

DELEGATED OFFICER REPORT

Site Address:	Coldharbour Farm - Phase 2, Coldharbour Farm Road, Emsworth		
Proposal:	Variation of condition 2 of APP/19/01226 relating to approved list and alterations to design and layout.		
Application Type:	Variation/Relief of Condition		
Application No:	APP/24/00586	Expiry Date:	31/10/2024
Applicant:	Mr Doswell Doswell Projects		
Agent:	Mrs Tier Henry Adams LLP	Case Officer:	Lesley Wells
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site, irregular in shape, occupies an area of approximately 1.94ha, located between Coldharbour Farm Road and an existing Service Station north of A27, on the north-western side of Emsworth. The site currently comprises open undeveloped land. The A27 runs parallel with the southern boundary of the site. The Emsworth Recreation Ground lies to the northeast of the site, separated by West Brook Stream which is designated as a Site of Importance for Nature Conservation (SINC). The West Brook Stream also runs along side the site, just outside the eastern boundary. Access into the development site would be from Coldharbour Farm Road, which is accessed from Horndean Road further to the east. The site currently comprises 2 fields with semi-mature planting and hedgerows along the boundaries and within the site. A ditch runs north-south across the centre of the site. There is a shared footpath / cycleway which extends to the east of the site going south through an underpass to Washington Road, close to Emsworth Town Centre. Emsworth railway station is located to the south east of the site along Horndean Road, with Emsworth Town Centre beyond this.
- 1.2 The site is located partly in Flood Risk Zone 1, with the eastern side in Flood Zones 2 and 3, which would, in the main, be the open space area for the development and the access. The site generally slopes from west to east.
- 1.3 Coldharbour Farm Road is a fairly modern residential development including detached, semi-detached properties and two-storey blocks of flats. The character of Horndean Road is mixed with properties of different sizes and ages mainly set back from the highway.

2 Planning History

APP/24/00387 - Variation of conditions 2 and 21 of Planning Permission - transferred to APP/24/00586
Construction of 44 dwellings with access, open space, landscaping and associated work and diversion of footpath No. 71 to the west (Approved 22/03/2024). Request to Discharge Conditions 10, 11, 12, 13, 14, 16, 17, 19, 20, 23 and 25 (28/06/2024) - Perm -22/3/24

APP/24/00505 - Combined Service Layout 01 23339_JUBB_XX_XX_DRY_C_500 - Drainage Layout 23339_JUBB_XX_XX_DRY_C_550 (Th) - Drainage Details 6020 DNA Pump details 23339_JUBB_XX_XX_DRY_C_500 - Drainage Layout 23339_JUBB_XX_XX_DRY_C_550 (Th) - Drainage Details Cold Harbour Farm Road CAMP DP240 incl. Appendix 23339_JUBB_XX_XX_DRY_C Position of EV charging points._120 - Proposed levels External Materials Schedule DP230 GLS_090_151_1500 Planting Plan GLS_090_151_1600 Hard Landscape GLS_090_151_1701 Post and Rail Fence GLS_090_151_1801 Landscape Specification External Lighting Design DP240 23339-JUBB-XX-XX-RP-C-003_P1 Coldharbour Farm Road Drainage Strategy Technical Note Coldharbour Farm Water Efficiency Calculator 28165-WD100E-Site Layout Plan inc. Bat and Bird Boxes, bUNK, - Tranferred to APP/19/01226

APP/19/01226 - Construction of 44 dwellings with access, open space, landscaping and associated work and diversion of footpath No. 71 to the west (Approved 22/03/2024). Request to Discharge Conditions 10, 11, 12, 13, 14, 16, 17, 19, 20, 23 and 25 (28/06/2024). - Perm 22/03/24

3 Proposal

3.1 Variation of condition 2 of Planning Permission APP/19/01226 relating to approved list and alterations to design and layout. Condition 2 of permission APP/19/01226 states:

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

Architects Plan

Location Plan - Drawing No. P0768-RHP-ET-ZZ-PL-A-1000 P2
 Proposed Site Plan - Drawing No. P0768-RHP-00-ZZ-PL-A-1003 P7
 Proposed Site Plan, showing Affordable Housing - Drawing No. P0768-RHP-00-ZZ-PL-A-1003 P6
 Our Ref: APP/19/01226
 Block Plan - Drawing No. P0768-RHP- 00-ZZ-PL-A-1001 P7
 Access Design, showing road layout and levels – Drawing No. 5314/1001 Rev B
 Access Design, Surface Water Drainage Strategy – Drawing No 5314/1002 Rev C
 General Arrangement Plan – Drawing No. 5314/006 Rev H
 House Type Block A1 (2B4P) Proposed Floorplans and Elevations Unit GIA - 79m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2001 P1
 House Type Block A2 (2B4P) Proposed Floorplans and Elevations Unit GIA - 79m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2002 P1
 House Type Block B1 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2003 P1
 House Type Block B2 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2004 P1
 House Type Block B3 Proposed Floorplans and Elevations Unit GIA - 94m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2005 P1
 House Type C (4 bed 6 person) Proposed Floorplans and Elevations Unit GIA - 121.6m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2006 P1
 Apartment Type Block D (1B/2P) Proposed Floorplans and Elevations Unit GIA - (GRD) 54m2 (1ST) 60.5m2 - Drawing No. P0768-RHP-ZZ-XX-DRY-A-2007 P2
 House Type Block E1 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94.5m2

