

Site Address: 31A North Street, Emsworth, PO10 7DA
 Proposal: Construction of 6 No. Dwellings (2No.1bed, 3No.2bed 1No.3bed) with associated out buildings and parking, with minor amendments of design and siting - Revision of APP/19/00854.
 Application Type: Full Planning Permission
 Application No: APP/22/00492 Expiry Date: 19/08/2022
 Applicant: Mr Howe
 Agent: Mr Spivey Case Officer: Gary Christie
 PWP Architects
 Ward: Emsworth

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This application relates to a former commercial premises known as 31A North Street, comprising a previously-developed (formerly Class B2) 'brownfield' site of approximately 0.12ha. The site which is of irregular shape, is set back from North Street behind a mix of small commercial units and was previously contained on its northern, eastern and western boundaries by commercial buildings, although these have recently been demolished. The southern site boundary has a frontage to Palmers Road. The main vehicular and pedestrian access is from North Street via a gated driveway between Nos. 31 & 33 North Street.
- 1.2 The site is constrained on its eastern and southern boundaries by properties fronting Palmer's Road and separated by a narrow alleyway and short rear gardens. Residential uses predominate along Palmer's Road to the north of the site as the road wraps around. There are a mix of commercial uses further to the north and east.

2 Planning History

93/52162/002 - Proposed extension to existing workshops, REF.28/04/1994

APP/19/00854 - Demolition of the existing factory offices and out-buildings and construction of 6 No. Dwellings (consisting of 1No. 3 Bedroom House, 2 No. 2 Bedroom Houses, 1No. 2 Bedroom flat and 2No. 1 Bedroom Flats) with associated out buildings and parking (30.03.2021). Request to discharge condition nos 4 and 8 (15.2.22). Request to discharge conditions 5,7 and 9 (04.05.22).. PERM,30/03/2021

APP/22/00265 - Application for non material change to planning permission
APP/19/00854 relating to internal layout amendments of the eastern dwellings;
elevational amendments; re-location of houses to north of site 1.4m eastwards.,
WD.27/04/2022

3 Proposal

- 3.1 Planning permission was granted in March 2021 (ref. APP/19/00854) for the demolition of the existing factory, offices and outbuildings, and the construction of 6 dwellings comprising one x 3-bedroom house, two 2-bedroom houses, one 2-bedroom

flat and two 1-bedroom flats, with associated out buildings and parking. This permission was subject to planning conditions including a number with pre-commencement requirements in respect of land contamination, drainage, materials and construction environmental management.

- 3.2 The applicant sought to make minor changes to the planning permission APP/19/00854. However, as the proposed alterations would have resulted in changes to the description of development relating to the mix of housing types at the site, it was concluded that a revised planning application was necessary.
- 3.3 The current proposal is very similar to that previously approved with two separate blocks of dwellings replacing former commercial buildings to the north and east of the site around a central parking court. The block to the north of the site fronting Palmer's Road would continue to provide one 3-bedroom dwelling and two 2-bedroom dwellings, but would be repositioned slightly further to the east allowing for the inclusion of parking along the flank of No.18 Palmer's Road. The eastern block would remain of a similar form but would be reconfigured to provide two 1-bedroom houses and one 2-bedroom house, rather than three flats.
- 3.4 As part of a site visit for this application, it was noted that the site had been cleared and construction of the eastern block had reached eaves level. Whilst applications to discharge conditions associated with APP/19/00854 in respect of materials and construction environmental management had been submitted, issues of land contamination and drainage were outstanding.
- 3.5 It was agreed with the applicant that construction works cease at the site and matters of land contamination and drainage be fully dealt with as part of this revised application rather than through planning condition.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_M1	(Cycle Storage Provision)
ENP_H1	(Design & Heritage)
ENP_D1	(General Design Policy)
ENP_L1	(General Housing Policy)

ENP_D2 (Height, Mass & Materials)
ENP_L2 (Housing Mix)
ENP_D3 (Layout, Form & Density)
ENP_D7 (Mitigate Light Pollution)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, Havant Borough Council

Issues previously raised under APP/19/00854 have not changed re:

Public Sewer on outskirts of the site
Fire Authority access to courtyard provisions
Bin location points due to access

Community Infrastructure, Planning Policy & Urban Design

CIL liable. The full proposed floor area is chargeable as the building has not been occupied for its lawful use for 6 continuous months of the 36 previous months so no credit can be given for any demolition :

<http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

Additionally, pending a response from Natural England on the 'HRA?', instructions should be passed by the Case Officer to the CI Team to:

(a) Issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the one additional dwellings and its respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>.

