
Site Address:	Land East of Manor Farm Close, Havant		
Proposal:	Engineering works to reconfigure existing drainage ponds.		
Application Type:	Full Planning Permission		
Application No:	APP/24/00032	Expiry Date:	22/03/2024
Applicant:	Mr Briggs Barratt David Wilson Homes Southampton		
Agent:		Case Officer:	Kayleigh Taylor
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1 This application relates to Land East of Manor Farm Close which is a recently established residential area located approximately 1.4km east of Havant Town Centre and north of the railway line which offers stopping services towards Brighton to the east and Southampton and Portsmouth to the west.
- 2 The application relates to an area of land encompassing two drainage basins to the east of the junction of Fifth Avenue with Manor Farm Close, with a footpath running between linking to the wider public open space. Open fields lie to the east beyond the open space.

2 Planning History

- 2.1 There is extensive history relating to the site, however, the following applications are of particular relevance;
- 2.2 APP/12/01222 a hybrid application which secured permission for the following:
 - *Full planning application for Manor Farm for the erection of 91 dwellings; 59 open market units comprising 9No 5 bed, 38No 4 bed and 12No 3 bed houses and 32 affordable units (flats and houses) comprising 8No 3 bed, 18No 2 bed, 6No 1 bed units including storage building and bin store; and incorporating new pumping station and open space with play area and including the demolition of two dwelling houses.*
 - *Outline application for Copseys Nursery for the erection of 100 dwellings with 65 open market units comprising 9No 5 bed, 22No 4 bed, 27No 3 bed and 7No 2 bed houses and 35 affordable units comprising 5No 4 bed, 19No 3 bed and 11No 2 bed houses, public open space, allotments, farmers/vegetable market building and car park.*

The scheme has been built out and all of the dwellings are now occupied.

The application site lies within the Manor Farm area of the site. It is noted that the approved site layout plan for the development depicts access to the agricultural land to the east being secured via an access to the southern end of Manor Farm Close, close its junction with Glenleigh Park – this access is in place.

- 2.3 More recently APP/23/00584 was refused for '*Construction of maintenance access off Manor Farm Close and amendments to existing drainage basins*' on 14/12/2023. The application site area for APP/23/00584 was the same as the current application. Under APP/23/00584 the applicant sought reconfiguration of the drainage basins to provide an access measuring 5.5m wide that would be constructed in resin bonded surfacing. APP/23/00584 was refused for the following reasons:

1. *By virtue of its scale, design and siting, the proposed access road, which would erode into prominent open space and result in the loss of natural features, would be inappropriate and would result in significant visual harm to the character and appearance of the area. In addition, insufficient information has been submitted to demonstrate an identified need for an additional access road. The proposal is therefore contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*
2. *Insufficient information has been submitted to demonstrate that the proposed access would be safe and suitable for all road users, contrary to Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

3 Proposal

- 3.1 The proposal seeks engineering works to reconfigure two existing drainage ponds. This would involve increasing the gap between the drainage ponds from 6m to approximately 9.7m (taken between the top of the banks). The southern pond would also be extended to the east. The existing footpath would also be realigned around the reconfigured drainage pond.
- 3.2 The submitted covering letter with this application states '*Barratt David Wilson Homes have now been made aware by the landowners that they did not accord with the restrictive covenants relating to retained farmer's access to the land to the east. This is predominantly to maintain access for maintenance purposes to the land.*'
- 3.3 Further to this, the applicant advised in an email dated 08/05/24: '*We are simply seeking agreement from the LPA to rectify an obligation that exists between ourselves and the owners to deliver a 9.5m easement strip between the 2 ponds. They were erroneously designed, approved and constructed at odds with this obligation and we are simply seeking rectification thereof. The changes to the ponds make no difference to their ability to perform the function they were designed so to do and the amendments are de minimus.*'

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS15 (Flood and Coastal Erosion)

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
DM11	(Planning for More Sustainable Travel)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable 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

Councillor Gillian Harris

Initial comment:

The reason for this engineering works is not fully explained, but the work seems to be creating an opportunity to extend the road into the fields in order to provide access for future housing there.

However, a "green corridor" between the new housing and current housing needs to be kept in place and the required infrastructure in the form of a link road the other side to the A27 is built before homes on this land are built, and this appears to be an attempt to undermine both these requirements

Further comment following officer proposal that a condition is added to the recommendation, which would remove permitted development rights so that a vehicular access cannot be created in the gap between the drainage basins:

I am happy to withdraw the red card under these arrangements.

