
Site Address: 32 New Lane, Havant, PO9 2NG
Proposal: Variation of condition No's 4 (Operational Management Plan), 9 (Livery/Branding), 10 (Traffic Monitoring) and 28 (Employment and Skills Plan) of planning permission APP/21/00200 and the introduction of a new Community Liaison Strategy Condition.

Application No: APP/21/01244

Expiry Date: 16/02/2022

Applicant: Mr Sharland
Havant Property Investment
LLP

Agent: Mrs Natalie Fellows
Fellows Planning Limited

Case Officer: David Eaves

Ward: Bondfields

DMC Lead Member

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the eastern side of New Lane, within a long established industrial area. Wyeth was established at the site since the 1950s and Pfizer took over the site in around 2010. Pfizer reduced their occupation at the site in recent times and have now left the site and buildings are being demolished.
- 1.2 The operations at the site have historically concentrated on the manufacturing of pharmaceutical products but more recently relate to the packaging and distribution of products that are manufactured off site and most recently the site has also stored products during the Corona Virus response. All pharmaceutical operations have now ceased at the site.
- 1.3 The extensive complex of buildings formerly on the site dated from various periods from the 1950s to the current decade. They varied in design and scale with the tallest and most imposing building on site being the high bay warehouse for storage of pharmaceutical products permitted in 2002. In 2011 the Construction of new cold storage warehouse facility was granted planning permission.
- 1.4 The site is accessed off New Lane (two access points). The Portsmouth to Waterloo railway line runs to the rear of the site. Parking is provided at the front of the site with further parking adjacent to the high bay warehouse, and adjacent to the north side distribution warehouse. The recently approved planning application (Reference APP/21/00200) shows access to the proposed site being taken from the Southern and Northern Access points and from a new central access to New Lane.
- 1.5 The closest residential properties are located on the west site of New Lane and to the east of the railway line (Nutwick Road).
- 1.6 The recent planning permission APP/21/00200 related to the demolition of existing buildings on site and a comprehensive re-development comprising the erection of a

distribution warehouse (class B8) with ancillary offices and facilities, vehicle storage deck, new access to New Lane and with landscaping and associated infrastructure. The current proposal is for the Variation of condition No's 4 (Operational Management Plan), 9 (Livery/Branding), 10 (Traffic Monitoring) and 28 (Employment and Skills Plan) of planning permission APP/21/00200 and the introduction of a new Community Liaison Strategy Condition.

2 Planning History

2.1 There is a long planning history associated with the site and the most relevant recent planning history is given below:

00/52191/026 - Demolition of SMA building and erection of a new high bay warehouse for storage of pharmaceutical products (to east of SMA building), S106,12/02/2002

03/52191/032 - New security building to north of car park., PERM,16/06/2003

03/52191/033 - Application to crown raise two Holm Oak trees (T1 & T2) subject to TPO 1034., PERM,02/07/2003

03/52191/034 - New HVAC plant for warehouse located in south east corner adjacent to railway and north west corner close to Stanbridge Road entrance., PERM,20/11/2003

04/52191/035 - New HVAC Plant for Warehouse situated in South East corner adjacent to railway and North West corner close to Stanbridge Road entrance (resubmission), in order to seek a revision to Condition 3 of planning permission 03/52191/034 with respect to noise level., PERM,26/03/2004

04/52191/036 - Application to fell Poplar tree, T2 subject to TPO 1034., PERM,11/10/2004

07/52191/037 - Re-roofing of existing pitched structure with one DDA compliant reception., PERM,03/09/2007

08/52191/038 - Alteration to existing access and associated works. Facade reinstatement post demolition., PERM,02/05/2008

08/52191/039 - New pallet store (108.75 sq m) abutting existing maintenance building which will also be reclad to match adjacent buildings., PERM,09/06/2008

08/52191/040 - New Packaging Hall extension and new electrical intake switchboard., S106,16/09/2008

08/52191/041 - Discharge of Condition No.s 2,3,4,5,6,7,9,10,12,13,15,19,20,22 and 23 of Planning Permission 08/52191/040., PERM,12/11/2008

08/52191/042 - Discharge of Condition 2 of Planning Permission 07/52191/037., PERM,23/12/2008

09/52191/043 - Variation of Condition No. 22 of Planning Permission 08/52191/040 to allow for the insertion of 2No. additional double windows to the east facing elevation of packaging hall., PERM,18/05/2009

09/52191/047 - New raised roof parapet to existing site building, south elevation of building 'M'. , PERM,27/01/2010

APP/10/00902 - Application for the temporary Planning Permission for the siting of 8No. Portacabin and 6No. steel containers with hardstanding area., TPP,17/01/2011

APP/10/00955 - Construction of new cold storage warehouse facility., PERM,28/02/2011

APP/11/00298 - Discharge of Condition No/s 2, 3, 4 and 10 of Planning Permission APP/10/00955., PERM,23/06/2011

APP/11/00969 - Discharge of Condition No/s 12 & 13 of Planning Permission APP/10/00955, PERM,14/07/2011

APP/11/01212 - Application to determine whether prior approval is required for the method of demolition of 5No. buildings (including: main administration building (u); workshop (t); boiler house (r); warehouse (q) ;and iff/wch building (s)) and any proposed restoration of the site., PARR,06/09/2011

APP/11/01460 - Application to determine whether prior approval is required for the method of demolition of 5No. buildings (including: main administration building (u); workshop (t); boiler house (r); warehouse (q) ;and iff/wch building (s)) and any proposed restoration of the site. (Revised application.), PARP,21/10/2011

APP/12/00117 - Installation of 9No. windows at second floor level, south and east elevations., PERM,04/04/2012

APP/12/00164 - Erection of a new section of palisade security fencing to height of 2.65m, to sub divide north and south sites at 32 New Lane., PERM,05/04/2012

APP/12/00600 - Discharge of Condition No. 2 of Planning Permission APP/12/00117., ,26/07/2012

APP/13/00404 - Remodelling of north elevation to incorporate demolition of existing 3 storey offices; installation of loading doors, new cladding provision of service yard and reorganisation of parking areas. Over cladding of west elevation., PERM,27/06/2013

APP/13/00836 - Installation of ground mounted solar PV modules in two phases., PERM,16/10/2013

APP/13/00837 - Erection of new metal-clad substation enclosure., PERM,16/10/2013

APP/14/00378 - Insertion of 2No. new fire escape exit doors in west elevation of Block N. , PERM,03/06/2014

APP/15/00365 - Replacement of two existing external stand alone blast freezers with one large blast freezer building with integral link to existing warehouse facilities., PERM,26/06/2015

APP/16/01061 - Application to determine whether prior approval is required for the method of demolition of building including slab removal and any proposed restoration of the site, PAYA,10/11/2016

APP/16/01100 - Extension of existing site security offices to form new reception area and ancillaries., PERM,04/01/2017

APP/16/01142 - Erection of prefab building to house electrical services., PERM,20/12/2016