(b) Issue the Nutrient Neutrality Unilateral Undertaking. See <https://www.havant.gov.uk/nitrogen-developers>

Councillor Julie Thain-Smith

No comments received

Councillor Lulu Bowerman

No comments received

Councillor R Kennett

No comments received

Crime Prevention -Minor Apps

No comments received.

Developer Services, Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation

of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments. - Reuse, - Infiltration, - Watercourse, - Storm Sewer, - Combined Sewer

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDs component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Environmental Health Manager, Community Group

Pollution: It is noted that demolition on this site is basically completed other than the final structure to be demolished; the office / welfare building. Also that the Eastern houses shell has been constructed to roof-on level, which I would assume is following the amended plans submitted.

The CEMP provided appears the same as that provided for App/19/00854. I would therefore recommend a condition, that the provided CEMP be followed throughout the demolition and construction periods.

I also note that no external lighting plan for this site, has been provided at this time. A condition in respect of lighting is requested.

Contaminated Land: As previously, no objections to the principle of amendments to the APP/19/00854 scheme, in line with the above referenced site & landscape plan.

It is noted that the J22-014-R02 - MAR22 (v6 26/10/2022) remedial strategy reflects both the ongoing discussions within the architect, and as I understand it, the scheme that the applicant's intends to implement, whereas the correct site plan is only included in the duplicate v2 version.

As discussed, this minor error is not considered to be material, and it should be possible to resolve this through the condition applied. Recommendations below are made on the basis of the advice that this application supersedes the APP/19/00854 scheme, and any conditions applied to this scheme similarly replace those in force for the APP/19/00854 scheme.

Recommendations; It is recommended that the J22-014-R02 - MAR22 (v6 26/10/2022) document version be listed on the decision notice as an approved document, alongside;

- RSK Preliminary Risk Assessment Ref: 305019 (July 2018) and;
- RSK Geo-Environmental Site Assessment Ref: 305019 (Sept 2018)

A condition is also proposed to secure verification of the remedial works described within the Ground Conditions Consultants remedial strategy.

Hampshire Highways

It is noted that this is a revision of APP/19/00854 which the Highway Authority provided no objections too, subject to conditions. No highway aspects of the application have changed. As such, the Highway Authority provide no objections subject to conditions requiring the development to be carried out in accordance with the access arrangements and the submission and approval of a Construction Method Statement.

Landscape Team, Havant Borough Council

From a landscape perspective no adverse comments are raised.

Natural England Government Team

Designated Habitat Sites - No objections subject to securing appropriate mitigation

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Your appropriate assessment dated 02 September 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

Your authority has measures in place to manage potential impacts through contributions to an agreed strategic solution which we consider to be ecologically

sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the Habitats Site(s) for the duration of the proposed development.

This advice is provided on the basis that all mitigation measures will be secured as planning conditions or obligations by your authority to ensure their strict and timely implementation for the full duration of the development. Your authority should be assured that proposed financial contribution rates are proportionate to the identified effects of the proposed development, suitably precautionary, and in line with the Retail Price Index, where relevant.

Nutrient Budget - Bespoke Occupancy Figure

We note that an alternative occupancy figure has been used in the nutrient budget calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises the uncertainty.

Norse South East, Operations Director

No comments received

Nutrient Team

Nutrient credits are available.

Planning Policy

No comments received.

Southern Gas Network

There are high pressure pipelines in the vicinity of your proposed work area. SGN formally object to this planning application until such time as a detail consultation has taken place.

For your safety, it is essential that no work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

This response is for initial/scoping out work only. This response does not give permission to undertake any work. When consultation has taken place, your planning has been approved and works on site are due to start, another request for information and updated maps must be made via our on-line system as a 'planned works' enquiry.