- Drawing No. P0768-RHP-ZZ-XX-DRY-A-2009 P1
House Type Block E2 (3B5P) Proposed Floorplans and Elevations Unit GIA - 94.5m2
- Drawing No. P0768-RHP-ZZ-XX-DRY-A-2009 P1
Tree Retention and Protection Plan - Drawing No. LLD1726-ARB-DWG-002
Tree Constraint Plan - Drawing No. LLD1726-ARB-DWG-01 01

Documents

Application form

Arboricultural Impact Assessment and Method Statement dated June 2019
A Pre-Determination Archaeological Evaluation dated June 2019
Letter dated 23 September 2019 from Genesis Town Planning
Design & Access Statement Land to the West of Coldharbour Farm Road,
Emsworth
Transport Assessment dated July 2019
Framework Travel Plan dated September 2019
Energy Statement dated 2019
Planning Statement dated July 2019
Minerals Assessment dated July 2019
Noise Assessment dated August 2020
Amended Flood Risk Assessment, FRA.5 dated September 2022
Flood Modelling Report dated February 2022
Hydrology Report P02 dated February 2021
Existing Trees Schedule and Schedule of Tree Works, dated 19 June 2019
Air Quality Assessment dated July 2019
Contamination Land Assessment Phase 1 Desk Study dated June 2019
European Site avoidance & mitigation checklist, dated 6 January 2020
LLFA - SWM Developer's checklist
Landscape Design Strategy
Landscape & Visual Impact Assessment, dated 1/7/19
Ecological Impact Appraisal, July 2019
Ecological Mitigation & Enhancement Statement, dated 8/4/20
Ecological Mitigation & Enhancement Statement, dated 11 June 2020
Nitrogen Nutrient Assessment dated 25/10/22
Occupancy calculator 25/10/22
Updated European Site avoidance and mitigation checklist
Grazing Agreement
Email form agent dated 18 December 2020
Minerals Assessment Appendices
Our Ref: APP/19/01226
Overheating Report, dated 9/7/20

Reason: - To ensure provision of a satisfactory development.

3.2 Since the submission of the application the following changes include:

Variation of condition 21 removed from the proposal, so that the acoustic fence on the western boundary remains along its entire length at 2.4m in height.
The material for the parking bays has reverted back to block pavements instead of tarmac, aligning with the original visual quality of the scheme.
Reference to the Air Source Heat Pumps have been removed.
The retention of windows on the side elevations of units in plots Nos. 38 & 39-44 (top floor) overlooking a footpath and Plot No. 27 overlooking the public open space for natural surveillance.

3.3 The proposal seeks the following changes:

1. Paved areas to rear gardens reduced in size to 1.8m x 1.8m at patio door locations, access footpath updated to 0.9m.
2. Footpaths from gates updated to 0.9m width, with space for bin/cycle storage.
3. Rear garden access provided to all plots. (A reduction in the length of gardens to plots 11, 12, 15, 10, 20, 23 and 24).
4. Planting zone in-between cycle and pedestrian path omitted and added to the planting bay along southern boundary line.
5. 0.9m wide paths provided to front doors with larger planting buffer between units.
6. Perimeter of paths and parking change to concrete edging to rationalise levels and reduce number of kerbs required.
7. Individual cycle stores shown within rear garden of each plot.
8. Parking in front of Maisonettes (Unit Type D) rationalised into pairs with larger planting beds between them.
9. Footpaths reduced in width or removed to allow for larger planting beds, with additional crossing points (shown on key); this creates a footpath through the site.
10. Layout for one-way road shown.
11. Access footpath to front of Maisonettes increased to 1.34m width to suite slab format (450mm x 450mm).
12. Access to rear gardens provided with a single gate frontage to communal path, to reduce number of gates directly facing the street.
13. Parking and footpath areas combined between house, with planting added against houses: all the same level as bin storage.
14. Rear of adjacent parking bays (to plots 32/33) aligned.
15. Side garden area to the north of plot 8 omitted and planting bed increased to remove visibility issues around corner.
16. Detached garage (to the south of plot 1) changed to 2no parking bays.
17. Parking bays along southern road rotated to suit one-way circulation strategy.
18. Unit type C rear elevation amended to provided single set of double doors into rear garden, with larger window serving living areas with matching window at first floor, by combination of 1no. double pane window Updated shown on drawing 28165-PD30
19. Unit type B & E layouts updated, front entrance doors & ground floor WC window handed on front elevation. Windows to side elevations omitted. Affected plots indicated with * on site plans. Updates shown on drawings 28165-PD20/21/22/50/51.
20. Side lights to front doors on all plots/units types omitted.
21. Porches for unit types C & D amended (width increased and depth reduced).
22. Proposed trees updated to suite landscape designer's drawings/Substation & Pumping stations locations shown with designated parking space.
24. Ground treatment for all parking spaces shown as Block Pavers.
25. 2No. new crossing paths on one-way road to show access to public open space to the east.
26. Boundary treatments shown for various plots.