APP/17/00257 - Refurbishment of existing Site Security Offices with new side extension to form new reception area., PERM,05/05/2017

APP/17/01085 - Erection of replacement perimeter security fencing along the northern and eastern boundaries of the site with 2.4m high painted palisade fencing., PERM,07/12/2017

APP/19/00532 - Erection of new and replacement perimeter security fencing 2.4m high with new security gates at site entrances along the North Western boundary., PERM,19/07/2019

GEN/20/00451 - Redevelopment of industrial land for the erection of a distribution warehouse building and a vehicle storage deck (Use Class B8), construction of an additional access, car parking and associated works. , ,25/08/2020 10:47:35

APP/21/00200 - Demolition of existing buildings and redevelopment of site comprising erection of distribution warehouse (class B8) with ancillary offices and related facilities, vehicle storage deck, new access, landscaping and associated infrastructure (approved 22.10.21). Request to discharge conditions 11 and 19 (received 27.10.21), PERM,22/10/2021

Officer Comment: This is the planning permission that is sought to be varied by the current proposals. This permission included an associated S106 Agreement.

APP/21/00783 - Application to determine whether prior approval is required for the method of demolition of buildings including slab removal and any proposed restoration. , PAYA,01/10/2021

3 Proposal

3.1 Variation of condition No's 4 (Operational Management Plan), 9 (Livery/Branding), 10 (Traffic Monitoring) and 28 (Employment and Skills Plan) of planning permission APP/21/00200 and the introduction of a new Community Liaison Strategy Condition.

3.2 In relation to the conditions proposed to be varied these are as follows:

Condition 4:

Prior to the occupation of any relevant part of the permitted development, a Full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be based upon the principles outlined within the Vectos Ltd. Framework Management Plan document dated July 2021, be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted,

without the express written consent of the Local Planning Authority.

Reason: *To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.*

Condition 9:

All delivery vans operating from the site shall be liveried and branded in a manner to allow for easy identification to ensure that the operation is in line with the operational management plan.

Reason: *To allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion having due regard to policies CS16, CS20 and DM10 together with the National Planning Policy Framework.*

Condition 10:

Prior to the occupation of the development hereby permitted to install and maintain permanent traffic counters and monitor traffic levels across the 3 site accesses in accordance with the figures agreed at planning, as reflected in Appendix A of the Operational Management Plan. The monitored details shall be fed into Hampshire County Council's permanent traffic count database and available to view as required by the Local Planning Authority and County Highway Authority.

Reason: *To confirm that the traffic levels presented in the Operational Management Plan at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network having due regard to policies CS20 and DM12 together with the National Planning Policy Framework.*

Condition 28:

The construction and occupation stage of the development hereby permitted shall be carried out in accordance with the Employment and Skills Framework Plan and in particular meet the following requirements:

Construction phase

- *Deliver on all KPI's as per the submitted Employment and Skills Framework ensuring these opportunities are provided to Havant residents with particular focus on 16-24yr olds in Leigh Park*
- *Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase.*
- *Six weeks from agreement of Planning Permission Contractor/Council initial E & S Plan meeting.*
- *Monitoring meetings to be scheduled with Contractor and the council on a quarterly basis to review progress.*
- *Contractor to submit evidence to the council proving Havant residents have*

benefited from the construction phase of the development.

- Provide press/photo opportunities/case studies involving Havant residents before the end of the construction phase.*
- Contractor to provide report to the council at the end of construction phase with details of the job, apprenticeship, training, and site visits provided and who benefited.*

Occupation phase

- Provide end user HR contact for recruitment.*
- Continue quarterly monitoring meetings into recruitment phase to ensure opportunities are provided for Havant residents.*
- Ensure active marketing campaigns target the recruitment of permanent jobs for Havant residents with particular focus on 16-24yr olds in Leigh Park and the immediate area.*
- This includes working with agencies / contractors which provide flexible work and driver opportunities, with best endeavours given to prioritise or attract residents of Havant Borough.*
- Provide two press/photo opportunity/case study involving Havant residents.*

Reason: *In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

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

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS3	(Skills and Employability)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM16	(Freight Transport)
DM3	(Protection of Existing Employment and Tourism Sites)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17 (Contaminated Land)
AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Submission Version Havant Local Plan

E23 (Air Quality)
E22 (Amenity and pollution)
E21 (Aquifer Source Protection Zones)
E24 (Contamination)
DR1 (Delivery of Sustainable Development)
E20 (Drainage infrastructure in new development)
IN1 (Effective provision of infrastructure)
IN5 (Future management and Management Plans)
E1* (High quality design)
IN2 (Improving transport infrastructure)
E3 (Landscape and settlement boundaries)
E12 (Low carbon design)
E19 (Managing flood risk in new development)
E15 (Protected species)
C1* (Protection of existing employment sites)
E14 (The Local Ecological Network)
IN3 (Transport and parking in new development)
E18 (Trees, hedgerows and woodland)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Alex Rennie

No comments received

Councillor Imogen Payter

No comments received

Councillor J Branson - St Faiths

No comments received

Councillor Richard Stone

No comments received

Councillor T Pike - St Faith's

No comments received

Economic Development

ED are happy with the change to condition 28. The developer and the occupiers responsibilities are separated in condition 28 and 29 respectively.

Condition 28 – Employment and Skills

- **Condition 28 to be revised to state that:**
- **The construction stage of the development hereby permitted shall be carried out in accordance with the Construction Employment and Skills Framework Plan (developer and contractors' responsibility)**
- Second Part of the Occupancy Condition to form part of a separate condition

(Condition no.29 – End-user's responsibility)

- Within 6 months of Occupation an Occupational Phase Employment and Skills Plan shall be sent to the Local Authority which provides the following details:
- An end user HR contact for recruitment for direct employees
- An inception meeting with the Economic Development Officer to detail the programme for launch recruitment
- Provision for a follow up meeting to be attended by the Borough Council including members of the end-user's PR team.
- Provision of details of the agencies/contractors that are being partnered with
- Details of the marketing of direct employment opportunities, including specific reference to the need to target Havant residents, including those in the 18-24 category and those in Leigh Park and the immediate area (noting that the end-user doesn't recruit people younger than 18 years old).

Environmental Health

Comments awaited

Hampshire Highways

Comments awaited

Drainage Civil Engineering

Please note that the Transforming Cities Fund project for upgraded cycling and pedestrian infrastructure along the Elmleigh Road corridor to the south of the application site includes measures to specifically reduce HGV access on this inappropriate route. This is planned for implementation in winter 2022/23. Whilst this therefore reinforces the applicant's proposal to route HGV traffic along Crossland Drive, it will also make Eastern Road / Elmleigh Road less attractive for some of the more local traffic as well.