Former Councillor Imogen Payter

No comment received.

Councillor Phil Munday

Initial comment:

I would also want this planning application to go through the Planning Committee as I also oppose any planning application linked to further development unless and until proper infrastructure plans have been developed.

Further comment following officer proposal that a condition is added to the recommendation, which would remove permitted development rights so that a vehicular access cannot be created in the gap between the drainage basins:

I am happy with this arrangement and withdraw the red card.

County Minerals

No comment received.

Developer Services, Southern Water

Southern Water have no comments to make with regards to reconfiguration of the existing drainage ponds

Council's Ecologist

Original comments received 19/02/24

I have no overriding ecological concerns with the proposed drainage basin modifications. However, the existing basins are now well-established and may support valuable semi-natural habitats and protected and notable species may occur. I would recommend that an ecological statement is provided, by a suitably qualified person, to provide details of the potential impacts of the proposed works and any avoidance and mitigation deemed necessary. I would also like to see details of proposed landscape seeding/planting.

Further comments received 29/04/24 after the submission of an Ecological Walkover Report

The application is now accompanied by an Ecological Walkover Report (Tetra Tech, March 2024), demonstrating that the habitats present include relatively species-poor grassland, with some species typical of wetter areas within the basins themselves. I have no overriding ecological concerns with the proposed drainage basin modifications and do not consider that these will result in unacceptable or significant impacts to biodiversity. No further information is required. The report contains some sensible recommendations in relation to ensuring that impacts to ecological features are avoided. If you are minded to grant permission, can I suggest that all ecological avoidance and mitigation measures are secured and that further details of finalised ecological enhancements such as landscaping and bat and bird boxes are provided.

Environment Agency

No comments received.

Hampshire Highways

The application does not include any amendments to the existing access arrangements from Manor Farm Close. The pond amendments do impact on the gravel footpath provision within the public open space which should be provided along an alternative alignment so as not to remove this amenity. This is however a matter for the Planning Authority and other statutory consultees as it sits outside the creation of any street. Notwithstanding the above should the Planning Authority be minded to approve the application the Highway Authority would require a CTMP setting out the construction access proposals, number of vehicles, vehicle routing, management of contractor parking and measures to prevent mud on the highway.

Comments dated 22/04/2024 following amended plans:

Thank you for the revised consultation to the above application. It is noted within drawing 4525-MJA-SW-XX-DR-C-700-P7 that the provision for the recreational footway provision has been realigned so as not to be obstructed by the amended pond footprint. As set out within the Highway Authority response dated 06 March 2024 the determination of whether the amendments are acceptable is for the Planning Authority.

Local Lead Flood Authority HCC

Original comments received 23/02/24:

The principle of re-shaping the basins is acceptable, however we require clarification of the new volume and levels (it is stated that the volume will increase but there are no further details), and details of how the surface water drainage system will continue to operate during the construction stage of the works.

Comments received 08/05/24 following submission of amended plans and technical note:

The technical note states that there will be a net increase in attenuation volume, which is positive. No details have been provided to show that the basins will be able to operate fully during the works to modify them. We would need to review a basic method statement or something similar that shows how the works will be undertaken without temporarily reducing the available storage.

Comments received 20/06/24 following submission of revised technical note:

Thank you for consulting us on the amended details. It is stated that works will be planned during dry weather, however a detailed method statement would only be completed once a contractor is appointed. This is satisfactory, and if necessary, a method statement could be a requirement of a condition.

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: 63

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 41 objections, including letters from Manor Farm (Denvilles) Management Company Limited (owner of the land).

Summary of representations

- The proposed construction is located on, and passes through, this open space owned and maintained by the estate management company.
- Barratt Homes do not own the land

Officer comment – *Land ownership is not a material planning consideration.*

- Land owners have not been informed of the application

Officer comment – *Certificate B was completed and updated as part of the submission of amended plans. The management company listed as the land owner has commented on this application.*

- The proposal is self evidently a resubmission of preliminary works directly related to the permission applied for, and subsequently declined, in APP/23/00584 for which comprehensive arguments have been established for it being not approved.

