adjoining these properties and, once established, these should restore a satisfactory soft landscaped backdrop to the adjoining gardens. No objections have been received from any of the occupiers of these properties to the revised proposals for the site.
- 7.10 With regard to Nos 28 and 30 Stockheath Lane, these properties directly adjoin the area proposed for the foul pumping station where no intervening planting is proposed, and whilst the occupiers of No 30 have not objected to the application, concerns have been raised by the occupier of No 28 (as well as No 26, considered below) as to the loss of the previous buffer planting. In terms of the outlook from these properties, whilst the loss of landscaping has brought about a changed outlook and resulted in the development site appearing more prominent in views (particularly as floor levels of the new dwellings are above the ground levels at the site boundary), the separation distances between the rear elevations of the Stockheath Lane houses and the side elevation of the nearest dwelling under construction on Plot 8 is in excess of 22m and thus exceeds the minimum requirements set out in the Design SPD for even back-to-back relationships (this case comprising a less sensitive back-to-side relationship). Furthermore, additional tree planting has been negotiated along the side boundary of Plot 8's garden to further break up views of the development. Taking these factors into consideration, it is not considered that the absence of intervening planting along the boundary of the pumping station with Nos 28 and 30 Stockheath Lane could form a defensible reason for refusal of the application.
- 7.11 With regard to No 26, this property adjoins the south western corner of the application site, an area where previously existing landscaping in the form of trees and shrubs has been retained and the revised landscaping plans make provision for further supplemental planting. As such the proposals will secure a satisfactory retention of the landscaped character of this corner of the site which directly adjoins the boundary with No 26. Nonetheless it is acknowledged that the provision of the foul pumping station will open up angled views of the rear elevations of Plots 7 and 8 from the garden and rear rooms of No 26; however the angled separation distance is in excess of 30m and it is considered that notwithstanding the floor levels of the development, this is sufficient to secure an acceptable relationship between the development and No 26.
- 7.12 The occupiers of both No 26 and No 28 Stockheath Lane have also raised concerns as to the potential impact of the location of the pumping station on their amenity in terms of potential noise, smells and vibration. In this regard, it is noted that Southern Water has confirmed its acceptance of the layout put forward both at discharge of condition stage and again in the context of this application, which has been informed by the technical requirements of the Sewers for Adoption 7th Edition document. This sets out recommended separation distances in order to avoid the risk of adverse impacts on residential properties, and for a 'Type 3' pumping station serving in excess of 20 dwellings (as is the case here) advises a separation distance of 15m from the edge of the wet well to habitable buildings. In the case of Nos 26 and 28 (and also 30) Stockheath Lane this criteria can be met in respect of the distance achieved between

the wet well and the habitable rooms of the dwellings in question.

- 7.13 Advice has also been sought from the Environmental Health team as to the proposals put forward, and the consultation response received confirms that pumping stations are becoming increasingly commonplace in new developments, and complaints have not been received when in their normal operating mode.
- 7.14 Taken together, whilst the concerns of adjoining residents regarding the potential amenity impacts of the pumping station are acknowledged, the consultation responses of both Southern Water and the Environmental Health team do not provide any evidence on which to base a refusal of the application on these grounds.