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: 352

Number of site notices: 2

Statutory advertisement: 26/11/2021

Number of representations received: 56 Including Havant Climate Alliance and Friends of the Earth

Comment	Officer Comment
Highway Matters Additional traffic Park Road North will have huge impact on traffic flow and could result in total standstill. Havant Town traffic already overloaded Emergency vehicles will not be able to get through - endanger life. Operational Monitoring Plan (OMP) does not provide sufficient detail to monitor vehicle movements to south of New Lane. Currently significant amount of vehicles use Fairfield Road to New Lane to bypass congestion in Havant Town Centre. OMP needs to detail how 1% of vehicles will be monitored and how information issued to Local Authority to clearly demonstrate % not being exceeded. OMP appears to use GDPR to avoid monitoring of vehicles of site. Traffic impacts and rat runs. Distribution Warehouse should not be forced on residents of Havant by council that does not care about its negative impact on traffic across borough. Simple condition in the OMP that all deliveries for south of New Lane area must be satisfied by single, preferably electric, van. Would put an end to inevitable trick of putting a delivery for that area on every single van to legitimise rat-running. Real problems are far wider across road network. Daily vehicle numbers presented in OMP undercooked. Impact of approval decision made in September will survive current council by many years and today's Council would be wise not to relax existing well-written conditions which provide the only small measure of control. New Lane already very busy and noisy road Essential traffic monitored so Havant does not become continuous traffic jam - fact company applied for this to be watered down so quickly shows they will disregard all the neighbourhood concerns and objections. Planning Statement appears to suggest issuing an OMP is all that is required to achieve 100% compliance by all drivers at all times. - This is nonsense - a means of monitoring compliance is essential as is mechanism for enforcement. Submission that vehicles would be an 'entirely occupier owned fleet' now changed to allow subcontractors to be used. Will they be electric?	

How will we know vehicles from site? How will they be tracked? Lower end of New Lane not suitable for any HGV. Rail crossing and road by Fairfield School not suitable for HGV or any increase in traffic volume, already overloaded by traffic from School Lane housing estate. Drivers show little or no consideration for rules of road as under tight delivery schedules. Original approval projected 2415 traffic movements a day. That was bad enough but now want limit removed and already projecting double amount of traffic movements.	
Condition 9 Understand why seeking to modify - livery would exclude self employed drivers in unmarked white vans being excluded from operating from site. Technical solution relies on perceived threat to drivers if they infringe rules - doesn't mention sanctions to drivers if infringing rules. Can't see 'induction packs/leaflets and training' being effective beyond first few weeks. If quicker to go down New Lane, without sanctions that's the way white van drivers will go - time is their money. If condition varied operator should strengthen plan to indicate sanctions and/or submit regular reports to Council on infringements. Otherwise, whole point of stopping rat running will be gradually diluted and local residents will find themselves faced with traffic issues. Planning Statement contains first reference to use of 'Distribution Service Partners', the subcontract 'white van' staffing approach which virtually confirms that the council's client is Amazon. All previously available documentation for APP/21/00200 referred only to 'entirely occupier owned fleet' and on that assumption that Condition 9 correctly imposed. Tests in Para 56 of the NPPF are correctly met by the conditions as written and to my mind client would have no grounds to appeal. Obvious if vans unbranded they will not adhere to proposal that they use Crossland Drive. Therefore significant increase in traffic and pollution outside our house and ability to safely navigate across New Lane/Eastleigh Road to take our small children to school and nursery. Main concern remains increased volume of (unidentifiable) traffic using the southern end of New Lane as a rat run. Already a lot of traffic at the 4 way junction,	

especially when train gates down, which poses dangers to children walking/cycling to Fairfield Infant and Warblington Secondary schools.

With goodness knows how many more vehicles using route, its important Council able to identify the vehicles and their impact through regular monitoring of flow of traffic.

To reduce livery on vans/lorries means can't be identified using rat runs, speeding on New Lane or going down unsuitable roads.

Other delivery companies have liveries on vehicles. Why should Amazon be different? Important that any vans associated with the operation, even those owned by "distribution service partners" should be liveried and easily identified for monitoring purposes. Will enable better understanding of how the operator's traffic creates congestion, and will provide Borough Council with necessary data to negotiate with operator for any changes needed.

Properly branded delivery vehicles (occupier owned) everyone would be able to see this company around town and at key junctions though wouldn't be able to pick out vehicles belonging to delivery drivers travelling to/from site for work. Original planning application we are told that delivery vans parked on site overnight and collected from site and returned to site after assigned deliveries completed, and delivery driver travels to/from work in own vehicle.

Monitoring cameras at each of the gates would capture all vehicles entering/leaving, branded and unbranded. Cameras would provide timely data required by Council to ensure vehicle numbers provided on management plan not exceeded and rat runs for example to south not being used, at least by branded vehicles.

Perhaps original documented operating model isn't what is going to be implemented, and delivery drivers arrive at start of shift in own (unbranded) van, and take their van home at night after they complete their deliveries without returning to site, or perhaps return to collect next load of parcels and take them home? Traffic cameras critical to ascertain what is going on and the validity of the application to support any remedial actions.

Properly branded vans would be spotted parked overnight outside homes, which we are told would not happen.

Vans must display a clear livery so they can be recognised and ensure that they follow traffic routing guidelines. A plain white van will be difficult to track and identify where it has come

from.	
Impact of School Fairfield Road has an infant school with risk of unmanaged vehicle movements could increase danger of accidents. OMP needs to detail how vehicles will be adequately monitored to avoid increasing traffic congestion, increased risk of accident and pollution.	
Employment and Skills Plan (Condition 28) Why are they trying to lower age for potential job opportunities? Surely this was a major reason for HBC to consider it. "The end-user doesn't recruit people younger than 18 years old". - Reflects badly on applicants commitment to the local community and schools in particular. Governments Apprenticeships, 14 to 19 education and training for work programme makes it clear that 16 year olds, living in England and not in full time education, can be considered for apprenticeships. Not acceptable 16 and 17 year olds not considered for employment despite Government's Apprenticeships programme. Justification for allowing operator to use New Lane site is amount of local employment it is supposed to generate - position re 16 yr olds makes one doubt amount and type of employment that will be available.	
Development Concerns Wrong site for development 24/7 operation in very busy residential area asking for danger, chaos and is absolutely ridiculous. Working on site now and noise is constant and loud and very unpleasant. Added congestion. Extra vehicles not sustainable. More suitable sites. Think about Havant's vision to be more green, more welcoming to visitors. Make town centre more appealing, instead of making journey through Havant more difficult. Massive development companies buy brown field site on the cheap then badger local council with promises of mass local employment, attend planning meetings with fancy architectural consultants and walk over inexperienced people that sit on planning committee who then approve	