Officer comment – *See section 7.*

- Discrepancies in the submitted documents

Officer comment – *It is noted that some documents originally referred to the*

provision of a road. The applicant has confirmed that this was an administrative error and amended relevant documents accordingly, and it is on the basis of these documents that the application needs to be determined.

- Taken standalone the proposal has no stated merit, benefit or purpose in as of itself

Officer comment – *The merits of the application are considered in section 7 below.*

- The proposal risks the correct functioning of the established SUDs ponds/ reduces their capacity
- Flood risk
- Any re-engineering work may seriously damage the integrity of the existing pond lining resulting in ground water ingress
- Existing ponds have sufficient capacity

Officer comment – *The LLFA has been consulted on the proposals and are satisfied subject to conditions.*

- Removal of footpath

Officer comment – *Amended plans have been received showing the rerouted footpath; its provision would be secured by planning condition.*

- Harm to ecology/ loss of fauna and flora
- The Site Walkover Report omits scrubland adjacent the site boundary

Officer comment – *The Council's Ecologist has been consulted and raises no objection, subject to conditions.*

- There is currently a farm gate and Grasscrete track (installed by BDW) into the field which has proven, over the last few years, to be adequate for farm machinery and lorries accessing the foul pumping station.

Officer comment – *Noted - see the reasons given for the submission of the application at Section 3 above.*

- The proposed works could introduce significant noise pollution, especially if it includes commercial or industrial activities.

Officer comment – *Any noise would be temporary during the construction period only. A condition requiring a method statement including measures to minimise disruption to nearby occupiers is recommended.*

- Loss of open space
- Harm to the amenities of walkers, runners, cyclist and users of the play areas
- Lampposts, tree and hedges would need to be removed/repositioned

Officer comment – *Whilst there may be some temporary disruption during the course of the works, there would be no change of use of the land and it would remain open space. The submitted plans do not show repositioning of lampposts. A condition is recommended to safeguard existing hedgerows not shown for removal on plans.*

- The proposal would be wide enough for a road
- The proposed road would pose a health and safety risk, additional maintenance costs to residents, additional traffic on Fifth Avenue
- Fifth Avenue often closed the road for street parties
- The existing gap between the ponds is sufficient in width for farm vehicles (6m)
- Fifth Avenue is not safe for farm vehicles as vehicles park on street
- The submitted plan GLS 020 149 1500/A shows a dead tree being retained and

the existing hedgerow being retained –these would restrict access to the farm land.

Officer comment – *The current application only seeks the reconfiguration of the existing drainage ponds, and no road is proposed.*

- Underhand way to try and widen a road for future housing development
- Other housing sites are available
- HBC should be consulting with the Highways Agency, Network Rail and developers about a new grade separated railway crossing before filling in the Emsworth/Havant Gap with houses
- Additional traffic on local roads and the A27 – congestion, highway safety issues and air pollution
- The land for which access is being pursued forms part of Havant B.C. Southleigh Development Control Plan and should not be developed in isolation, but part of a co-ordinated development with adequate amenities, infrastructure with good access off Southleigh Road
- Approval of this application will show large corporations can bully the public and push through applications by hiding details and resubmitting requests with different wording to achieve their goals

Officer comment – *No housing is sought in this application. The application must be determined on its own merits, and on the basis of what is proposed - i.e. the reconfiguration of existing drainage ponds only..*

- Lamppost moved already

Officer comment – *Condition 15 of APP/12/01222 required details of streetlighting, and for the development to be completed in accordance with those details - however, it does not require the street lighting to be maintained in that position in perpetuity.*

- On completion of both estates, Barratt Wilson Homes were supposed to resurface Fifth Avenue, they never did.

Officer comment – *The County Highway Authority confirmed that the S278 obligations had been complied with on 16/12/16.*

- Any omission by Barratt Homes in not complying with the covenant to provide a farmer's access is purely contractual and to be resolved between Barratt and the farmer. This is not a Planning issue.

Officer comment – *It is correct to say that contractual arrangements are a private matter; however in this case the LPA are under a duty to determine the planning application which has been submitted for consideration as a consequence of those arrangements.*

- It is noted there could be a Public Sewer located in the area of the proposed development. If located at the area of works, substantial additional work could arise, risking more damage to the existing basins.

Officer comment – *Southern Water have been consulted and raise no objection.*

- Residents who purchased and currently live on the estate were assured by Barratt David Wilson that access into the fields would not change and that the current farmers access road would suffice.