(iii) Impact on ecology, in particular bat habitat, and trees

- 7.15 In considering application APP/16/00464 regard was had to any ecological interest in the overall development site, with the officer report stating:
The application site is not covered by or adjacent to any statutory protected sites of nature conservation importance. The submitted Ecology Assessment identifies that no other protected sites are likely to be affected, and that the majority of the site is of negligible value, though it is an important part of the batscape of the local area. The consultant ecologist has required that a lighting strategy to protect adjacent bat roosts is conditioned along with the findings of the ecological report which include that there shall be no development within a bat corridor along the western boundary edge of the site.
- 7.16 In practice, the actions of the contractor on the site have resulted in the removal of the bramble/scrub belt that composed the 'bat corridor' and whilst of itself the clearance of such vegetation is not a breach of planning control, as it had no statutory protection, the role that the corridor played in the assessment of the application has been reviewed in the context of this revised application. Detailed negotiations have been undertaken with the Council's Consultant Ecologist, with the final revised landscaping proposals being agreed as of suitable character and density to recreate its primary 'bat corridor' function, and on this basis the scheme will provide satisfactory compensatory planting to replace that which has been lost. The Council's Consultant Ecologist has highlighted the need for ongoing management and monitoring of the replacement planting, and the submitted 'Bat Corridor Habitat Creation and Management Plan' confirms that the applicants have commissioned such activities for a minimum period of 5 years. A condition is proposed to secure this monitoring activity.
- 7.17 A mature Oak tree lies on the western boundary of the site within the 'bat corridor' which, whilst not the subject of a Tree Preservation Order (TPO), nonetheless forms a notable feature in the immediate landscape. Clearance works within this part of the site appear to have disturbed the ground beneath the tree already, and the access route to the pumping station runs well within the root protection area of the tree. As part of this application negotiations have been undertaken with the applicant's arboricultural consultant in order to ensure that any further disturbance to the tree is minimised as far as possible. To this end a 'no dig' cellular construction is proposed for the most part where the access runs within the root protection area, with the access route grading down from the main estate road towards the tree and the pumping station - a small part of the eastern root protection area requiring soil removal to accommodate the works. Whilst it is clear from the Council's Arboriculturalist's consultation response that the proposed specification raises some issues, the fact that the tree is not the subject of a TPO means that these concerns

are not of sufficient weight to warrant the refusal of the application, and the applicants have engaged appropriate professional advice in devising their strategy for this part of the site.

8 Conclusion

- 8.1 The proposed location of the foul pumping station applied for will have limited and acceptable impact upon the character of the wider area. Whilst the concerns of neighbouring residents are acknowledged, the acceptance of the location by Southern Water and the consultation advice received from the Environmental Health team means that there is not sufficient evidence to warrant the refusal of the application on amenity grounds. Furthermore the separation distances between the adjoining residents and the dwellings under construction on the site are acceptable, notwithstanding the absence of intervening planting. Whilst the actions of the contractor in clearing the area previously designated as 'bat corridor' are regrettable, sufficient restorative planting has been proposed to mitigate its loss and in the longer term return the site to favourable conditions for ecology, as well as providing a landscaped setting for the western part of the overall development. The revisions made to the materials palette for the site are acceptable, and are unlikely to have any significant impact outside the site itself.
- 8.2 Having regard to these considerations the proposed revisions to APP/16/00464, following amendment, are acceptable and recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/00454 subject to the following conditions:

- 1 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Survey (EcoSupport, August 2015) and the Bat Mitigation Strategy (EcoSupport, February 2016) approved under reference APP/16/00464, as amended by the submitted Bat Corridor Habitat Creation and Management Plan dated August 2017 and the email from Adrian Legg dated 28th November 2017. All such measures shall be implemented in accordance with the agreed details and secured in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. An annual monitoring report shall be submitted to the Local Planning Authority by the end of June in each of the 5 years following the date of this permission which sets out the level of vegetation establishment, species abundance, sward height and vegetation cover, together with measures required to restore the habitat to the condition required in the approved Bat Corridor Habitat Creation and Management Plan.
Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 2 The landscaping works shown on the approved plans [Outline Soft Landscaping Plan reference GHD2092 Rev N and Outline Planting Plan reference GHD2092 Rev N] shall be carried out in accordance with the details

set out in the submitted Bat Corridor Habitat Creation and Management Plan dated August 2017 or otherwise within the first planting season following first occupation of the development hereby permitted, whichever is the sooner. Any trees, shrubs or wildflowers seeded, 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 the date of this permission shall be replaced within the next planting season by trees, shrubs or wildflowers of similar size and species to those originally required to be planted or retained, unless the Local Planning Authority gives its consent in writing to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape and ecological habitat in accordance with the approved designs 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.

- 3 The development hereby permitted shall not be brought into use prior to the completion of the implementation of all drainage provision in full accordance with the plans and particulars approved by the Local Planning Authority on 3 February 2017 under reference APP/16/00464.

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.

- 4 The development shall be undertaken in accordance with the details relating to levels approved by the Local Planning Authority on 20 January 2017 under reference APP/16/00464.

Reason: In the interests of the visual amenities of the area and the amenities of adjoining properties, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The development shall be undertaken in accordance with the plans and particulars approved by the Local Planning Authority on 20 January 2017 under reference APP/16/00464 relating 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 and site office during site clearance and construction of the development.