3.4 As to planning permission APP/19/01226 details in respect of the following conditions have been submitted to and approved by the Local Planning Authority: 10 (Utilities), 13 (CAMP) 14, (Levels) 16, (Materials) 23 (Water Efficiency) and 25 (Bat & Bird Boxes). However, as these conditions are directly relevant to this application, to ensure compliance, reworded conditions to be imposed are recommended. Other relevant conditions have been taken forward from APP/19/01226. The recommended conditions have been agreed with the applicant's agent.

4 **Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Housing Delivery Position Statement 2022

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS8	(Community Safety)
CS9	(Housing)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

EM1	(Emsworth Housing Allocations)
DM25	(Managing Flood Risk in Emsworth)
DM25	(Managing Flood Risk in Emsworth)
AL1	(Presumption in Favour of Sustainable Development)
DM18	(Protecting New Development from Pollution)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan

L1	General Housing Policy
L2	Housing Mix
M1	Cycle Storage Provision
D1	General Design Policy
D2	Height, Mass & Materials
D3	Layout, Form & Density
D4	Design of Public Spaces & External Areas
D5	Integration & Strong Connections
D6	Resource Efficiency
D7	Mitigate Light Pollution

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Alice Holt, Forestry Commission - No Comment

Building Control - No Comment

Coastal Engineering - Comment

We have no concerns from a tidal flood risk perspective relating to the variation of condition 2

Communities Team - No Comment

Community Infrastructure - Comment

CIL:

Schedule and Tenure Information have been provided in document 28165- PD620 and matches the GIA on CIL Form 1, which is declared as being 3729.4 sqm.

A completed CIL form 10 will be needed in advance of decision if mandatory social housing relief is to be recognised at the time of decision.

S106:

There is an existing S106 dated 21/03/2024 relating to APP/19/01226. The applicants may wish to enter into a D of V to regularise the change in tenure and future management of the site.

Officer Comment: *The applicant's agent has given no indication during the course of the application that the S106 agreement is to be varied.*

Councillor Charles Robert - No Comment

Councillor Grainne Rason - Comment

We should refer to the Planning Committee if the raised platform is not restored. There is also the matter of the porous surface being replaced by tarmac which a consultee has noted.

Officer Comment: *raised platform and railing restored at access, with the surfacing areas for the parking reverted back to pavements. Cllr Rason advised accordingly.*

Councillor Reuben Mychaleckyj - No Comment

Countryside Access Team, HCC, Countryside Access Team, Countryside Service - Comment

There are specific legislative requirements for the Highways Authority, Planning Authority, Developers and Landowners with respect to the PROW network. Where no changes are proposed to Public Rights of Way, the Planning Authority shall be aware of the following, and we request that the applicant is made aware of the following requirements through informatives where appropriate.

Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, they must be shown on the submitted plans with details of how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such information has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public

use at all times.

3. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the PROW at all times.

4. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process, which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 of the TCPA (1990) will invariably be made or confirmed. Development, in so far as it affects a PROW, must not be started and the PROW should be kept open for public use, unless or until the necessary order has come into effect.

5. All vehicles that would be legitimately accessing the site via a Public Right of Way should give way to public users, which could include horse-riders and cyclists, at all times. In cases with legitimate vehicular access a Construction Traffic Management Plan (CTMP) should be submitted to, and approved by, Hampshire Countryside Service as Highways Authority prior to any approval by the Planning Authority, and prior to commencement, to ensure the protection of public safety.

6. There must be no surface alterations to a Public Right of Way without the consent of Hampshire County Council as Highways Authority. Planning permission under the Town and County Planning Act (1990) does not provide this and separate consent is required. To carry out any such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).

7. No works to the surface of the Public Right of Way shall be carried out without prior approval of the HCS Area Countryside Access Manager. Any damage caused to the surface of the Public Right of Way by construction traffic will be required to be restored to the satisfaction of the Area Countryside Access Manager on the completion of the build.

Officer Comment: *The above is a recommended informative.*

A temporary Footpath Diversion Order has been agreed with HCC and implemented on the ground. As to a CAMP this was required by the Condition 13 under APP/19/01226, which has been agreed with the Highway Authority and other parties involved in the drafting of this condition. Compliance with the approved CAMP is a recommended condition.