Please find an extract from our mains records for your search area, any SGN assets are described in the map legend. On some occasions maps may be sent that do not contain any gas pipes, this is due to the location of your proposed work area and although there are no pipelines in the immediate vicinity, consultation is still required to ensure that your development has no other impact on our pipelines. SGN Personnel must confirm the actual location of all pipelines prior to commencement of any work. Please note there may also be additional gas pipes (low pressure, medium pressure, etc.) shown on the mains record.

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them

on the plans as a shaded area and/or a series of x's.

Southern Gas Networks - stage 1

Further consultation as requested by Southern Gas Networks's initial response - No comments received.

Traffic Management, East Hampshire District Council

The Traffic Team have no adverse comment to make.

Waste Services Manager

No comments received.

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: 39

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Objection: I live in a small flat next to the ongoing building work, I would appreciate a person coming to my address to understand the full picture, I have photographs which unfortunately does not appreciate the full disruption in question. I feel like a sitting duck as I am underneath the scaffolding. It began with my garden fences being removed to enable the demolition of a building, this not only left my garden insecure but caused much mess and chaos, the next stage of foundations were very noisy and caused me much anxiety and not withstanding the amount of dust and disruption during this time. The stage of the scaffolding being erected has caused me further more	Addressed in Section 7.

stress and anxiety, the scaffold is over my front door and garden, I am sure the structure itself is safe however I am concerned for myself and my family, My daughter currently has a broken leg and is finding it difficult to negotiate the garden path due to rubble and scaffolding poles. Sadly I am unable to access my garden safely, I am unable to hang my washing on the line, various pot plants and ornaments have been damaged. The constant noise and mess that I am having to live with is not acceptable, as you can appreciate this lovely weather, I am unable to enjoy it as I have to close all windows and the front door.	
Comment: Are the houses facing onto Palmers Road being built right up to the pavement? They should be set back from the pavement so front doors do not open directly onto the street to maintain the character of the street. This part of Palmers Road is also a pinch point for traffic as the road narrows to one lane and this area is used for cars to pass each other. The existing double yellow lines do not deter parking but cars use the pavement! The existing houses opposite need space to reverse out. How will this be controlled?	Addressed in Section 7.
Comment: Hampshire Swifts: Information in respect of Swifts is provided and it is requested that if planning permission is granted, it includes a requirement for an average of 1 integral Swift brick per dwelling, installed in accordance with best practice.	Addressed in Section 7.

7 **Planning Considerations**

7.1 **Appropriate Assessment (AA)**

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of

the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was 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 applicant has entered into legal agreements to secure the mitigation packages.

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) Loss of Employment
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Access and parking
- (vi) Developer Contributions
- (vii) Drainage
- (viii) Contaminated Land

(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. The site falls within the defined District Centre for Emsworth as defined by Policies CS4 and AL3. These policies generally support appropriate town centre development proposals which retain and enhance local markets and support small and independent businesses.

The addition of 6 new dwellings in such a location would make a positive contribution to the Council's overall housing requirements and the principle of residential development at this site has been established by planning permission APP/19/00854 granted in March 2021.

There are no material changes in circumstance that change the previous conclusion that residential development on this brownfield site is acceptable in principle subject to consideration of relevant development management criteria.

(ii) Loss of Employment

- 7.3 Prior to the loss of employment uses, policies CS2 and DM3 of the Core Strategy seek an active and realistic marketing exercise for a period of 12 months or more to

demonstrate that the land or premises are no longer fit for purpose. Policy W3 of the Emsworth Neighbourhood Plan also states: 'Any application to change the use of land from industrial to other uses will only be granted in exceptional circumstances and where it can be demonstrated that continuing provision cannot be made for land use class B2 General Industrial, or B1 Business (offices and light industry) on a proportion of the site without harm to residential amenity.'

The previous application at the site was supported by an 'End of Campaign Marketing Report' (ECMP) prepared by Philip Holmes of Vail Williams. The case officer concluded that 'The submitted EMCR shows that the site has been subject to an active marketing process over a period of 12 months in line with the requirements of Policy DM3. As such, as set out in the Planning Policy consultation comments it is considered a policy objection [to the loss of an employment use] could not be sustained.