Throughout 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 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.

- 6 The development shall be undertaken in accordance with the details relating to

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 a programme for the implementation and making up of the same, that were approved by the Local Planning Authority on 20 January 2017 under reference APP/16/00464.

Reason: To ensure that they are constructed to satisfactory standard 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.

- 7 The development shall be carried out strictly in accordance with the fully-detailed site lighting strategy for bats approved by the Local Planning Authority on 20 January 2017 under reference APP/16/00464.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 Throughout the period of construction at the site, all trees that are to be retained within or adjacent to the site shall be and remain enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. 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 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No dwelling hereby permitted shall be occupied until the junction arrangement into the site from Blendworth Crescent has been substantially constructed in accordance with plans as approved under a S278 or S38 agreement with the County Council.

Reason: In the interests of highway safety and the amenities of the area having due regard to policy CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No dwelling hereby permitted shall be occupied until the car parking, cycle storage, servicing and other vehicular access arrangements related with that dwelling as shown on the approved plans hereby permitted shall be fully completed and made fully available for use prior to the occupation of the first residential unit.

Reason: In the interests of highway safety and the amenities of the area having due regard to policy CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Plans and particulars approved under Application reference APP/16/00464
Design & Access Statement received 3 May 2016

Revised Choice Based Lettings Allocations received 11 August 2016
Disano Lighting Details received 27 May 2016
Ecology Survey prepared by ecosupport LTD received 3 May 2016
Arboricultural Development Statement ref CBA10552v1C received 3 May 2016
Bat Mitigation Report prepared by ecosupport LTD received 3 May 2016
External Electrical Services Plan 1 received 12 May 2016
External Electrical Services Plan 2 received 12 May 2016
Flood Risk Assessment received Rushby Brewer received 3 May 2016
Heritage Statement prepared by Wessex Archaeology received 3 May 2016
Land Contamination Assessment prepared by Ridge Property and
Construction Consultants received 5 May 2016
Sustainability Report prepared by SRE received 5 May 2016
Transport Statement prepared by Connect Consultants received 5 May 2016
House Type Plans drwg.no PD110 rev A received 5 May 2016
Ground and First Floor Flat Plans drwg.no PD111 rev A received 5 May 2016
Third and First Floor Flat Plans drwg.no PD112 rev A received 5 May 2016
Elevations Plots 1-6 drwg.no PD114 rev B received 8 July 2016
Flat Elevations 1 of 2 drwg.no PD118 rev B received 8 July 2016
Flat Elevations 2 of 2 drwg.no PD119 rev B received 8 July 2016

Plans and particulars approved under Application reference APP/17/00454

Outline Soft Landscape Plan Drawing Number GHD2092 Rev.N
Outline Planting Plan Ref. GHD2092 Rev.N
Site Setting Out Plan Drawing No. 1102 WD02 Rev.W
Elevations Plots 7-10 drwg.no 1102-PD115 rev C
Elevations Plots 11-15 drwg.no 1102-PD116 rev C
Elevations Plots 16-20 drwg.no 1102-PD117 rev D
Materials Schedule Project Number 1102 Rev A
Arboricultural Method Statement ref CBA10552 v1A dated October 2017
Bat Corridor Habitat Creation and Management Plan dated August 2017, as
amended by email from Adrian Legg dated 27 November 2017
Section 104 Agreement Layout and Levels Project No. PMC238 Drawing No.
530 Rev P1
Drainage & External Works Layout Project No. PMC238 Drawing No. 501 Rev
D
Drainage Details Sheet 1 Project No. PMC238 Drawing No. 551 Rev A
Drainage Details Sheet 2 Project No. PMC238 Drawing No. 552 Rev A
Drainage Details Sheet 3 Project No. PMC238 Drawing No. 553 Rev A
Drainage Details Sheet 4 Project No. PMC238 Drawing No. 554 Rev A
Elevation on Rising Main Sheet 1 Project No. PMC238 Drawing No. 560 Rev
P3
Elevation on Rising Main Sheet 1 Project No. PMC238 Drawing No. 561 Rev
P3

Reason: - To ensure provision of a satisfactory development.