County Archaeologist - No Comment

Department of Transport, National Highways - No Objection

In the case of this development proposal, our interest is in the A27.

We reviewed information available on your planning portal and note that this is a Section 73 application, which seeks variation of Cond. 2 (Approved Plans), following amendments to the proposed design and layout and submission of updated drawings (as listed in the letter from Henry Adams dated 19 July 2024). Having reviewed amended documents, we recommend 'No Objection' to variation of Cond. 2 of APP/19/01226, as proposed, as there is unlikely to be a potential material impact to the safe and efficient operation of the Strategic Road Network.

Developer Services, Southern Water - No Comment

Ecologist - Comment

I have no comments to make on this application. The proposed amendments do not have consequences for ecological matters.

Emsworth Residents Forum - Comment

We wish to make two points:

1 We note that it is proposed to replace the permeable surface originally proposed for car-parking places with a tarmac surface. Given that this area is vulnerable to flooding it would seem a retrograde step to propose this change.

2 The original application including specific provision for the access road to the development where it crosses the public footpath between Emsworth Recreation Ground and Washington Road to include a raised area to slow traffic. This is not included in any of the general plans now submitted but a continuous footpath to give pedestrians priority really is essential given the very high levels of use of this route by children and families going to and from school.

***Officer Comments:** the surfacing of the car parking spaces has reverted back to pavements, with the raised table crossing at the access and associated safety railings reinstated and agreed with the Highway Authority.*

Engineering Services - No Comment

Environment Agency - No Comment

Environmental Health - No Comment

Hampshire Constabulary - No Comment

Hampshire County Council Education Department -No Comment

Hampshire County Council, County Minerals - No Comment

Hampshire Fire and Rescue Service - No Comment

HCC - Children's Services Department - No Comment

HCC Arboricultural Consultancy - No Comment

Highways Development Planning - Final Comment

I refer to the consultation relating to the further submissions relating to the above application and would make the following comments.

The revised drawings - Site Plan referenced 28165-PD02 Rev E and Site Plan Changes Since Planning referenced 28165-PD03 Rev E are now acceptable to the Highway Authority as a variation to APP/19/01226 and would recommend -
No objection

Highways Development Planning - Initial Comment

I refer to the consultation relating to the above planning application and would make the following comments.

The submissions propose a number of changes to the previously agreed drawings

relating to condition 2 some of which vary highway elements from those previously agreed.

Changes

The Highway Authority are concerned in relation to the fact that the drawing Changes Since Planning Referenced 28165-PD03 Rev C does not include the previously agreed Public Right of Way diversion including a raised table crossing point and associated safety railings. The alignment of the footpath is shown now as an area of planting. In addition, a substation has been introduced on the access which crosses the previously agreed alignment of the PROW diversion. The access should be shown as a vehicle crossover rather than with access radius as currently shown. The access should be formed at right angles to the highway alignment.

Whilst the on site highway will not be adopted as public highway, the design is required to provide a safe environment for all modes of users and therefore the proposed layout once amended should be supported by an independent Road Safety Audit including the Designer's Response to any issues raised.

Having regard to the above comments the Highway Authority are not satisfied that the Variation to Condition 2 can be discharged at this stage.

Housing Needs Manager - Comment

This application is to vary design & layout, however, does not alter the number of affordable homes, or the sizes (all at, or exceeding NDSS) and types of homes being provided as part of this application.

Therefore, I have no further comments to make in this consultation response.

Officer Comment: *the entire site is now for affordable housing.*

Landscape Team - No Objection

Having reviewed the revised documents the amendments do not appear to have a detrimental impact on the overall landscape of the scheme and as such we have no adverse comments.

Local Lead Flood Authority - No Comment

Natural England - No Comment

National Highways - No Objection

In the case of this development proposal, our interest is in the A27.

We reviewed information available on your planning portal and note that this is a Section 73 application, which seeks variation of Cond. 2 (Approved Plans), following amendments to the proposed design and layout and submission of updated drawings (as listed in the letter from Henry Adams dated 19 July 2024).

Having reviewed amended documents, we recommend 'No Objection' to variation of Cond. 2 of APP/19/01226, as proposed, as there is unlikely to be a potential material impact to the safe and efficient operation of the SRN.

Network Rail - No Comment

Norse South East - No Comment

Nutrient Team, Planning Policy - No Comment

Open Space Society - No Comment

Planning Policy, PPUD

It is noted that the plan showing the changes to the layout indicates that the on-site car parking spaces are now to be surfaced with tarmac instead of permeable block paving. As well as the reduction in visual quality, this could also lead to higher run-off rates than agreed under APP/19/01226. In light of the sensitivity of the drainage system in Emsworth (see Policy DM25), it is recommended that this proposed change is not approved unless the LLFA and/or the Council's Drainage Engineer are satisfied that this meets the requirements of the drainage strategy previously agreed and does not lead to unacceptable risk of surface water flooding.