development and then come back later to alter what's already agreed. Nothing but a joke.
Have a firm opposite our road that operate all varying hours from 5.15 am and sometimes through night. Residents really have had enough.
Planning only just approved - why start changing now - what else will they want to change next.
Why pass it in first place - a huge delivery hub working 24/7 in an area where units work between 06.00-21.00 in mostly residential area.
Concerns over accuracy and credibility of traffic analysis.
Traffic generated will cause severe problems with crossroads with Eastern Road, the level crossing and the chicane south of the level crossing.
Air pollution
Havant cannot cope with the traffic at the moment as most days it is grid locked.
Is this all money orientated for these plans to go through.
What a shameful mess HBC has landed us in - will be totally overrun by vehicle movements from this monstrous company.
Aware it will bring some jobs, but few enough and at what cost - New Lane junction with Bartons Road already a death trap with lots of accidents and near misses all year round - what will it be like with this amount of movement.
Original planning must stay in place.
We are being covered in dust/powder all over windows and cars and through windows. Noise relentless and has caused damage to local houses. Disgusting this has been allowed to happen.
Better suited to out of town.
Bad effect on congestion and pollution.
Increase in traffic in East Street now primarily residential.
Noise and pollution day and night.
More traffic coming through Havant, Leigh Park and Bedhampton.
Roads cannot cope and has major impact on Hayling Island.
Should have been at Dunsbury site.
What about emissions.
Portsmouth cutting down on it.
Pollution problem.
Roads cannot take extra traffic - will be continuous traffic jams.
Adding this amount of vehicles 24/7 is outrageous.
Living on and near this road creates dust, noise litter and foot traffic to our small co-op shop via ally way off new land, school children and dog

walkers that will be at risk. I cross new lane daily. large lorries, vans come too fast along that Rd as it is, raised amount of traffic will need speed bumps or a limited /lowered speed limit. Traffic lights. Already excessive noise all day, pneumatic drills, banging and diggers, light pollution - ruined our quality of life. This from previous warehouses built in Stanbridge Road. Depot will have own lights on all night with associated noise from comings and goings. Unacceptable so close to housing estates, this site should have been allocated to housing instead of green fields. Concerns not alternatives to vans such as electric cargo cycles, or constraints requiring use of electric vans, for ultra local deliveries as part of proposals.	
Existing Conditions Believe conditions absolutely correct as they stand and should not be altered. Object to four proposed changes for all the reasons HBC put the conditions in the first place. Conditions 9 and 10 in particular are there to ensure operation remains in line with traffic predictions made by intended occupier. No reason to alter conditions other than perhaps to satisfy the implied request from the applicant to 'make the conditions commercially acceptable' to their prospective client. Want conditions kept as written, and decision to reject application made by informed Planning Committee and Council's legal officer fully engaged with meeting. Support HBC having control. HBC must retain an essential monitoring mechanism on this development and keep their control over the traffic generated by the site in the public domain.	
Condition 10 Condition as written enables 24/7 monitoring of traffic movements at the three gates appropriate for this high intensity three shift non-stop operation. Requires data to be uploaded to HCC/HBC repositories where monitoring can be done by Local Authorities whenever required. Gives successors at Council advantage they will gain from inevitable requests by occupier to increase traffic volumes. HBC will hold negotiating advantage. Current application seeks to reduce monitoring to	

just 2 hours a day, over five day week, on two occasions in any year. 20 hours annual monitoring, managed by the occupier and supplied in arrears once a year as single report. Successors at the Council will have no advantage in any negotiation for increased volume, in fact volume growth will just happen, unchecked. It will happen from day one, since according to OMP you won't get the first report until first anniversary of operations starting. Section 5 of OMP should cause Council concern. Notion that Automatic Traffic Counters - which collect data 24/7/365, will be installed but data only available to Council once per year is bizarre. Equally strange is statement this annual data disclosure will be edited so that only covers two hours per day, for few days each year. Restricting Council's ability to request data from New Lane CCTV to four occasions/year is derisory.

How will Ward Councillors respond to fifth rat-run complaint from residents in a year - when they have no power to extract data from operator? Adequate traffic monitoring data needs to be available to Council 24/7 to enable them to negotiate effectively with operator when issues arise.

Any less than this will leave current and future Councils in weak position when negotiating with operator.

Not enough OMP to say drivers working for them will be informed and educated about acceptable routes. Drivers will rat run if it saves time. Limited information would be made available. Expected operator will be a powerful multi-national company and HBC needs to maintain a strong position in relation to them for the good of their residents.

Concern over extent of monitoring and traffic through put

Concern over Christmas monitoring when dark days correlates with increase in road traffic collisions and injuries.

Traffic flow must be monitored 24 hours a day, 7 days a week. Just 20 hours a year is unrealistic and unfair on the residents.

7 **Planning Considerations**

- 7.1 Section 73 of the Town and Country Planning Act 1990 allows for applications seeking to amend planning conditions including seeking minor material amendments

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

- 7.2 Government guidance states that *There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.* It goes on to state that:

Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

The report below will concentrate on the proposed changes to the approved details and any changes to national and development plan policies or other material considerations.

- 7.3 Section 73 of the Town and Country Planning Act states:

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 7.4 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) Highway implications of proposed changes to conditions 4 (Operational Management Plan), 9 (Livery/Branding) and 10 (Traffic Monitoring)
- (iii) Employment implications of proposed changes to condition 28 (Employment and Skills Plan)
- (iv) Proposed Community Liaison Strategy Condition
- (v) S106 agreement

- (i) Principle of development

- 7.5 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

- 7.6 The site is also within a very long established industrial estate which lies mainly to the

east of New Lane and to the west of the Portsmouth to Waterloo railway line. The site itself has a long history of pharmaceutical use and manufacturing with Wyeth's operations starting in the 1950's (including powdered baby milk production) and more recently Pfizer's global packaging and distribution centre for pharmaceutical products has occupied the site which included a specialist cold chain packaging operation.

- 7.7 Policy CS2 of the Havant Borough Local Plan (Core Strategy) 2011 (CS) prioritises the use of previously developed land for the provision of new employment floorspace, whilst Policy DM2 (CS) seeks to safeguard existing employment sites from development proposals for non-employment uses.
- 7.8 The importance of this industrial area in terms of Havant's economic wellbeing and for providing employment is recognised by the proposal to define New Lane as an established employment area in the Havant Borough Local Plan Submission Version on the Proposals Map. Emerging Policy C1 states that Proposals for employment uses which protect and enhance the function and operation of established employment areas (as defined on the Policies Map) will be supported.
- 7.9 Whilst some of the third party objections received relate to the principle of the proposed redevelopment of the site and its operation as a Distribution Warehouse the development itself has been approved under planning permission APP/21/00200 in October 2021 following consideration by the Council's Planning Committee on the 9th September 2021. This application therefore relates to the proposed changes to conditions imposed in relation to that consent.

