
Site Address: Land South of Scratchface Lane, adjacent to A3M and West of Brooklands Road and Hillmead Gardens, Havant

Proposal: Variation of Condition 47 of Planning Permission APP/12/00612 to allow for a revised layout for the approved scheme, including change to house types comprising 2No. 1 bed flats, 7No. 2 bed flats, 27No. 2 bed houses, 48No. 3 bed houses, 8No. 4 bed houses; and garage/parking amendments.

Application No:	APP/13/00103	Expiry Date:	15/07/2013
Applicant:	Crayfern Homes Ltd	Team:	Team 1
Agent:	Mr J Higgins	Case Officer:	David Eaves
Ward:	Bedhampton	DMC Lead Member	

Reason for Committee Consideration:

Density:

HDS Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The application site lies approximately 2 km to the west of Havant Town Centre. The land is bounded to the west by the A3(M), to the east by Hillmead Gardens and Brooklands Road, to the north by the public footpath from Scratchface Lane over the A3(M) and to the south by the B2177 Portsdown Hill Road.
- 1.2 The site is roughly an elongated triangle in shape tapering towards its southern end and the B2177. The site is undulating falling from the south to the north from Portsdown Hill Road at a height of 41m to the central stream with a height of approximately 23m. The land then rises less steeply to the northern site boundary. The north eastern part of the site is relatively flat.
- 1.3 The land itself is relatively open in character and has been grazed by livestock particularly north of the stream. There are trees on site and close to the site boundaries, most notably crossing the site adjacent to the Brockhampton Stream; along the western and northern sides of the site and along parts of the eastern boundary with the properties in Brooklands Road.
- 1.4 The site includes trees and groups of trees protected by Tree Preservation Orders 1934 and 1755. The protected trees are positioned adjacent to the stream in the centre of the site, and to the eastern and western sides of the southern field.
- 1.5 In terms of the surroundings to the site, there are three main areas, the first is formed by the residential properties lying to the east in Hillmead Gardens, Brooklands Road and Pennant Hills; secondly, the A3(M) to the west of the site and its associated landscaping, including banking and trees; and thirdly, the 'Scratchface Lane' footpath and Woodland beyond.
- 1.6 The residential road with the longest site boundary is Hillmead Gardens. These properties consist of semi-detached and terraced two storey houses. The terraced properties have a rear access drive to garages and parking. Brooklands Road contains mainly semi-detached bungalows, with several detached properties of single or two storey design. Finally, two properties in Pennant Hills would adjoin a section of

the eastern site boundary these are two storey detached houses.

- 1.7 To the west of the site is the A3(M) a Trunk Road. The road adjacent to the site consists of 3 lanes in each direction (these include slip lanes for nearby junctions to the north and south). The road varies in height in relation to the site, being set above the site at its northern end and below at its southern end. There is a significant bank between the road and the site where the road is set higher and the road lies in a cutting where it is lower. The bank and much of the cutting are extensively planted with trees.
- 1.8 To the north of the site runs the Scratchface Lane footpath. This becomes elevated in relation to the site as you travel west towards the pedestrian bridge over the A3(M). The route links Scratchface Lane/Hillmead Gardens with South Downs College and beyond. The footpath also follows the line of a Roman Road adjacent to the northern end of the application site. To the north of the footpath is an area of Ancient Woodland, known as Littlepark Wood, and designated as a Site of Importance for Nature Conservation (SINC), and subject to a Tree Preservation Order.

2 Planning History (most recent first)

2.1 Reserve Housing Site Allocation History:

The site was allocated as a Reserve Housing Site in the First Deposit Plan of the Havant Borough District Wide Local Plan (HBDWLP) 1996-2011.

As a result of objections received, and the Councils preference for other sites, the allocation was subsequently deleted from the Revised Deposit.

This led to an objection from the sites promoter.

The HBDWLP Inquiry Inspectors Report (April 2004) recommended that the plan be modified by reinstating the site as a Reserve Housing Allocation, with an estimated provision of 65No. dwellings.

The HBDWLP 1996-2011 Statement of Decisions and Reasons on Objections to the Proposed Modifications (August 2005) confirmed the modification to reinstate the site as a Reserve Housing Allocation.