Officer Comment: *following discussion, the block permeable paving is to remain, which is shown on the amended plans.*

Ramblers Association - Objection

As previously stated in comments about this development we are concerned about the footpath/cycleway (PRoW Havant21) which is crossed by the access road to this development. This crossing must be suitably designed to minimize dangers to users of the PRoW.

Apparently, as noted by the HBC Consultant Transport Planner (see APP_24_00586-CONSULTEE_COMMENT_-_CONSULTANT_TRANSPORT_PLANNE R-1997455.pdf) a diversion of the PRoW has been agreed but is not shown on the drawings for this application. Indeed, it is contradicted by the application drawings.

We are unable to agree to this application without knowledge of the proposed diversion. We must therefore object to it pending further information.

Officer Comment: *The proposed footpath diversion has been approved by HCC and implemented.*

South Eastern Hampshire Clinical Commissioning Group - No Comment

Southern Gas Networks - No Comment

Waste Strategy - No Comment

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: 46

Number of site notices: 1

Statutory advertisement: 09/08/2024

Number of representations received: 1

Comment	Officer Comment
Flood plain with water running off into the stream Changes to surfaces of car parking areas- increase run off from development - may contribute to flooding. Car parking area will be unavailable - result in other roads being block Road to the site not wide enough for the extra traffic - may cause accidents Difficult to understand changes Changes much clearer on amended plan Footpath from Emsworth Recreation Ground to Washington Road - concerned over its use and construction traffic - insufficient clarity of where the footpath diversion will take place. Welcome the plan for all homes to have EV charge points - but need to be next door to car parking areas Assume EV post will have multiple plug-in points? Insufficient solar panel - only 2 per house - will only reduce usage/bills by a small amount. Pleased electric pumps proposed - however difficult to control associated noise. Ground source heat pumps more efficient at heating & cooling. Concerned the acoustic fence between the development and the A27 will only be 2.4 m high - 4m more appropriate to	Please see Section 7 below. The surfacing of the car parking area has reverted to pavements. Car parking provision complies with Havant's Car Parking SPD. Redevelopment of the site already accepted, with no highways objections raised, by the previous grant of permission. These are included on the Site Plan and set out above under paragraph 3.3 Footpath diversion agreed with HCC and installed on the ground, together with signs EV charging points moved next to car parking Specific details of the EV Charging points are the subject of a condition. The level of solar panels is considered to be appropriate. ASHP did form part of the application, but have been removed, with an understanding that they will form part of a later application. Noted A 2.4m acoustic fencing along the southern boundary has been found to be acceptable by EH by the previous grant of

reduce noise from A27.	planning permission.
Level of noise from A27 likely to lead to health issues with occupiers.	The development of the site for residential has been found to be acceptable, following careful consideration by EH.

7 **Planning Considerations**

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

- (i) Principle of development
- (ii) Impact on the Character and Appearance of the area
- (iii) Impact on residential amenity
- (iv) Access and Parking
- (v) Flooding and Drainage
- (vi) Archaeological
- (vii) Impact on Ecology/HRA/AA
- (viii) Impact on Trees
- (ix) Impact on Landscaping.
- (x) Education
- (xi) Health
- (xii) Contribution Requirements and Legal Agreement

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Planning permission was granted on 22/3/24 under reference APP/19/01226 for the 'Construction of 44 dwellings with access, open space, landscaping and associated work and diversion of footpath No. 71 to the west'. The application seeks changes to this permission, which may be built out. Therefore, the principle of residential development of the site has already been accepted, with only the proposed changes for consideration.

7.3 The proposal seeks to amend the approved scheme. These changes are set out above at paragraph 3.3.

(ii) Impact on the Character and Appearance of the area

7.4 The proposed changes to the fenestrations and layout set out above are not considered to have a significant impact on the character and appearance of the area, or significantly detract from the approved development. The proposal is therefore considered to accord with Policy CS16 of the Core Strategy.

(iii) Impact on residential amenity

7.5 The proposed would not result in any impacts on neighbouring properties, in terms of overlooking or loss of privacy, due to separation distances. However, the initial removal of flank wall windows overlooking a footpath within the site and the public open space would have resulted in the loss of natural surveillance, at certain points

within the development. These side windows have been reinstated in respect of flats show as plots 39-44 (top floor) & plot 38 overlooking the footpath and Plot No. 27 overlooking the public open space. Thus natural surveillance over the footpaths and public open space would be ensured which is acceptable.

