

communal facilities, access, car parking, landscaping and substation. In addition, provision of 1No. retail unit with flat above with associated parking and landscaping., Refused ,22/12/2015 for the following reasons:

1. The proposed development by reason of its bulk, height and site coverage would be an incongruous feature to the detriment of the visual amenities of the area, and would not provide satisfactory waiting and turning facilities for servicing vehicles within the site, and as a result would be prejudicial to the safety and amenities of users of the highway network in the surrounding District Centre. As such the proposed development would be contrary to Policies CS16, CS20 and DM7 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

2. In the absence of binding arrangements for the provision of on site affordable housing or alternatively an acceptable contribution in lieu of on site provision the proposal fails to make adequate provision for affordable housing in the interests of creating mixed communities and responding to housing need. As such the proposed development is contrary to Policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Council Housing SPD July 2011 and the National Planning Policy Framework 2012.

3. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

A subsequent appeal was dismissed on 5/5/16.

- 2.2 APP/20/00015: Approved 18/03/21 - Demolition of retail unit and associated outbuildings and construction of a 3-storey building consisting of 1No retail unit with 4No one-bedroom flats fronting Elm Grove and a 3 storey, sheltered housing, building consisting of 19No one bedroom and 20No two bedroom assisted living accommodation with associated car parking and external works to the rear.

Permission was granted subject to imposition of 17 Conditions and to a S106 legal agreement dated 17th March 2021. The legal agreement secured the provision of affordable housing and contributions in respect of a Monitoring Fee, SRMS and NHS Health commitments.

Note: Para 16.2 of the S106 establishes that the legal agreement shall apply to any planning permission subsequently granted under S73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission or any Subsequent Permission granted under such powers.

APP/20/00015 responded to concerns that had been expressed in respect of APP/15/00950, particularly in respect of the sheltered housing element as follows:

- Reduction in number of units in the sheltered housing block by proposing 5 fewer units;

- Reduction in height and scale of the sheltered housing block, in addition, this element was moved further back into the site, allowing re-configured parking
- Revised shared access, including provision of a pedestrian footpath 3 metres in width which would be able to accommodate mobility scooters
- Additional landscaping within the car parking to soften the impact of the development.

3 Proposal

- 3.1 This is an application in accordance with S73 of the Town and Country Planning Act 1990 (as amended). S73 facilitates minor material amendments to previously approved developments to be approved without complying with a previously imposed condition.
- 3.2 In this instance, permission is sought for Variation of Condition 2 (Approved Plans) of the partially implemented consent Ref: APP/20/00015; specifically:
- Proposed First Floor Level (FFL) of main, assisted living housing block (the building to the rear of the site) raised by 450mm, to facilitate the sewer connection to existing below ground drainage system; and
 - South-east corner of main roof cantilevered to ensure 'buildability'. The floor plans at lower level are unaffected by this change.
- 3.3 The proposed schedule of accommodation and all other aspects of the original planning permission remain unchanged.
- 3.4 During the course of determination of the S73 application, the application has been amended further. The roof form has been simplified and the initial dual pitch roof design (15.0 degrees at ridge reducing to 7.5 degrees at eaves) has been simplified and is now to comprise a single roof plane of 13.26 degrees.
- 3.5 The proposal does not seek variation to the wording of Condition 2, only amendment of the approved drawings. The part of the development to be amended comprises the sheltered housing block located towards the rear of the site. The frontage building and all surface areas including access, parking, landscaping and other amenity areas would be unchanged.
- 3.6 This S73 application is supported by the following documents.

Drg Ref: 19-030_005_P6 Ground Floor Plan (As per Approved layout)

Drg Ref: 19-030_006_P6 First Floor Plan (As per Approved layout)

Drg Ref: 19-030_007_P6 Second Floor Plan (As per Approved layout)

Drg Ref: 19-030_008_P7 Elevations (S73 Amended)

Drg Ref: 19-030_009_P7 Elevations (S73 Amended)

Drg Ref: 19-030_010_P3 Elevations Frontage Building as per Approved layout)

Drg Ref: 19-030_011_P8_ Sections (S73 Amended)

Drg Ref: 19-030_004_P4 Roof Plan (S73 Amended)