(ii) Highway implications of proposed changes to conditions 4 (Operational Management Plan), 9 (Livery/Branding) and 10 (Traffic Monitoring)

- 7.10 The highways implications of the development were considered in detail in relation to planning permission APP/21/00200 and conditions 4, 9 and 10 as set out in paragraph 3.2. In considering the current proposals it is necessary to consider why the original conditions were imposed and whether amended conditions would achieve the same aims as the original conditions.
- 7.11 This application originally proposed to combine conditions 4, 9 and 10 into one planning condition although it is now accepted that it is preferable to retain three conditions, this is because they relate to different issues with the Operational Management plan forming the basis for managing the way the site works in relation to highway matters, and the other conditions addressing the volume of vehicular movements to and from the site and the routing of the delivery van movements.
- 7.12 The overall purpose of the Operational Management Plan (OMP) is to outline the proposed operation of the site to ensure it is consistent with the submitted assessments which enabled the Local Planning Authority in consultation with the Highway Authority to grant the original planning permission.
- 7.13 The OMP confirms:

All of the delivery routes undertaken from the site are managed to ensure efficiency.

The signed route between the strategic highway network and the site is via Crossland Drive and the majority of traffic to/from this site will use this route. The exceptions being staff who live in local areas travelling to/from the site and van delivering to households in the local area around the site.

To reinforce the routing as part of van drivers' introduction when working at the site there will be information given to clearly state which route to use.

In addition to this, there will be signage within the site at each of the three access as a reminder for drivers leaving the site to reinforce the routes they should follow.

The OMP then sets out development trip generation in peak hours and daily (as previously set out in APP/21/00200 permission). The operation of site will accord with the agreed traffic generation set out above with there being no material changes to the levels of traffic generation assessed. The traffic distribution through key junctions as previously considered is also confirmed.

- 7.14 A particular concern in the consideration of planning application APP/21/00200 related to the routing of delivery van traffic to the south of the site and the OMP confirms that vans travelling south on New Lane towards Havant Town Centre would deliver to local areas only as identified on a plan included in the OMP:

The areas shaded in purple are all the areas which will be served by vans arriving and departing the site via New Lane south of the site. These are the only areas that vans would deliver to/from by using New Lane south of the site.

Using census data and online mapping imagery, the total number of households that can be served using New Lane (South) has been determined as being circa 1,864 households. This includes all types of households including retirement apartments.

To put this into context, assuming a conservative drive time estimate of 30 mins, vans could reach the wider Havant area in addition to Portsmouth and Chichester. The total number of households in these areas, according to 2011 Census data, is 188,643. Therefore, the total number of households that the site can serve to the south of New Lane represents 1% of the total number of households that vans are expected to serve. This ties in with the distribution of traffic presented with the planning application.

The approved occupier data states that there will be a total of 505 vans leaving the site daily. On this basis, only 5 vans are expected to route south on New Lane on any given day. It should be noted that a single van has the capacity to deliver to multiple properties which will follow a defined route. This ensures that there will not be increased van movements on the local road network due to consolidation and efficient journey planning.

It must be remembered that one van going to this area would deliver parcels to a number of properties and therefore 5 vans to this area in a day is likely to be an overestimate. This also would not be new traffic as deliveries are currently being made to this area by the occupier of the site.

- 7.15 Given the above previously considered and approved vehicle movements and routing of delivery vans to the south of the site the OMP then considers how this is to be monitored and this leads onto the conditions necessary to achieve compliance with the vehicle movements and routing. This will be compared with the original conditions 9 and 10 further in paragraphs ## - ## below.

- 7.16 The OMP confirms that the site would be monitored in two ways to allow the effectiveness of the OMP to be assessed.

Traffic Levels

7.17 The OMP states:

The levels of traffic entering and leaving the site will be monitored through the installation and maintenance of Automatic Traffic Counters (ATC) to monitor traffic levels across the three site accesses in accordance with the parameters agreed at planning, as reflected in Appendix A of the Operational Management Plan.

The ATC equipment will be situated wholly within the site and located to ensure they effectively count vehicles into and out of the site.

The data will be collected by an independent traffic survey company who will provide and maintain the equipment and will provide the survey data.

7.18 At the time of writing the OMP is being amended in relation to the requirements for reporting the ATC results to the Council, including the frequency of reporting, the extent of monitoring periods, the ability of HBC to agree periods of monitoring. It is intended to ensure that the following is provided:

- Quarterly monitoring
- Four weeks of full day and peak hour data provided to Council
- The four week period of data within the quarter to be agreed with HBC for first year with review at end of first year when dependent on review of exceedances the monitoring may if agreed by HBC be reduced to two weeks per quarter.
- Monitoring period to commence from time site operational (first delivery from site to end customer)
- Monitoring to take place over for 5 years after the first operation of the site
- The data will provide details of car, van and HGV movements
- The data will be held for a 6 month period
- Mechanism for dealing with exceedances

Traffic Using New Lane South of the Site

7.19 The OMP states:

The routing of vehicles to/from the site will be monitored through the installation and maintenance of CCTV cameras within the site to cover the site accesses and one showing New Lane to the south of the site to allow spot checks to be undertaken of vehicles entering and leaving the site.

As the CCTV cameras will be situated within the site, all GDPR matters will be dealt with by the operator under the same protocols as the security cameras will be operated on the site.

7.20 It is understood that the cameras would use Automatic Number Plate Recognition, this would allow number plates from delivery vans travelling south of the sites southern access along New Lane to be matched to vans leaving the site. This when compared to the data from the Automatic Traffic counters can identify the % of vans travelling to and from the site.

7.21 As above the OMP is being reviewed at the time of writing and the monitoring, data

produced, monitoring period, data retention and mechanism for dealing with exceedances will need to be included in the revised OMP.

Condition 4

7.22 Condition 4 of planning permission APP/21/00200, reads as follows:

Prior to the occupation of any relevant part of the permitted development, a Full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be based upon the principles outlined within the Vectos Ltd. Framework Management Plan document dated July 2021, be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: *To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.*

7.23 As set out in the reason for the condition above the reason for the condition is to ensure that any future occupier abides by the assumptions within the Transport Assessments agreed at planning. Subject to suitable amendments being received to the OMP it is considered that the condition can be re-imposed with the following wording:

The Full Operational Management Plan document produced by Vectos Ltd, dated December 2021 shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: *To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework. #####this may need amending - my understanding was that the OMP would remain in draft - Ian Dix was saying that the final version would have the name of occupier added#####*

7.24 This condition provides the mechanism for ensuring that the OMP can be relied upon to manage the operation of the development in terms of vehicle movements and restricting routing of delivery vans to the south. This then links into conditions 9 and 10.

Condition 9

7.25 Condition 9 of planning permission APP/21/00200, reads as follows:

All delivery vans operating from the site shall be liveried and branded in a manner to allow for easy identification to ensure that the operation is in line with the operational management plan.

Reason: *To allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion having due regard to policies CS16, CS20 and DM10 together with the National Planning Policy Framework.*

- 7.26 As set out in the reason for the condition above the purpose of the condition was to allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion the committee report set out the need for the livery condition in paragraph 7.68 as follows:

In addition to allow for the monitoring of van traffic routing associated with the site a condition is recommended to ensure that all vehicles operated from the site are clearly identifiable by their livery. A condition to this effect is therefore recommended.

The OMP confirms that 1% of vehicles would travel south of the site to deliver to the local area of Havant.