- 7.6 As to the reduction in garden lengths from 10m to approximately 9m for plots 11, 12, 15, 10, 20, 23 and 24 this is to provide rear entrances to adjacent plots. Whilst the provision of these footpaths would result in the lengths of these gardens being reduced from 10m in length by approximately 1m, overall the plots affected would still have larger gardens than adjacent gardens whilst providing rear accesses to neighbouring properties, which on balance, is considered to be acceptable in this particular instance.

(iv) Access and Parking

Access

- 7.7 Following amended plans which retain the raised table at the access and guard railing on the northern side of the access road, the Highway Authority raised no objection to the proposal.

Parking

- 7.8 The principle of chevron parking is considered acceptable, with no comment received from Highways on this point. However, the initial change to the surface treatment for the car parking area from pavements to tarmac was not acceptable with the proposal reverting back to pavements for these areas.

(v) Flooding and Drainage

- 7.9 Coastal Partners were consulted over the proposal, with no objection raised.
- 7.10 Southern Water and LLFA were consulted over the proposal, with no comments received. The proposal does not involve changes to surface or foul drainage, which would be subject of conditions taking forward from APP/19/01226 if permission is granted.

(vi) Archaeological

- 7.11 The impact on archaeological was considered to be acceptable under permission APP/19/01226 and this variation would not affect that consideration.

(vii) Impact on Ecology/HRA/AA

- 7.12 The impact on ecology was considered to be acceptable under permission APP/19/01226 and this variation would not affect that consideration.
- 7.13 There is no change in relation to the level of proposed accommodation and HRA/AA requirements from the original consent APP/19/01226 with the associated S106 legal agreement securing the SRMS and Nutrient contributions of £76,071.79.

(viii) Impact on Trees

- 7.14 The impact on trees was considered to be acceptable under permission APP/19/01226 and this variation would not affect that consideration.

(viii) Impact on Landscaping

- 7.15 The Council's Landscape Officer has been consulted over the changes to the landscaping, with the response being that the "...amendments do not appear to have a detrimental impact on the overall landscape of the scheme and as such we have no adverse comments." Therefore, there are no objections to the landscape changes.

(ix) Education

- 7.16 The original proposal did not attract a contribution and therefore this variation would not affect that consideration.

(x) Health

- 7.17 The original proposal required a contribution of £2,600 which is a requirement of the Section 106 agreement attached to planning permission APP/19/01226.

(xi) Contribution Requirements and Legal Agreement

- 7.18 Planning permission APP/19/01226 included an agreement under Section 106 Agreement dated 21 March 2024. This covers Affordable Housing, SRMS, Nitrate Mitigation & Health contributions, plus Monitoring fee, together with other requirements, with a number falling within the remit of Hampshire County Council. At Clause 17.2 in the Section 106 Agreement it states

" This deed shall apply (unless the parties agree otherwise) to any planning permission subsequently granted by the Borough Council under Section 73 or 73A of the Act, which permits non-compliance with any of the conditions attached to the Planning Permission and any other permission granted under such powers (a "Subsequent Permission") and the Planning Permission shall be construed to include the development as stated in the Subsequent Permission, unless otherwise required by the Council or the circumstances in clause 16.1.2 arise".

- 7.19 As this is a S73 application, seeking non-compliance with a condition attached to the Planning Permission, the contributions required by the Section 106 Agreement covers this proposal, in compliance with amongst other matters the Habitats Regulations.
- 7.20 As stated above, relevant conditions are required to be carried forward from the original permission, amended where appropriate. As to the time limit for the commencement of development, this is 3 years from the grant of the previous permission ie 22nd March 2024.

8 Conclusion

- 8.1 The proposed changes would not adversely impact on the character and appearance of the area, residential amenity, highway safety or parking. Other planning matters have been addressed or would be controlled by the imposition of appropriate conditions, or by the legal agreement in respect of planning permission APP/19/01226. Therefore, it is considered that the proposal accords with the development plan as a whole, and the National Planning Policy Framework and it is recommended that conditional planning permission be granted.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00586 subject to the following conditions

- 1 1. The development must be begun not later than 22 March 2027.

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:

Proposed Block Plan - Drawing No. PD01 Rev E
Site Plan - Drawing No. PD02 Rev G
Site Plan Changes since Planning - Drawing No. 28165-PD03 Rev G

Unit Type A1 Plans & Elevations - Drawing No. PD10
Unit Type A2 Plans & Elevations - Drawing No. PD11
Unit Type B1 Plans & Elevations - Drawing No. PD20 Rev A
Unit Type B2 Plans & Elevations - Drawing No. PD21 Rev A
Unit Type B3 Plans & Elevations - Drawing No. PD22
Unit Type C Plans & Elevations - Drawing No. PD30
Unit Type D Plans & Elevations - Drawing No. PD40 Rev A
Unit Type E1 Plans & Elevations - Drawing No. PD50
Unit Type E2 Plans & Elevations - Drawing No. PD51
Proposed Site Sections AA & BB - Drawing No. PD100
Tree Retention and Protection Plan - Drawing No. LLD1726-ARB-DWG-002
Tree Constraint Plan - Drawing No. LLD1726-ARB-DWG-01 01