Officer comment – *Any assurances given by the developer to purchasers does not constitute a material planning consideration*

7.1 Having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development and planning history
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Impact on Highway Safety
- (v) Impact on Drainage

(i) Principle of development and planning history

7.2 This application follows the refusal of planning application APP/23/00584 which sought '*Construction of maintenance access off Manor Farm Close and amendments to existing drainage basins*'. This was refused on 14/12/2023 for the following reasons;

1. *By virtue of its scale, design and siting, the proposed access road, which would erode into prominent open space and result in the loss of natural features, would be inappropriate and would result in significant visual harm to the character and appearance of the area. In addition, insufficient information has been submitted to demonstrate an identified need for an additional access road. The proposal is therefore contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

2. *Insufficient information has been submitted to demonstrate that the proposed access would be safe and suitable for all road users, contrary to Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

7.3 The current proposal omits the vehicular access and seeks the reconfiguration of the existing drainage ponds only. Since the determination of application APP/23/00585, there has been no material change in local planning policy. The NPPF was updated on 19/12/2023, however, remains largely the same with greater emphasis on placemaking and creating beautiful places.

7.4 In the assessment of application APP/23/00585 the Officer report commented;

'The application site lies at the interface of the defined urban and non-urban areas of Havant. In this instance there is understood to be a restrictive covenant in place which requires Barratt David Wilson Homes to construct an access road and to allow the farmer to pass/repass over that access road with farm equipment in connection with the use and occupation of the farmland to the east. Whilst the contractual agreement indicates a farm access be constructed in this location, this is a private matter between the respective parties and any development would still need to be subject to the usual development management criteria.

The applicant has advised that the proposed access would solely be used for agricultural vehicles for maintenance purposes to provide access to the farmland to the east. The proposed access would measure 5.5m wide and would be constructed in resin bonded surfacing. Amended plans received during the course of the application has removed a footpath and grass verge either side the proposed access road in an attempt to minimise the harm to the verdant character of the area.

The proposed access road would replace an existing pedestrian access point which currently links the residential area to the open space to the east. Officers have previously expressed concern that the proposed access is overly engineered for its intended purpose. The provision of a 5.5m wide access road in this location would be likely to undermine the pedestrian connectivity to the open space and would be harmful to the character of the area.

It is also noted that there is an existing access point to the agricultural land to the east located further south along Manor Farm Close. This access, which formed part of the approved layout for the Manor Farm estate as a whole, is constructed in grasscrete and measures circa 4m wide, reducing in width as it passes through a field gate into the farmland. This existing access has clearly been utilised by the farmer to access the farmland for a number of years and several residents have questioned the need for a new access and whether the existing arrangement could continue to operate.

Aside from the restrictive covenant, which is a private legal matter, no substantive evidence has been submitted to justify the need for a new access in this location, nor has it been satisfactorily demonstrated that the existing arrangement could no longer continue to operate. In addition, there is no evidence to suggest that the existing access would be closed, and therefore the development would result in two access routes to the farmland which, on the basis of the information available to the Local Planning Authority, is considered unnecessary and unjustified.

Overall, in the absence of appropriate justification to the satisfaction of the Local Planning Authority, it is considered that the principle of the development cannot be supported.'

- 7.5 The current proposal seeks engineering works to the drainage ponds and realignment of the existing footpath only. In terms of the principle of the development, there would be no change of use of the land, which is materially different to the previous application (which sought the provision of a road). Therefore, Officers have no grounds to object to the principle of the development.
- 7.6 It is acknowledged that the developer claims the reasoning behind the application is to remedy restrictive covenants with the landowners requiring the provision of an easement to retained land to the east. However, the application description is for 'Engineering works to reconfigure existing drainage ponds' and no formal access to the agricultural field to the east of the application site is sought under this application.

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

- 7.7 In the assessment of application APP/23/00585 the Officer report commented;

'The proposed access would be located adjacent to the Fifth Avenue junction and would replace a pedestrian access which currently links the residential area to the open space to the east. There are a number of other footpaths along the eastern boundary which link to the open space. The character of the application site, in common with its surroundings, is verdant and features established hedge planting and maturing trees within a grassland setting. The pedestrian paths cutting through the landscape are generally of modest width (c.2m – 2.5m).