- 7.27 The main advantage of the livery / branding condition as currently written is considered to be the visibility of the operators vehicles operating to the site. The main disadvantage is that if there was a complaint about vehicles travelling south it would not be possible to test this against the 1% expectation without a manual survey taking place close to the site. This would have a resource implication for the Council and would be very visible to any occupier which could in theory lead to routes being altered from the site whilst the survey were taking place.
- 7.28 The current proposal is for CCTV cameras to be provided with the site at the three accesses and monitoring New Lane to the south of the southern access (also from within the site). This would use number plate recognition to register delivery vans travelling south and link them to matched number plates entering and leaving the site. When combined with the total van numbers provided under Condition 10 this can provide a % of delivery vans leaving and entering the site from the south.
- 7.29 The monitoring by the cameras would be 24 hours / 7 days a week and would be collected by an independent traffic survey company who would provide and maintain the equipment and provide the survey data. For the first year this would provide quarterly reports to HBC covering a four week period to be agreed with the Council. This will allow the Council to assess the data for a period that for example a third party has identified as a concern for traffic routing to the south across the level crossing, or for a peak period such as Christmas. The monitoring would pick up exceedances of the anticipated 1 % routing to the south and enable the operator to identify why this took place and if necessary to allow them to take this up with individual drivers (as number plates would be known). After the first year there would be a review mechanism for the on going monitoring requirements (either carrying on as quarterly or moving to half yearly) depending on exceedances of the 1% routing.
- 7.30 It is considered that the alternative means of monitoring routing of delivery vans would provide detailed information which would demonstrate whether the development is meeting the anticipated routing and therefore ensuring that impacts to the south of the

site including to Fairfield Road and Beechworth Road, residential roads including Fairfield School, routes to Warblington School and Glenhurst Nursery and Pre-School are limited and acceptable both in terms of highway impacts and air quality. It is therefore recommended that the condition be amended as follows:

The site shall operate in accordance with the agreed routing strategy detailed within the approved Operational Management Plan. This includes the following measures:

- *A defined geography of households to be served by vehicles heading south down New Lane*
- *Explicit routing signage on all exits from the site*
- *Induction Packs/leaflets and training for all drivers*
- *Monitoring of movements via CCTV with regular reporting via an independent third party to the Local Planning Authority in accordance with the parameters of the OMP.*

Reason: *To allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion having due regard to policies CS16, CS20 and DM10 together with the National Planning Policy Framework.*

Condition 10

7.31 Condition 10 of planning permission APP/21/00200, reads as follows:

Prior to the occupation of the development hereby permitted to install and maintain permanent traffic counters and monitor traffic levels across the 3 site accesses in accordance with the figures agreed at planning, as reflected in Appendix A of the Operational Management Plan. The monitored details shall be fed into Hampshire County Council's permanent traffic count database and available to view as required by the Local Planning Authority and County Highway Authority.

Reason: *To confirm that the traffic levels presented in the Operational Management Plan at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network having due regard to policies CS20 and DM12 together with the National Planning Policy Framework.*

7.32 As set out in the reason for this condition, this is to confirm that the traffic levels presented in the OMP at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network.

7.33 The main advantages of the current condition are that monitoring of traffic movements from the three access points is fed directly to HCC's permanent traffic counter database and can be assessed if required by HCC and/or HBC.

7.34 The current proposal would continue to propose Automatic Traffic Counters at the three access points, the data will be collected by the independent traffic survey company who would provide data on the same basis as for Condition 9. In the first year this would be quarterly with four weeks of data. The frequency of monitoring would be reviewed at the end of the first year as above. The information provided would include total vehicle movements including by type (cars, delivery vans and HGV's). It would provide daily and peak hour movements. The period for detailed assessment would match that for condition 9 and HBC can specify the weeks within the reporting period to be assessed (for example if concerns are raised by residents about volume of traffic in a particular period).

- 7.35 Overall it is considered that the alternative mechanism proposed by the applicant offers a robust means of ensuring that HBC and HCC can assess whether vehicle movements are as anticipated by the peak and daily traffic figures considered with the original planning application. The condition is recommended to be amended as follows:

Prior to the occupation of the development hereby permitted the infrastructure to monitor traffic levels across the 3 site accesses as specified in the Operational Management Plan shall be installed. The occupier will comply with the monitoring and reporting measures specified in the Operational Management Plan, including the use of independent data monitoring company. Data will be used for monitoring the effectiveness of the Management Plans only.

Reason: *To confirm that the traffic levels presented in the Operational Management Plan at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network having due regard to policies CS20 and DM12 together with the National Planning Policy Framework.*

(iii) Employment implications of proposed changes to condition 28 (Employment and Skills Plan)

- 7.36 Condition 10 of planning permission APP/21/00200, reads as follows:

The construction and occupation stage of the development hereby permitted shall be carried out in accordance with the Employment and Skills Framework Plan and in particular meet the following requirements:

Construction phase

- *Deliver on all KPI's as per the submitted Employment and Skills Framework ensuring these opportunities are provided to Havant residents with particular focus on 16-24yr olds in Leigh Park*
- *Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase.*
- *Six weeks from agreement of Planning Permission Contractor/Council initial E & S Plan meeting.*
- *Monitoring meetings to be scheduled with Contractor and the council on a quarterly basis to review progress.*
- *Contractor to submit evidence to the council proving Havant residents have benefited from the construction phase of the development.*
- *Provide press/photo opportunities/case studies involving Havant residents before the end of the construction phase.*
- *Contractor to provide report to the council at the end of construction phase with details of the job, apprenticeship, training, and site visits provided and who benefited.*

Occupation phase

- *Provide end user HR contact for recruitment.*
- *Continue quarterly monitoring meetings into recruitment phase to ensure opportunities are provided for Havant residents.*
- *Ensure active marketing campaigns target the recruitment of permanent jobs for Havant residents with particular focus on 16-24yr olds in Leigh Park and the immediate area.*
- *This includes working with agencies / contractors which provide flexible work and driver opportunities, with best endeavours given to prioritise or attract residents of Havant Borough.*
- *Provide two press/photo opportunity/case study involving Havant residents.*

Reason: *In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.*

- 7.37 The above condition was agreed in consultation with the Council's Economic Development section and is aimed at providing local employment opportunities at the site. The proposal is split the condition into two conditions as the construction phase and occupation stage are to be managed by separate entities. This is considered acceptable. The main other change relates to the age of potential recruitment for the occupation stage which has been changed from 16-24 year olds to 18-24 year olds. The planning agent has provided the following comment in relation to this change:

The proposed end user does have an apprenticeship programme for 18-24 year olds across England, Scotland and Wales. Throughout the selection process, applicants are offered various roles and locations to identify the best fit for them. The nature of the industry means that on-site roles incorporate overnight shift patterns in order for deliveries to be ready in the morning. As 16-17 year olds are by law not allowed to work overnight, it isn't possible for the scheme to extend to these age categories. In addition, the warehouse handles a wide variety of goods, some of which under 18s are prohibited from handling.