Drg Ref: 19-030_001_P5 Site Location Plan and Block Plan (As per Approved)

Drg Ref: 19-030_002_P17 Proposed Site Plan (As per Approved layout)

European Site Avoidance and Mitigation Checklist Document

19-030 Nitrogen Budget Calculator (June 2020)

4. Context of Development (Having regard to the partially implemented consent).

- 4.1 In order to apply context to this S73 application, details of the Approved Full Planning Permission APP/20/00015 are set out below:
- 4.2 Permission was granted for the demolition of retail unit and associated outbuildings and construction of a 3-storey building consisting of 1No retail unit with 4No one bedroom flats fronting Elm Grove and a 3 storey, sheltered housing, building consisting of 19No one bedroom units and 20No two bedroom assisted living units with associated car parking and external works to the rear. The sheltered apartments are to be for people of 55 years or over, and provide specialist accommodation in self-contained flats, all within a community setting. This element is an all affordable housing development comprising: 19 x 1 bed & 2 x 2 bed apartments for affordable rent - 54%, and 18 x 2 bed apartments for shared ownership. In terms of scale the proposed sheltered housing element varies between one and three stories in height. The retail unit, with apartments above will also be three-storeys with a pitched roof. The access to serve the development is to lie between the new frontage building and 106 Elm Grove to the south. The car park between 106 and 108 Elm Grove is included in the application site and is to be retained for the benefit of 104 and 106 Elm Grove.
- 4.3 The sheltered apartment block comprises a courtyard U shaped approach. The main frontage elevation to the west is mainly three-storey in height, with varying pitched roofs, but steps down to single storey elements towards the southern boundary. The scheme is largely defined with a succession of hipped roofs. When viewed from the south the building is predominantly three-storey, with single and two storey elements, closest to the southern boundary on each wing of the proposal. These elements are set away from the southern boundary, by approximately 2.5metres and 4.5 metres respectively, the communal garden is between these elements of the building and the boundary. The northern elevation is largely designed as three-storey, and is separated into a number of distinct elements by extending pitched roofs, and then dropping down to elements of two and single storey elements which provides some variance in the plan depth. The east elevation is predominantly three-storey although it steps down to two-storey at its southern end.
- 4.4 Design is contemporary in nature. Materials are proposed as a mixture of pale red and stock bricks, standing seam cladding with vertical metal cladding to roof and corners of the sheltered housing block, and grey concrete tiles with slate effect tile for the front retail building.
- 4.5 A shared central access is proposed between the retail/apartment building and 106 Elm Grove, incorporating a 3m wide footpath. The flats are to be provided with 16 car parking spaces, which are set in three distinct blocks in front of the western elevation, landscaping is proposed at points within these car parking areas to soften

the impact of the hardstanding, and to address the previous appeal decision on this matter. Eight accessible mobility scooter charging points are provided on site.

- 4.6 For the proposed retail and residential units fronting Elm Grove, 4 parking bays are provided for the proposed retail unit, with a further 4 servicing the flats above, all within a separate dedicated parking area to the rear of the building. Five cycle spaces are allocated to the Front Building, with a further two provided for visitors directly opposite the main entrance to the Main Building.
- 4.7 In order to secure planning permission APP/20/00015 and in order to address the concerns expressed by the Appeal Inspector in respect of APP/15/00950 the height and scale of the sheltered housing block was reduced and it was concluded that: *'subject to appropriate conditions, this development has overcome the matters that were raised by the Inspector, and would provide an improved impact on the character and appearance of the area, together with an improved level of amenity for both residents and visitors. Having regard to the relationship of the development to its surrounding context it is therefore considered that the proposal is acceptable in respect of its scale, massing and street scene implications to Elm Grove and its wider impact under the requirements of CS16 of the Core Strategy and the Design Guide SPD'.*
- 4.8 The following documents which accompanied APP/20/00015 can be considered background documents to the current S73 application:
- Archaeological Desk Based Assessment
Transport Statement
Landscaping Strategy
- Ecology Report
Contamination Desk Study
Flood Risk Assessment with drainage strategy
Design and Access Statement including Affordable Housing statement