In light of the previous permission at the site which has led to the loss of existing employment buildings, it is considered that the re-use of the site for non-employment uses remains acceptable.

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

- 7.4 In considering design, the case officer of the previous permission opined: 'The site is set back from North Street and not readily visible from the public domain other than the Palmers Road frontage. The locality is characterised by a mixture commercial premises and two-storey dwellings in a variety of styles, formats and plot sizes. The adjacent residential development is of relatively high density in the region of 70 dph. The plans have been amended and the proposed development would be of traditional design and materials with a two storey height comparable to that of the adjacent housing... The proposal would be in keeping with the character and appearance of the area having regard to Policy CS16 of the Havant Borough Local Plan and Emsworth Neighbourhood Plan'.

The revised proposal would result in a very similar design and appearance to that previously considered and approved. The northern block is slightly deeper and positioned closer to No.16 Palmer's Road, although slightly further away from No.18 Palmer's Road as a result. This would not significantly change the building's appearance within the streetscene and remains acceptable in design terms.

The eastern block would remain unchanged from that previously approved in terms of scale and siting. Minor external changes to the windows and doors to facilitate the change from flats to dwellings results in a greater proportion of windows to solid brickwork which is considered to be a slight improvement in visual terms. A schedule of materials has been provided upfront and is considered appropriate to provide a high-quality finish for the development.

A representation makes reference to the siting of northern housing block onto the back edge of the pavement. This relationship has not changed from the scheme approved under APP/19/00854 and it is not considered that an objection on these grounds could be sustained at appeal.

Overall, the proposed development remains very similar in appearance to that previously approved under planning permission APP/19/00854 and is considered to be of a sufficiently high standard meeting the requirements of Policy CS16 of the HBLP (Core strategy).

(iv) Impact upon residential amenity

- 7.5 In considering impact on amenity, the case officer of the previous permission opined: 'Owing to the enclosed nature of the site there are a large number of properties adjoining the application site. Currently there are a number of large older style industrial building on the site which whilst now vacant were last used for B2 use. The existing buildings are not to modern standards in respect to sound insulation and dust pollution and their replacement with housing in such a confined location in close location to existing residential properties is considered to represent an environmental improvement. In terms of the specific impacts and in particular privacy and outlook the main impacts relate to 2- 20 Palmer's Road, 7, 7a and 7b Palmers Rd which lie opposite and those adjoining the access road. Regarding those adjoining the access road, existing rights of way would not be impacted and the commercial traffic would be replaced with domestic traffic and as such is not considered to result in detriment... Regarding Nos 18 and nos 8 to 16, the proposed terraced housing has been designed with a hipped roof to reduce bulk and no windows are proposed in the side elevations. As such the proposal is not considered to result in an adverse impact'.

As set out above, the overall design, scale and layout of the development now proposed is very similar to that previously considered and approved and remains acceptable in amenity terms.

In terms of the specific changes, the northern block would be situated approximately 2m closer to No.16 Palmer's Road allowing for the inclusion of parking to the western most unit, and providing a greater degree of separation to No.18 Palmer's Road. A slight increase in depth of these dwellings would also be perceptible to the occupiers of Nos. 12-16 Palmer's Road. However, having regard to the orientation, remaining separation distances and having regard to the larger building (recently demolished) the dwellings would replace, it is considered that the impact would not be significant in terms of loss of light, outlook, increased sense of enclose or overbearing impact. The relationship with No.18 Palmer's Lane would still represent an improvement despite the slight increase in building depth.

The eastern block remains unchanged in terms of scale and siting on the boundary. This remains similar to the building recently demolished and would not result in any significant change from that previously considered and approved. The applicant has provided a drawing showing how the proposed block compares in terms of height with the building it replaces.

Given the limited size of the gardens proposed and the close proximity of buildings to each other and neighbours, it is considered necessary and reasonable to impose planning conditions limiting the scope of permitted development rights at the site and to restrict direct and short distance views from upper floors into neighbouring properties and gardens.

Access arrangements to the site remain unchanged from that previously considered and remain acceptable in amenity terms.