They comment further on the construction phase:

In relation to delivering the Employment and Skills Plan, the contractor is complying with this, and we have a meeting arranged with Havant's Skills Lead and JCP Havant on the 11th January. They are going to assist in the recruitment of a general operative/labourer and the other requirements. Liaison with Havant and South Downs College is also occurring.

- 7.38 At the time of writing the final details are being checked by the Economic Development Team, however, at this stage it is anticipated that the following conditions will be imposed to replace the original Employment and Skills Plan condition and these will help to ensure local employment opportunities at the site:

Condition 28 – Employment and Skills (Construction Phase)

Throughout the construction period to comply with the Construction Employment and Skills Framework Plan and to:

- Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase.
- Six weeks from agreement of Planning Permission.
- Contractor/Council initial E&S Plan meeting.
- Monitoring meetings to be scheduled with Contractor and the council to review progress.
- Provide case studies involving Havant residents before the end of the construction phase.

Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011

New Condition 29 – Employment and Skills (Occupation Stage)

Prior to Occupation an Occupational Phase Employment and Skills Plan shall be sent to the Local

Authority which provides the following details:

- An end user HR contact for recruitment for direct employees
- An inception meeting with the Economic Development Officer to detail the programme for launch recruitment and beyond initial occupation
- Provision for a follow up meeting to be attended by the Borough Council including members of the end-user's PR team.
- Provision of details of the agencies/contractors that are being partnered with
- Details of the marketing of direct employment opportunities, including specific reference to the need to target Havant residents, including those in the 18-24 category and those in Leigh Park and the immediate area

Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011

(iv) Proposed Community Liaison Strategy Condition

- 7.39 The applicant noted the comments made at the Planning Committee meeting of the 9th September where members discussed whether the occupier would liaise with Local Residents representatives and Ward Members on an ongoing basis in order to seek to address potential operational impacts. As a result an Informative was added to the original consent which stated:

It is requested that consideration be given to the establishment of a liaison board by the operators of the site to work with local residents and businesses should they need to address any conflicts arising from the operation of the site. This shall include an invitation to local Havant Borough Ward Councillors representing the Bondfields and St Faiths wards.

- 7.40 The Planning Agent has provided the following comments:

The proposed operator has an excellent track record of engaging with the community and is content for a requirement to be imposed which requires them to provide a strategy post-occupation which will set out the measures to be undertaken to engage with the community in a positive way. This will cover a whole raft of matters that the community would want to engage with but linked to the above two issues (highway impacts) would also provide a way for the community to engage directly with any

concerns about operational transport issues. This includes a local community panel to be established with key stakeholders and interested parties.

This is considered a positive approach which should provide a forum for positive engagement to seek to address any issues. The following condition is therefore recommended:

New Condition 30 – Community Liaison

Within 6 months of occupation the operator will produce a community liaison strategy, which will include:

- *Contact details for any queries to be forwarded;*
- *Details of membership of a local community panel to be established with key stakeholders and interested parties*
- *A schedule of meetings to be offered to the identified panel*
- *Record-keeping of engagement with the local community*

To provide residents and stakeholders an opportunity to feedback to the site operators on the effectiveness of the arrangements in place.

Comments received will be used to make improvements to the site operations as and where appropriate.

Reason: *To allow for community engagement and to seek to address issues raised by the community in the interests of amenity having due regard to policies CS16, CS20 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011.*

(v) **S106 agreement**

- 7.41 The original planning permission APP/21/00200 included a S106 Agreement dated 22nd October 2021. This included Transport Contributions, Planting Contributions, Highway Works and Travel Plan requirements. The S106 Agreement included in the Definition of "Planning Permission" *the full planning permission subject to conditions to be granted by the Council pursuant to the Application (a draft of which is appended at schedule 2 to this Deed) or any variations of those conditions determined by the Council under section 73 of the Act or any non-material amendment to the Full Permission under section 96A of the Act.*

As this is a S73 application it is not considered that a Deed of Variation to the S106 Agreement is required in this case.

8 Conclusion

- 8.1 The current proposal is seeking to amend conditions applied to the original planning permission reference APP/21/00200 under a S73 application. The conditions relate to the Operational Management Plan, Routing of Vehicles and Traffic Counts. In addition a further condition is proposed in relation to community liaison. The proposed changes have been assessed in detail. Given the short time between the original consent and the proposed variation in conditions it can be confirmed that there have been no changes to the policy background relating to these considerations.
- 8.2 It is considered that the proposed amended and additional conditions would allow for the appropriate controls and monitoring to ensure that the development would have an acceptable impact on the locality. Planning permission can therefore be

recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01244

(A) subject to the following conditions

- 1 The development must be begun not later than 22 October 2024.
Reason: To comply with the requirements of Sections 73 and 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:

To be provided

Reason: - To ensure provision of a satisfactory development.
- 3 The construction phase of the development shall be carried out in accordance with the approved Construction Management Plan (produced by TSL) Issue No.3, unless otherwise agreed in writing by the Local Planning Authority. This includes construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Reason: In the interest of highway safety having due regard to policies CS20 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 *The Full Operational Management Plan document produced by Vectos Ltd, dated January 2022 shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.*

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: *To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.*
- 5 Prior to occupation of the development hereby permitted a Full Car Parking Management Plan (building on the Vectos Framework Car

Parking Management Plan July 2021) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: To ensure any future occupier abides by the measures agreed at planning having due regard to policies CS20, DM11, DM12 and DM14 of Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD and the Planning Policy Framework.

- 6 Prior to occupation of the development hereby permitted, a Full Delivery Servicing Management Plan (building on the Vectos Framework Delivery Servicing Management Plan July 2021) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: To ensure any future occupier abides by the measures agreed at planning having due regard to policies CS20, DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.

- 7 The development hereby permitted shall not be brought into use unless and until the Cycle Parking shown on drawing No. 2010-S4-P3 has been provided. The cycle storage facilities shall thereafter be maintained and retained in accordance with these details.

Reason: To ensure that adequate provision is made for sustainable transport options having due regard to policy DM14 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the occupation of the development the following provisions shall be made on site:

Photovoltaic panels as shown on drawing reference 2109-S4-P3

Electric Vehicle charging provision for 20% of all car and van parking spaces provided on site. In addition the remaining 80% of van parking spaces shall be provided with passive infrastructure to allow for further charging points to be easily installed.

The Photovoltaic panels and Electric Vehicle charging provision shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the details of the submitted Transport Assessment, to reduce pollution and to help to ensure sustainable development having due regard to policies CS14 and DM10 of the Havant Borough Local Plan, emerging policy IN3 of the Havant Borough Local Plan Submission Version and the National Planning Policy Framework

- 9 The site shall operate in accordance with the agreed routing strategy detailed within the approved Operational Management Plan. This includes the following measures:

- A defined geography of households to be served by vehicles heading south down New Lane
- Explicit routing signage on all exits from the site
- Induction Packs/leaflets and training for all drivers
- Monitoring of movements via CCTV with regular reporting via an independent third party to the Local Planning Authority in accordance with the parameters of the OMP.