5 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS4	()
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)
DM7	(Elderly and Specialist Housing Provision)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

HY1	(Hayling Island Housing Allocations)
AL1	(Presumption in Favour of Sustainable Development)

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

6 Statutory and Non-Statutory Consultations

- 6.1 Having regard to the nature and limited extent of the proposed amendments, consultation has not been extended to include those involved in the original planning application specifically Arboriculture, Landscape Design, Building Control, Communities, Community Infrastructure, Planning Policy & Urban Design, Archaeology (HCC), Strategic, Housing Manager, Environmental Health, Environmental Delivery Group (HCC), Crime Prevention, Southern Water, Hampshire Highways, Housing Manager, LLFA (HCC), Education.
- 6.2 Natural England has however been consulted since determination of the original planning permission in order to ensure that nutrient neutrality would be achieved in respect of new development within the identified catchment area. Nutrient neutrality is the outcome achieved when a particular land use or a specific development, within catchment areas of vulnerable watercourses, does not increase phosphate and nitrate levels in those watercourses beyond current levels.
- 6.3 Consultation Responses

Natural England

Natural England (NE) responded by letter dated 31 May 2022 citing regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). With regard to European Sites, NE does not object to the granting of planning permission subject to: Havant having mitigation measures in place to manage potential impacts through contributions to the strategic solution agreed with NE, which if implemented, and if secured and implemented in accordance with planning conditions and/or obligations, would be effective and reliable in preventing harmful effects on the Habitat(s) Sites for the duration of the proposed development.

Natural England raise no concerns with regard to the nutrient budget, provided Havant are assured that the budget calculations are suitably precautionary and accurately reflect the proposal.

Nutrient Team

The Team has confirmed that there is sufficient capacity within the Council's Mitigation Scheme for this application.

7 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: 36

Number of site notices: At least one site notice exists.

Statutory advertisement: 04/03/2022

Number of representations received: 6

Third Party Representations - Objections

Seven letters of objection received raising the following issues:

Accessibility: Multiple respondents expressed concern regarding Hayling Island's accessibility issues. Reliance on Langstone Road (A 3023) as the sole entrance/egress point for road vehicles was deemed by some locals as a potential hazard to life. Possible scenarios where emergency service vehicles could not enter or exit the island were cited as reasons why alternative access points should be prioritised over any other proposed development. A complaint received on 11 March 2022 noted that recent adverse weather conditions had shut off access to the island for two hours. One response argued the development would need a minimum of 63 parking places, plus visitor parking, in order to be viable.

Infrastructure: Respondents frequently stated that local infrastructure was already strained as part of their objection to the planned development. Overcapacity of schools, overworked medical practices and worn out water and sewage systems were deemed to be more worthy of attention by some complainants. Another objection suggested highway repairs on Elm Grove should be completed prior to construction commencing on this project. Said objection alleged previous development had damaged the already struggling sewage system to the point that connecting further waste pipes was non-viable. Lack of demand for the elderly accommodation proposed was also asserted. Alarm at the prospect of more cars on the road dovetailed with frustration that Hayling Island lacks an affordable public transport system. One respondent felt that these two factors, in conjunction with inadequate 'associated parking' would necessarily result in cars merging with the carriageway near two schools. Potentially increased risk at Tournerbury Lane junction was also suggested. Further, said respondent was frustrated by perceived conversion of commercial properties into housing, and the deleterious impact on the high-street.

Character: One complainant argued a three-storey development would look odd given that the remainder of the street is comprised of two-storey buildings.

Officer Comment: *The objections received from members of the public in the context of this S73 application relate primarily to issues that were raised and addressed in the context of the approved outline planning consent. It is not considered that the amendments the subject of this application have any material bearing on these issues.*

8 Planning Considerations

Habitat Regulations Assessment & Appropriate Assessment

- 8.1 The Council, as competent authority under Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), has conducted a Habitats Regulations Assessment (HA) of the proposed development.

Recreational Pressure

- 8.2 The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan

(Allocations) and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

- 8.3 The applicant has provided a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has entered into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.