Accommodation Schedule & Tenure Information PD620

Documents

Application Form
CIL Form 1 - Additional Information
CIL Form 2 - Assumption of Liability

Arboricultural Impact Assessment and Method Statement dated June 2019
A Pre-Determination Archaeological Evaluation dated June 2019
Transport Assessment dated July 2019
Framework Travel Plan dated September 2019
Energy Statement dated 2019
Minerals Assessment dated July 2019
Noise Assessment dated August 2020
Amended Flood Risk Assessment, FRA.5 dated September 2022
Flood Modelling Report dated February 2022
Hydrology Report P02 dated February 2021

Existing Trees Schedule and Schedule of Tree Works, dated 19 June 2019
 Air Quality Assessment dated July 2019
 Contamination Land Assessment Phase 1 Desk Study dated June 2019
 Landscape Design Strategy
 Landscape & Visual Impact Assessment, dated 1/7/19
 Ecological Impact Appraisal, July 2019
 Ecological Mitigation & Enhancement Statement, dated 8/4/20
 Ecological Mitigation & Enhancement Statement, dated 11 June 2020
 Nitrogen Nutrient Assessment dated 25/10/22
 Occupancy calculator 25/10/22
 Updated European Site avoidance and mitigation checklist
 Minerals Assessment Appendices
 Overheating Report, dated 9/7/20

Reason: - To ensure provision of a satisfactory development.

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby approved shall be carried out only in accordance with the Construction Environmental Method Statement approved under condition 13 of planning permission APP/19/01226.

Reason: To mitigate any adverse impact from the development on the A27 and to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety having due regard to Policies CS16 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. Furthermore, to mitigate any adverse impacts on ecology, the water environment and residential amenity, having due regard to Policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2023

- 4 The materials and finishes shall be as approved under condition 16 of planning permission APP/19/01226.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021. regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 5 The development hereby approved shall be carried out only in accordance with the level details approved under condition 14 of planning permission APP/19/01226.

Reason: To ensure that the internal site layout is designed and implemented in a satisfactory manner, having regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2023.

- 6 The development hereby approved shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the approved Ecological Mitigation & Enhancement Statement dated June 2020 produced by Lizard Landscape Design and Ecology under planning permission APP/19/01226, unless otherwise agreed in writing by the Local Planning Authority. Any such measures shall be implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. Details of the implementation of all ecological mitigation, compensation and enhancement features shall be reported to the Local Planning Authority in writing within one month of their completion.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 7 The development hereby approved shall proceed in strict accordance with the Noise Assessment dated 20 August 2020, approved under planning permission APP/19/01226, with the noise mitigation measures (ventilation and glazing scheme) installed, maintained and retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the development and having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 In the event, that the link to the Service Station to the west is secured, details of the gate opening in the west boundary fence from the foot/cycleway shall be submitted to in writing to the Local Planning Authority for approval. The approved scheme shall be fully implemented within 3 months of the approval.

Reason The development of the site provides the opportunity to create a new foot/cycleway link to the service station to the west of the site, having regard to Policy UE37 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with the submitted flood risk assessment reference "MT-5314-FRA.5R" dated September 2022 and the updated "West Brook, Emsworth fluvial flood risk modelling report" by JBA Consulting dated September 2022, approved under planning permission APP/19/01226. The following approved details as set out in these documents shall be fully implemented: ·

Approved finished floor levels within the development; minimum level of 6.1m AOD. ·

The approved access road culvert crossing, as set out in drawing reference 5314/1001 rev. A B;

Approved development road levels; between 6.91m AOD and 7.84m AOD as Section 2.25 states. ·

The approved flood storage compensation size; 1,800m² ·

The approved Proposed Development Scenario 4; culvert details as set out in Section 2.33

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons To ensure access and egress to and from the site is safe for the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. In accordance with Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Our Ref: APP/19/01226 Classes A, B and E Schedule 2, Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of neighbours and parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The development hereby approved shall be carried out only in accordance with the utility services details approved under condition 10 of planning permission APP/19/01226.

Reason: To safeguard the continued health and presence of existing vegetation and trees and to 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.

12 PRECOMMENCEMENT

Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the approved Arboricultural Impact Assessment and Method Statement dated 27 June 2019 and Tree Retention and Protection Plan shall be fully implemented, as approved by planning permission APP/19/01226. The development shall be carried out strictly in accordance with the submitted details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 13 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

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

- 14 No development hereby permitted shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme for the site, shall be based on the principles within the Flood Risk Assessment ref. "MT-5314-FRA.5R" dated September 2022 which includes the updated "West Brook, Emsworth fluvial flood risk modelling report" by JBA Consulting dated September 2022 and shall include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Detailed engineering drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- c. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- d. Details of how the SUDS features and outfalls will be designed to be as natural as possible and maximise ecological benefit.
- e. Materials plans.
- f. Cross sections for all attenuation ponds, swales, headwalls, underground attenuation (cellular storage) and outfalls into a main river.
- g. Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters.
- h. A scheme to treat and remove suspended solids from surface water run-off during construction works.