Reason: To allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion having due regard to policies CS16, CS20 and DM10 together with the National Planning Policy Framework.

- 10 Prior to the occupation of the development hereby permitted the infrastructure to monitor traffic levels across the 3 site accesses as specified in the Operational Management Plan shall be installed. The occupier will comply with the monitoring and reporting measures specified in the Operational Management Plan, including the use of independent data monitoring company. Data will be used for monitoring the effectiveness of the Management Plans only.

Reason: To confirm that the traffic levels presented in the Operational Management Plan at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network having due regard to policies CS20 and DM12 together with the National Planning Policy Framework.

- 11 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Further intrusive site investigation & monitoring based on the proposals given within the EPS Ltd. Phase II Environmental Assessment Report Ref: UK20.5052D iss.2.1 (24/05/2021); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting

the site, and to inform an appropriate assessment of the risks to all identified receptors.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Prior assessment has indicated the likely presence of contaminants within areas of the development land that have not previously been investigated. The site is above the secondary superficial aquifer which would be considered a moderately sensitive controlled water receptor. The chalk principal aquifer and associated SPZ1c occurs at depth beneath the site under a layer of London clay. The chalk would be considered a highly sensitive controlled water receptor. Alongside the health of future occupants of the development land, and the health of occupiers of adjacent land, these receptors could potentially be impacted by contamination present on this site. To ensure that the development does not contribute to-, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014 and paragraphs 178-180 of the National Planning Policy Framework.

- 12 Prior to occupation of any part of the site, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and confirmed in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted

to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 178-180 of the National Planning Policy Framework.

- 14 Construction of the development (except for demolition and preparation works) shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that drainage of the site is acceptable to prevent flood and pollution risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan 2011 and the National Planning Policy Framework

- 15 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 the development being brought into use. The submitted details shall include;

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

Reason: To ensure suitable drainage and to avoid flood risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The drainage system shall be constructed in accordance with the Drainage Strategy Report; ref: C200810-PIN-XX-XX-RP-C-02. Surface water discharge to the public sewer network shall be limited to 174l/s (1 in 1 year), 395l/s (1 in 30 year) and 395l/s (1 in 100 year). Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure suitable drainage and to avoid flood risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 No piling or other deep foundation using penetrative methods shall take place unless and until details of the piling proposals are submitted to and approved in writing by the Local Planning Authority. If the piles/foundations are proposed to penetrate the full depth of the Clay cover at the site a piling risk assessment and method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including

pollution prevention measures shall be submitted. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways for contaminants and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 Prior to use of the site commencing, an assessment of noise of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, to be installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The noise emitted from the use of this plant, machinery or equipment shall not exceed the noise criteria provided in Tetra Tech's Noise Constraints Assessment A118298 rev 3 dated 09/02/21. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound.

Reason: In order to safeguard the amenities of adjoining residential occupiers having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. The details are needed prior to the use of the site commencing so that any additional mitigation measures can be incorporated.

- 19 The development including any demolition shall not commence unless and until a pre-commencement site meeting with the site agent, the applicants Arboricultural Consultant and a Havant Borough Council Arboricultural representative has taken place to ensure that all tree protection is correctly in place. The tree protection shall thereafter be retained and maintained as approved for the duration of the demolition works.

Reason: In the interest of the character and appearance of the area and to ensure the retention of important trees and hedges having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 20 The development including demolition shall take place in full accordance with the Arboricultural Impact Assessment and Method Statement Rev 02 Lizard Landscape Design and Ecology and Tree Retention and Protection Plan Drawing No. LLD2177-ARB-DWG-002 Rev 04. In addition all works within the Root Protection Areas of retained trees shall be supervised by the Applicants Arboricultural Consultants.

Reason: In the interest of the character and appearance of the area and to ensure the retention of important trees and hedges having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 21 The landscaping works shown on the approved plans Drawing No. LLD2077-LAN-DWG-010 Rev 03 and detailed in Landscape Design Strategy

Lizard Design and Ecology LLD2177-LAN-REP-001 Rev 02 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 final 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 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 22 Prior to the commencement on a phase of the development (excluding demolition and temporary works), a Draft Design Stage Assessment demonstrating that the development will achieve at minimum 'Excellent' against the BREEAM Standard, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and policy E12 of the Havant Borough Local Plan Submission Version.
- 23 Within 6 months of any phase of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Excellent' against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.
Reason: To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and policy E12 of the Havant Borough Local Plan Submission Version.
- 24 The development hereby permitted shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (Lizard, May 2021 Rev 03) and as shown in the Landscape Masterplan Strategy (Drawing No. LD2177-LAN-DWG-010 Rev 03, Lizard, February 2021) unless otherwise agreed in writing by the Local Planning Authority. All ecological measures shall be implemented and installed in accordance with ecologists instructions and retained in a location and condition suited to their intended function.
Reason: To protect and enhance biodiversity in accordance with the NERC Act 2006, the National Planning Policy Framework and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 25 No part of the development shall be first brought into use until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls and acoustic fences have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
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.

- 26 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. 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.

- 27 Notwithstanding any description of materials in the application no above ground construction shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

Fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- retaining structures or steps

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

- 28 *Throughout the construction period to comply with the Construction Employment and Skills Framework Plan and to:*

- *Deliver the approved Employment and Skills Framework Plan*
- *Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase.*
- *Six weeks from agreement of Planning Permission Contractor/Council initial E&S Plan meeting.*
- *Monitoring meetings to be scheduled with Contractor and the council to review progress.*
- *Provide case studies involving Havant residents before the end of the construction phase.*

Reason: *In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011.*

- 29 Prior to Occupation an Occupational Phase Employment and Skills Plan shall be sent to the Local Authority which provides the following details:
- An end user HR contact for recruitment for direct employees
 - An inception meeting with the Economic Development Officer to detail the programme for launch recruitment and beyond initial occupation
 - Provision for a follow up meeting to be attended by the Borough Council including members of the end-user's PR team.
 - Provision of details of the agencies/contractors that are being partnered with
 - Details of the marketing of direct employment opportunities, including specific reference to the need to target Havant residents, including those in the 18-24 category and those in Leigh Park and the immediate area

Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of Havant Borough Local Plan (Core Strategy) 2011.

- 30 Prior to occupation, the operator will establish a Community Liaison Panel (CLP) with key stakeholders and interested parties.

- The Terms of Reference will be established at the first meeting, including escalation of concerns submitted by members.
- The operator will maintain a list of membership details
- A schedule of meetings to be offered to the panel

To provide residents and stakeholders an opportunity to feedback to the site operators on the effectiveness of the arrangements in place. Comments received will be used to make improvements to the site operations and address issues that arise as and where appropriate.

Reason: To allow for community engagement and to seek to address issues raised by the community in the interests of amenity having due regard to policies CS16, CS20 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:...