Water quality

- 8.4 There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some designated sites. 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. Therefore, a significant effect on the Chichester and Langstone Harbours SPA, Solent Maritime SAC and Solent and Dorset Coast pSPA cannot be ruled out. Natural England have produced 'Advice on achieving nutrient neutrality for new development in the Solent region'. This sets out a methodology to calculate the nutrient emissions from a development site.
- 8.5 The applicant has used this methodology to calculate the nutrient emissions from the site. This calculation has confirmed that the site will emit a net nutrient load into European Sites. The Position Statement and Mitigation Plan for Nutrient Neutral Development sets out a mitigation package which will mitigate the impact that this development would have on the designated European Site. The applicant has entered into a legal agreement to secure the mitigation package.

Appropriate Assessment conclusion

- 8.6 The Appropriate Assessment has concluded that the avoidance and mitigation packages proposed would be sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur from the development proposed. The HRA has been subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The requisite mitigation packages have been secured.
- 8.7 In other respects, and having regard to the relevant policies of the development plan it is considered that the main issues arising from the changes proposed by this S73 application are:
- (i) Principle of development
 - (ii) Impact upon residential amenity
 - (iii) Impact upon the character and appearance of the area
 - (iv) Drainage and flood risk
 - (v) Legal Agreements (The existing S106; Unilateral Undertaking and CIL)

(i) Principle of development

- 8.8 The principle of a redevelopment of the site has been determined as being acceptable in accordance with Planning Permission APP/20/00015 which has been approved for a mixed use (retail and residential) 3-storey scheme. The variation as

submitted does not affect that principle relating to redevelopment of a brownfield site in accordance (generally) with a Local Plan allocation.

- 8.9 Section 73 of the Act provides for the determination of applications to develop land without compliance with conditions previously attached. It only provides for the variation of conditions attached to an existing permission; it does not provide a means of varying the development permitted (other than through the imposition of new/varied conditions). Given the previous permission, the principle of the development is considered to be acceptable.

(ii) Impact Upon Residential Amenity

- 8.10 The original permission for full planning approval to which this application seeks to amend, explored and assessed the potential impact that a three-storey building would have on surrounding property. Reference was made in the Officer Report accompanying APP/20/00015, to the height/distance criteria in the Havant Borough Design Guide SPD that Havant relies upon to establish whether a proposed development in proximity to existing property could have a detrimental impact as might result from overshadowing, visual intrusion (ie loss of outlook or overbearance) or loss of privacy, and in so doing applies nationally recognised standards. It was previously found that both buildings would, in all instances, be a satisfactory distance from neighbouring property so as not to impact to the detriment of residential occupiers.
- 8.11 In respect of this S73 application, the sheltered housing block would be raised by 0.45m, which would equate to approximately 6 courses of brickwork (and being mindful that a full additional 'storey' would equate to 2.6m – 2.8m). Although the approved building would lie close to the rear gardens of semi-detached houses in Palmerston Road, the building would be sited to the north and as a result would not give rise to overshadowing nor impact unacceptably upon other residential properties in the vicinity. Given separation distances from residential property and the margin of acceptability factored into the extant approval, the additional height is considered acceptable and insufficient to materially harm either the amenity of neighbours or future occupants of the development.

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

- 8.12 There are no heritage or other special designations to take into account. The raised building height of the sheltered housing element, although visible from within adjoining curtilages, would be subject to relatively distant public domain views and only when viewed through the gap retained as a means of access between the site and the Veterinary Practise building. The raised ridge height of the sheltered housing block, would, as a result of site levels and its proposed low-profile roofing, remain below that of the frontage element, integrate into the surrounding built environment and would have negligible impact upon the skyline.
- 8.13 The Planning Inspector, in his deliberations into APP/20/00015 concluded that a three-storey building would be acceptable and although the height would be raised, in this instance the additional height would be marginal (450mm only) and would not approach the height of a four-storey variant.
- 8.14 Overall it is considered that the amended design is acceptable from an architectural and design perspective and would not be out of keeping with or harm the character and appearance of the site or its suburban surroundings.