Whilst amended plans have been received to remove a footpath and grass verge originally proposed either side the proposed access road, together with a change in materials from asphalt to resin bond, it is important to assess the acceptability of the

scheme with regards to the impact upon the character and appearance of the area. It is considered that the creation of a 5.5m wide access road in this location, on the edge of the built-up area and in an area which is well landscaped and which constitutes open space, would significantly change the character of the site and its surroundings.

Given the scale and nature of the development, a 5.5m wide access road would both visually and functionally intrude into a significant area of open space. It would entail the loss of existing natural features in the form of the hedge which clearly denotes the edge of the open space at this point and a buffer to the residential area beyond. On this basis the works would be inappropriate and would result in significant visual harm to the character and appearance of the area. In addition, as set out above, insufficient information has been submitted to demonstrate an identified need for an additional access road in this location.

It is acknowledged that the application proposals also involve a remodelling of the existing drainage basins to the north and south of the application site to facilitate the corridor required for the access road. In and of themselves, the drainage basin changes are not considered to give rise to serious harm to the character of the area.

However, with specific regard to the access road proposals, the proposed development would result in significant harm to the character and appearance of the area and the loss of existing natural features, contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the aims and objectives of the NPPF.'

- 7.8 The current proposal seeks engineering works to the drainage ponds and realignment of the existing footpath only. As previously concluded the remodelling of the existing drainage basins would not result in detrimental harm to the character of the area. Likewise the realignment of the existing footpath would not have an adverse impact on visual amenity. It would still have a width of 3m and would be constructed with self-binding gravel to blend into the existing path. A planting plan has been submitted which shows that there would be wildflower and wetland meadow planting and existing trees would be retained. A condition is recommended to ensure that the soft landscaping would be provided. The application site would continue to be read as public open space associated with the adjacent residential development. To ensure that LPA control remains over that situation, a condition is recommended withdrawing permitted development rights for the construction of further accesses over the land the subject of the application.

- 7.9 It is therefore considered that the proposal would accord with Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the aims and objectives of the NPPF.

(iii) Impact upon residential amenity .

- 7.10 In the assessment of application APP/23/00585 the Officer report commented;

'Given the nature of the proposal, which is intended to be for infrequent agricultural access only, it is not considered that the proposal would have a significant direct adverse impact on the residential amenities of neighbouring properties, albeit it is acknowledged that the general impact of the development on the character and appearance of the area would be apparent to nearby residents and users of the open space.

In terms of residential amenity therefore, the proposals are not considered to conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.'

- 7.11 Given that the current application seeks engineering works to the drainage ponds and realignment of the existing footpath only, it is reasonable to conclude that there would be no adverse impact on neighbouring residential amenity.

(iv) Highway Impacts

- 7.12 In the assessment of application APP/23/00585 the Officer report commented;

'The Highway Authority have been consulted on the amended plans submitted following their initial consultation response and advise that their previous concerns have not been addressed. Insufficient information has been provided to demonstrate how the access road connects pedestrians and cyclists to Fifth Avenue as there is currently no dropped kerb access provision to the footway.

As the proposal introduces a new vehicle access point and interaction between vehicles and vulnerable road users, a Stage 1 Road Safety Audit and tracking details would need to be provided. In the absence of such information, there is insufficient evidence to demonstrate satisfactorily that the new access point is safe and suitable for all road users. The Highway Authority also reiterate that there is insufficient evidence to demonstrate the need for an additional access given there is an existing access located further south which could continue to be utilised to serve access to the farmland.

Overall, it has not been demonstrated that the proposals are safe and suitable for all road users, and the proposals are therefore considered contrary to Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.'

- 7.13 No formal vehicle access is proposed under the current application. The County Highway Authority has raised no objection, subject to a condition requiring a construction traffic management plan. The footpath would be rerouted around the reconfigured drainage basin and therefore pedestrian connectivity would be maintained. As such, there is no reason to resist the proposal on highway safety grounds. The proposal therefore accords with Policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. To ensure that LPA and Highways Authority control remains over that situation, a condition is recommended withdrawing permitted development rights for the construction of further accesses over the land the subject of the application.