Through representations, the LPA is aware of disruption that has been caused through development works that have already taken place at the site. Through correspondence, this appears to be from a single property located very close to the eastern housing block where demolition and construction work has already taken place. Given that the former and replacement building formed the boundary with

neighbouring sites, it was unfortunately inevitable that some degree of noise, disturbance and disruption would occur as part of the development. Concerns have been passed onto the Environmental Health Team and a Construction Environmental Management Plan (CEMP) has been agreed with the applicant for the remaining development works at the site which will be conditioned.

Given the constrained nature of the site, there will be a degree of disruption during construction works, although this would not be a reason for withholding the grant of planning permission. The CEMP and legislation beyond the planning system will be available to limited disruption as much as possible.

(v) Parking

- 7.6 The proposal would provide 10 parking spaces, 1 less than previously approved. The reduction of parking within the central parking court (8 spaces) has allowed for its reconfiguration and the inclusion of small front forecourts/gardens to the eastern block of dwellinghouses. This provides some defensible space where the previous entrance to the flats opened directly onto the communal parking area, and is considered to be an improvement in both design and amenity terms.

The provision of 10 spaces still meets the requirements of the Borough's Parking SPD and is considered to be acceptable. Small sheds are proposed for each of the units to provide secure and weatherproof bicycle storage.

(vi) Developer Contributions

- 7.7 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 the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's 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 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Emsworth.

The full proposed floor area is chargeable as the building has not been occupied for its lawful use for 6 continuous months of the 36 previous months. Liability has been calculated at £61,790.54

The applicant has entered into unilateral undertaking to secure mitigation measures in respect of recreational disturbance and nutrient neutral development.

It is noted that a representation has been received from Hampshire Swifts recommending the installation of Swift boxes/bricks into each dwelling. Whilst there is no planning policy requirement for such provision as part of this development, an informative is included drawing the applicant's attention to the issue

(vii) Drainage

- 7.8 As highlighted within the consultation section, Southern Water (SW) has requested further details in respect of drainage at the site. It was considered that this matter needed to be resolved prior to determination of the application on the basis that work had already commenced at the site. Additional drainage details were provided as part of this application and in relation to conditions attached to the previous permission

APP/19/00854. SW responded to the discharge of condition application raising no objection to the discharge of the condition. However, despite requests, SW has not formally confirmed that they raise no objection to this revised planning application. On the basis the drainage details associated with the discharge of condition application are identical to that proposed as part of this revised application, it is assumed that the details are agreed and a condition is proposed requiring the development to proceed in accordance with the approved drainage details.

(viii) Contaminated Land

- 7.9 As with the matter of drainage, it was considered that contaminated land issues needed to be resolved before any permission was granted. The applicant has now provided an updated Remedial Strategy which has been considered and agreed by the Council's Contaminated Land Team. A condition is proposed requiring the development to proceed in accordance with the approved details and for a verification report to be submitted prior to occupation.

8 **Conclusion**

Placing significant weight on the previous permission at the site, it is considered that the development now proposed would continue to make an efficient use of a brownfield site and provide 6 dwellings towards the borough's identified housing need whilst enhancing the character and appearance of the locality and protecting the amenity of neighbouring occupiers. As such, it is considered that the proposal would be regarded as a sustainable form of development that accords with the development plan.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00492 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 5770 1000 (Location & Block Plan);
 - 5770 1002 Rev-C (Amended Proposed Site Plan);
 - 5770 1127 Rev-C (North Houses – Proposed Ground Floor Plan);
 - 5770 1128 Rev-C (North Houses – Proposed First Floor Plan);
 - 5770 1129 Rev-C (North Houses – Proposed Second Floor Plan);
 - 5770 1275 Rev-C (North Houses – Proposed Elevations);
 - 5770 1131 Rev-E (East Houses – Proposed Ground Floor Plan);
 - 5770 1132 Rev-E (East Houses – Proposed First Floor Plan);
 - 5770 1133 Rev-D (East Houses – Proposed Roof Plan);
 - 5770 276 Rev-E (East Houses – Proposed Elevations);
 - 5770 1280 Rev-B (Proposed Palmers Road Streetscene);
 - 5770 1281 Rev-B (Proposed East Houses Streetscene);
 - 5770 2060 (Detailed Construction Section);
 - 5770 2070 (Party Wall Section);
 - 622-102 (Revised Landscape Plan);