(iv) Drainage and Flood Risk

- 8.15 The proposal seeks to address the invert levels of drainage in order to comply with Condition 15 of APP/20/00015. Changes have been necessitated in order to satisfy Building Regulations and to secure a satisfactory standard of construction and have resulted in the need to raise the ground floor level of the sheltered housing element and by so doing the overall building height by 450mm. There would be no implications elsewhere on the site in respect of drainage or flooding. The site is located in Flood Zone 1 (low Flood Risk), and foul water drainage would link to existing drainage systems. This is considered acceptable in principle. The foul water drainage condition is to be carried over from the previous application to ensure that the approved drainage design is constructed to an acceptable standard and protect the public sewerage network.
- 8.16 The approved SUDS provide soakaways, permeable surfacing and diffusers so that water drains to the ground water. No new surface water issues have been identified and subject to appropriate condition, the drainage proposals are considered acceptable.

(v) Legal Agreements (The existing S106 and CIL)

- 8.17 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 (plus indexation) per square metre on new floorspace (measured as gross internal area) on Hayling Island.
- 8.18 There is a CIL liability for this site. A credit cannot be given for the existing floorspace within the site as the buildings need to have been occupied for their lawful use for 6 continuous months of the 36 previous months preceding decision. However, a credit can be given for the sheltered element of the scheme, as this is for affordable housing. The contribution has therefore been calculated at £45,097.75. The applicant has been advised of this accordingly.
- 8.19 The S106 Agreement previously entered into, continues to secure the Affordable Housing element of the development and is carried forward to sit alongside this permission.

9 Conclusion

- 9.1 The proposal comprises the raising in height of the previously approved age-restricted residential building to the rear of the site in cognisance of Building Regulation drainage requirements, in conjunction with the incorporation of a cantilevered roofing element that would better resolve the eaves treatment of this part of the building. There would be no change to the frontage building or to external landscaping, amenity, parking or circulation areas. The raising of the building would facilitate drainage and would not impact unacceptably upon the amenity of neighbouring buildings nor upon the character of the site and its surroundings. The cantilevered roofing element would not impact upon spatial standards nor upon the amenity of future occupants of the building and would be acceptable both visually and in terms of the architectural design.

- 9.2 Having regard to the permission granted in respect of APP20/00015 the minor material amendments (MMA) to the previously approved drawings hereby submitted have been found to comply with the provisions of the Development Plan for Havant and with the NPPF.
- 9.3 It is therefore concluded that subject to re-iteration and modification of relevant conditions and subject to obligations set out in the original planning permission Ref: APP/20/00015 and to the imposition of new obligations, the proposal is acceptable.
- 9.4 NOTE: Conditions

Conditions that remain undischarged, or are restrictive conditions, are required to be carried over from the existing consent or suitably modified. Those that have ceased to be relevant are to be omitted. The following list sets out the current status of conditions from APP/20/00015:

- 1 Commencement within 3 years – To be retained
- 2 List of Approved Plans – To be amended and retained
- 3 Prior to occupation (Water Efficiency) (Amend Nutrient Calcs) – To be retained
- 4 Prior to occupation (Acoustic Mitigation Measures) – To be retained
- 5 Restriction on floodlighting – To be retained
- 6 No above GFL works (Materials) – Submitted/To be discharged
- 7 No above GFL works (Landscaping) – Submitted/To be discharged
- 8 No above GFL works (Surfacings) – Submitted/To be discharged
- 9 No above GFL works (Boundary treatment/enclosures) – Submitted/To be discharged
- 10 Restriction on Occupancy – To be retained
- 11 Development in accordance with eco mitigation – To be retained
- 12 Prior to Commencement (CMP) – Submitted/To be discharged
- 13 Prior to Occupation (SMP) – To be retained
- 14 Prior to Occupation – Highway works – to be retained
- 15 Prior to Commencement – Drainage details – Submitted/To be discharged
- 16 Prior to Occupation (Surface Water Maintenance) – To be retained
- 17 Prior to Occupation (Provision of parking) – To be retained

10 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00132 subject to the following conditions:

- 1 The development must be begun not later than 18th March 2024.
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 Site Plan 19-030-002-P17
Proposed Block & Site Location Plans 19-030-001-P5
Proposed Roof Plan 19-030-004-P4
Proposed Ground Floor Plans 19-030-005-P6
Proposed First Floor Plans 19-030-006-P6
Proposed Second Floor Plans 19-030-007-P6
Proposed Elevations 19-030-008-P7
Proposed Elevations 19-030-009-P7
Proposed Elevations 19-030-010-P3
Proposed Sections 19-030-011-P8
Design and Access Statement 19-030 - DAS
Nutrient Budget
Occupancy Calculator
European Site Avoidance and Mitigation Checklist Doc
Micro Drainage Network Calculations; dated: July 2020
Micro Drainage Attenuation Calculations; dated: June 2020.
General Arrangement Showing Drainage; Job No: 30666; Drawing No: EX.01; Rev: P3; dated: May 2020.
SITE SPECIFIC FLOOD RISK ASSESSMENT WITH DRAINAGE STRATEGY LEVEL 2; dated: December 2019.

Reason: - To ensure provision of a satisfactory development.
- 3 At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained 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 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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 4 No unit shall be occupied until acoustic mitigation measures, have been

submitted to and approved in writing by the Local Planning Authority. The measures shall be installed and demonstrated through post validation testing to determine compliance that the dwellings have achieved and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. The mitigation measures shall be retained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, on and off site, from light disturbance / nuisance in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 Notwithstanding any description of materials in the application, within 42 days of the date of this permission, or such other date as may be agreed in writing with the Local Planning Authority, samples and / or a full specification of the materials to be used externally on the buildings shall be submitted for approval to the Local Planning Authority, and development shall not proceed above ground floor level until such approval has been given. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

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.

- 7 Within 42 days of the date of this permission, a more detailed soft landscaping scheme for all open parts of the site not proposed to be hard-surfaced shall be submitted for approval to the Local Planning Authority, and development shall not proceed above ground floor level until such approval has been given. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

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

- 8 Within 42 days of the date of this permission, a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be submitted for approval to the Local Planning Authority, and development shall not proceed above ground floor level until such approval has been given. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policies CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 Within 42 days of the date of this permission, plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure shall be submitted for approval to the Local Planning Authority, and development shall not proceed above ground floor level until such approval has been given. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 10 With the exception of any site manager/warden's accommodation, at no time shall the sheltered apartments development hereby approved be occupied by persons under the age of 55, unless in the case of a couple where one person is over the age of 55, the second person shall not be under the age of 55.
Reason: In order that the occupancy of the development is compatible with the limited amount of on-site car parking provision, and having due regard to Policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (ECOSA, November 2019) submitted pursuant to Planning Permission APP/20/00015 unless otherwise agreed in writing with the Local Planning Authority.
Reason: To protect biodiversity in accordance with the Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 12 Within 42 days of the date of this permission, or such other date as may be agreed in writing with the Local Planning Authority, a construction method statement shall be submitted for approval to the Local Planning Authority, which shall include:
(a) A programme of and phasing of demolition (if any) and construction work;
(b) The provision of long term facilities for contractor parking, to include the number of parking spaces available on site;
(c) The arrangements for deliveries associated with all construction works, to include details of how the deliveries will be spread out throughout the day to

avoid more than one delivery arriving at the same time;

(d) Methods and phasing of construction works;

(e) Access and egress for plant and machinery, to include tracking showing the ability of an HGV to manoeuvre on site to egress in a forward gear;

(f) Protection of pedestrian routes during construction;

(g) Location of temporary site buildings, compounds, construction material, and plant storage areas.

Development shall not proceed above ground floor level until such time as the construction method statement has been agreed in writing with the Local Planning Authority, and all times thereafter demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 13 Prior to occupation of development, a Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority containing details of the servicing arrangements for the proposed development. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No occupations shall take place on site until details including a timetable for implementation of the double yellow amendments to the southern layby have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be carried out in accordance with the approved details, prior to any occupations on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 15 Within 42 days of the date of this permission, or such other date as may be agreed in writing with the Local Planning Authority, 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) shall be submitted for approval to the Local Planning Authority. Such details shall include
- Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the

submitted drainage layout.

- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

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.

- 16 Prior to the occupation of the development 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. The submitted details shall include;

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

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and 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.

- 17 The development shall not be brought into use until space for the parking and turning of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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