The development shall be carried out strictly in accordance with the approved details.

Reason: To safeguard the amenities of the locality and ensure that all such drainage and flood 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.

- 15 No development shall commence until details of the proposed drainage design, landscaping and street lighting have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the internal site layout is designed and implemented in a satisfactory manner having due regard to Policies CS16 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16 **ABOVE GROUND**

No above ground construction works shall take place until a soft landscape scheme including submission of fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing has been submitted to and approved in writing by the Local Planning Authority. This shall incorporate the planting of new trees along the western boundary of the retained SINC to create a wildlife corridor. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs and plant specification schedules, comprising plant size, number and density.

The information shall also include:

Hard landscape details requiring submission of fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:

- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- Boundary details requiring submission of fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new.

The approved landscaping scheme shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following first occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

17 **PRIOR TO OCCUPATION**

The development hereby permitted shall not be occupied, until the bat and bird boxes have been installed as approved under condition 25 of planning permission APP/19/01226.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

18 The development hereby permitted shall not be occupied other than in accordance with the details approved in relation to the Water Efficiency condition 23 of planning permission APP/19/01226. These included the following requirement:

- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and

Furthermore, the development shall not be occupied until:

- All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

19 No dwelling hereby permitted shall be first occupied anywhere on the site until the road(s) serving that dwelling have been laid to at least base course, unless otherwise agreed in writing with the Local Planning Authority.

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

- 20 Prior to occupation the full details of the installation of lighting and its location, which shall include a lighting contour plan, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To mitigate any adverse impact from the development on the A27 and ecology on the site. To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and having regard to Policy CS20 and the National Planning Policy Framework.

- 21 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwellings. The submitted details shall include:

- a. Maintenance schedules for each drainage feature type and ownership.
- b. Details of protection measures.

Reason: To safeguard the amenities of the locality, to mitigate any adverse impact from the development on the A27 and ensure that all such drainage provision is constructed to an appropriate standard and quality and to satisfy the reasonable requirements of road safety, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety 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.

- 22 Prior to the occupation of the development, the acoustic fence hereby approved under planning permission APP/19/01226, Drawing No. 5314/006 H shall be carried out in accordance with the Acoustic Fence Detail unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained in a wholly sound and effective condition.

Reason: To protect the amenities of the occupiers of the development from noise and disturbance from the A27 to the south having due regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 23 Prior to occupation, details of the bollards on the cycle/footpath as shown on Drawing No. P0768-RHP-ZZ-XX-DRY-A-1003 P7 approved under planning permission APP/19/01226 shall be submitted to the Local Planning Authority in writing for approval. The approved bollards shall be provided prior to the occupation of the first 25 dwellings constructed and thereafter retained and

maintained in that position.

Reason: To ensure the safety of pedestrians and cyclists using the cycle/footpath and having due regard to policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 24 Prior to the occupation of the development, full details of the Electrical Vehicle Charging points, the superfast broadband, secure drop-off boxes and water butts shall be submitted in writing to the Local Planning Authority for approval. Where relevant, the details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Only the materials so approved shall be used, in accordance with any terms of such approval, unless otherwise agreed in writing by the Local Planning Authority. The Charging Points, superfast broadband, secure drop-off boxes and water butts shall be installed prior to the occupation of each individual dwelling and always retained thereafter.

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

- 25 Prior to occupation details of the Photovoltaic Panels installed in the roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the occupation.

Reason: In the interests of energy efficiency and having due regard to Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 26 Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any significant buried waste material is encountered (especially metallic objects which might comprise barrels or tanks, vehicles or ordnance), works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

1. Investigation in the vicinity of the suspect material, sufficient to characterise its nature, likely extent & mobility,
2. An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
3. Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due

regard to sustainability All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) A written statement confirming that no suspected contamination was identified during development, OR;
- B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.

Reason: The site is located adjacent to a potentially contaminating land use (retail sales of petrol, and HGV parking / servicing facilities). The site has not previously been developed and could be associated with previously unrecorded deposits of waste materials to land. Havant Borough is a low-moderate risk with respect to ordnance (UXO/UXB), with undeveloped sites representing an elevated risk of undiscovered / unrecorded UXO / strikes. This condition requires proportionate management of these low risks to the health of future occupants of the development, in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of Our Ref: APP/19/01226 the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework.

27 POST OCCUPATION

At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Our Ref: APP/23/00524 Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.