(v) Impact on drainage

- 7.14 In order to widen the current gap between the two drainage basins, the northern basin will be reduced in size but the southern basin will be increased. Overall, there will be a net increase in the surface water basins of 10 square metres. The application has been supported by an updated technical note which includes an outline method statement which seeks to ensure that the available retention volume of the basin would not be compromised in the event of a severe rainfall event during the course of the works.

- 7.15 The Lead Local Flood Authority has been consulted on the application and raise no

objections to the scheme. Furthermore, no objections have been raised by the Environment Agency.

7.16 A condition is recommended to secure a detailed method statement prior to the commencement of development.

7.17 In terms of drainage therefore, the proposals are not considered to conflict with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

(vi) Ecology

7.17 During the course of the application an Ecological Walkover Report prepared by Tetra Tech and dated March 2024 was submitted. This has been reviewed by the Council's Ecology Officer, who is satisfied that there would be no unacceptable or significant impacts to biodiversity and has recommended that the proposed ecological avoidance and mitigation measures are secured by planning condition.

7.18 The proposal therefore accords with Policies CS11, CS13 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 in terms of biodiversity.

8 Conclusion

8.1 Officers acknowledge the concerns raised by third parties and that the applicant previously sought an access road on this application site. However, a fundamental principle of the planning system is that each application must be assessed on its merits. This applies to amended planning applications just as much as any other type of planning application. The history is relevant, but each proposal stands on its own merits. In addition, the Local Government Ethical Standards Report 2019 sets out the principles for officers and members that they shall act 'objectively' and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. This planning application must therefore be considered on its own merits.

8.2 This application seeks engineering works to reconfigure two existing SuDs drainage ponds and the realignment of the footpath only. Officers consider the proposal would not result in material harm to visual amenity and would not impede the capacity and function of the SuDs scheme, subject to conditions. The highway and residential amenity impacts would be limited to the construction period only and could be adequately mitigated through planning conditions. This includes the proposal that reflects discussion with ward councillors, whereby a condition is added to the recommendation which would remove permitted development rights so that a vehicular access cannot be created in the gap between the drainage basins without further LPA control.

8.3 The application is therefore recommended for approval.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00032 subject to the following conditions:

1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

P974.PL.01 Location Plan (uploaded 18 Apr 2024)
GLS_020_149_1500 REV A Planting Plan (uploaded 18 Apr 2024)
4527-MJA-SW-XX-DR-C-702 Rev. P1 Pond Planning Layout (uploaded 16 Jan 2024)
4527-MJA-SW-XX-DR-C-700 Rev. P7 Engineering - Footway Access Pond Layout (uploaded 18 Apr 2024)
BSO/E5109/18227-REV3 TECHNICAL NOTE - SURFACE WATER DRAINAGE (uploaded 28 May 2024)

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to the commencement of development, full details of ecological enhancements (including a soft landscaping scheme and installation of bat and bird boxes) and the timing for the implementation of these ecological enhancements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details and the ecological avoidance and mitigation measures detailed within the Ecological Walkover Report (Tetra Tech, March 2024).

Reason: To protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 4 No development shall start on site until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) The provision for contractor parking;
- (b) The arrangements for deliveries associated with all construction works, including vehicle routing;
- (c) Methods and phasing of construction works;
- (d) Access and egress for plant and machinery;
- (e) Protection of pedestrian routes during construction;
- (f) Location of temporary site buildings, compounds, construction material, and plant storage areas;

- (g) Methods of management to prevent mud/debris on the highway and private streets.

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason: In order to minimise impacts on the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 5 Within two months of the completion of the engineering works to the drainage ponds hereby approved, the rerouted footpath shall be provided as shown on plan numbers GLS_020_149_1500 and 4527-MJA-SW-XX-DR-C-700 Rev. P7 and made accessible to the public, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure pedestrian connectivity and safeguard amenity of the locality, in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent damage to existing trees and hedgerows on the site throughout implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times which such implementation is in progress. Any such tree or hedgerow which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position.

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 CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 7 Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of how the volume of the drainage basins would be maintained during the course of the works and provide details of measures to minimise disruption to neighbouring occupiers and users of the public open space during the construction works. Thereafter the development shall be carried out in full accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise flood risk and safeguard amenity of the locality, in accordance with Policies CS15 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no vehicle or pedestrian access shall be formed, other than the footpath shown on the hereby approved plans attached to this decision, without the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity and having due regard to policies CS16, CS20, DM8 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011.