5770-1006 (Drainage Setting Out Plan);
J22-014-R02-MAR22 (v6 26/10/22);
RSK Preliminary Risk Assessment Ref: 305019 (July 2018);
RSK Geo-Environmental Site Assessment Ref: 305019 (Sept 2018);
Construction Environmental Management Plan (CEMP) (v.1 dated 3/2/22 and published 26/8/22);
Updated Traffic Management Plan (TMP) (Produced by Parchow Groundworks Ltd. And published 27/9/22);
Materials Schedule Rev-B (dated 20 April 2022);
Landscape Maintenance Plan (ref.622-401 dated March 2022)

Reason: - To ensure provision of a satisfactory development.

- 2 The development hereby permitted shall be carried out in full accordance with the risk mitigation works and construction watching brief outlined within the Ground Condition Consultant's Remedial Strategy Ref: J22-014-R02 v6.0 (26/10/2022), unless otherwise agreed in writing by the Local Planning Authority. The relevant areas for works described shall be adjusted as appropriate to reflect the layout, landscaping and building plans hereby approved, or as may be further adjusted under future applications or non-material amendments. Prior to the first occupation of any part of the development, a verification report which adequately demonstrates that the site remediation criteria have been met shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that future occupants of the development are not put at unacceptable risk from elevated concentrations of soil contaminants that are known to be present in samples taken from the site; in accordance with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021.

- 3 The development hereby permitted shall be carried out in full accordance with the approved Construction Environmental Management Plan (CEMP) (v.1 dated 3/2/22 and published 26/8/22) and the Updated Traffic Management Plan (TMP) (Produced by Parchow Groundworks Ltd. And published 27/9/22). The approved CEMP and TMP shall be fully adhered to throughout the construction period.

Reason: To protect the amenities of nearby residential premises during the demolition and construction phases of the development and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The development hereby permitted shall be carried out in full accordance with the approved Drainage Setting Out Plan (5570-1006). 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.

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.

- 5 The development hereby permitted shall be carried out in full accordance with the approved schedule of materials (Materials Schedule Rev-B dated 20 April 2022) and detailing shown within approved elevation drawings 5770 1275 Rev-C and 5770 276 Rev-E.

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.

- 6 None of the dwellings hereby permitted shall be occupied until the vehicular access arrangements, central parking court and all off-road car parking spaces have been provided, marked out and made available for the parking of vehicles in accordance with the approved drawings. All car parking spaces shall thereafter be permanently retained for the parking of vehicles associated with the dwellings hereby permitted only.

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

- 7 Each dwelling shall not be occupied/brought into use until secure and weatherproof bicycle storage facilities for that dwelling has been provided in line with the requirements of the Council's Parking Supplementary Planning Document (July 2016). The bicycle storage facilities shall thereafter be permanently retained for the parking/storage of bicycles associated with each dwelling at all times.

Reason: In the interests of encouraging sustainable modes of transport having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The soft landscaping scheme hereby approved (Revised Landscape Plan 622 - 102 dated Aug 2022) shall be fully implemented within the first planting and seeding seasons following first occupation or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.

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.

9

The development hereby permitted shall not be occupied until:

- (a) 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

- (b) 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. 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 10 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any other enactment modifying or revoking that Order with or without modification, no enlargement, improvement, extension, addition or alteration permitted by Classes A, B or C of the Order shall take place to any of the dwellings hereby permitted without the prior written permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: In the interests of the amenities of the neighbouring properties having regard to the close relationships, limited garden depths and to ensure adequate parking provision in accordance with policies CS16 and DM13 of the

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

- 12 No floodlighting or other form of external lighting scheme shall be installed unless details have been submitted to and approved in writing 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 thereafter be installed in accordance with the approved details and shall not be altered without the prior permission of the Local Planning Authority, other than for purposes of routine maintenance, which does not materially change its details.

Reason: In the interests of the amenity of local residents and to limit light pollution having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, D7 of the Emsworth Neighbourhood Plan (2019) and the National Planning Policy Framework (2021).