2.2 APP/13/00102

2.2 APP/12/00612

Outline application for the erection of 92 open market and affordable dwellings comprising 4No. 1 bedroom flats; 5No. 2 bedroom flats; 26No. 2 bedroom houses; 44No. 3 bedroom houses; 13No. 4 bedroom houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2 dwellings; new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road. (Revised Application). Permitted 29th November 2012.

Comment: It should be noted that it is this planning permission that the current application is seeking to vary. Therefore the principle of the residential development of this site is established.

2.2 APP/10/00497

Outline application for the erection of 92No. open market and affordable dwellings comprising 4No. 1 bed flats; 5No. 2 bed flats; 26No. 2 bed houses; 48No. 3 bed houses; 9No. 4 bed houses; new pumping station; new vehicular access from Brooklands Road including demolition of 2No. dwellings; and new pedestrian and cycle accesses onto Scratchface Lane and Portsdown Hill Road.

This application was refused planning permission by HBC on the 22nd June 2011 for the following reasons:

1 The development by reason of the proximity of dwellings, gardens and other outdoor spaces to the A3(M) would give rise to an unacceptable noise climate for future occupiers. This would fail to provide a high quality place where people would want to live, work and play. The proposal is therefore contrary to Policy CS16 of the Havant Borough Core Strategy and national Planning Policy PPS1.

2 Binding arrangement are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner:

- (i) A contribution of £341,974 be made towards Hampshire County Council Transport Contribution;*
- (ii) The provision of a Residential Travel Plan;*
- (iii) The completion of a Section 278 Agreement with Hampshire County council to deliver junction requirements for the Brooklands Road site entrance;*
- (iv) A contribution in relation to traffic management if required;*
- (v) The management arrangements for new roads, including street cleaning and street lighting;*
- (vi) A contribution of £123,843.50 be made for the improvement of sports pitch and court improvements;*
- (vii) On site open space management and maintenance arrangements;*
- (viii) Design and specification of SUDS system including future management arrangements;*
- (ix) Reptile relocation area provision, management, maintenance and access arrangements;*
- (x) A timetable for the implementation of the drainage scheme;*
- (xi) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable urban drainage scheme throughout its lifetime;*
- (xii) Securing public rights of way and gaining access within the site to the public open space and to cycle/pedestrian routes;*
- (xiii) Provision of a cycleway/footpath to the southern and northern boundary of the site;*
- (xiv) That 39% (36) dwellings are made available as affordable housing in accordance with Council policy;*
- (xv) Affordable housing units to be integrated and compatible with the design of Open Market Housing Units;*
- (xvi) Phasing of the affordable housing provision;*
- (xvii) Design standards for the affordable housing;*
- (xviii) Long term management arrangements for the affordable housing;*
- (xix) Nomination arrangements for the affordable housing*
- (xx) Tenure mix for the affordable housing;*

- (xxi) *Management of the site and facilities arrangements including Management Entity set up to maintain and manage open spaces within the residential development, SUDS, and reptile location area.*

The carrying out of the development in the absence of such provision would result in an unsatisfactory form of development having due regard to policies CS1, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM8, DM10, DM11 and DM12 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework, Planning Policy Statements 1, 3, 9 and 25 and Planning Policy Guidance 13 and 17.

Subsequently this decision was appealed and the appeal inspector dismissed the appeal following a three day Public Inquiry. In dismissing the appeal, however, he did not accept the Council's noise reason for refusal and dismissed the appeal for the single reason that the appellants submitted S106 agreement could not be relied upon to deliver what it promised. The Inspector's Appeal Decision Notice is attached at **Appendix B**. Further details in relation to this planning application and subsequent Public Inquiry are provided in part 7 of this report.

2.3 95/53209/004

Erection of hay store, tack room, stable (replacement of existing buildings) and formation of yard with planting using existing access from Portsdown Hill Road. Permitted October 1995.

2.4 95/53209/003B (Split decision see also 95/53209/003A)

Retention of storage container as ancillary to the keeping of horses on the land. Refused May 1995.

2.5 95/53209/003A

Use of land for the keeping of horses, and retention of associated storage shed and non-residential caravan (used as tackroom). Permitted May 1995.

2.6 92/53209/002

Outline application for 2No. greenhouses, implement shed, store/shed & trade - sales building utilising access off Portsdown Hill Road, Bedhampton. Refused November 1992.

2.7 91/53209/001

Erection of 12No. 1 bed houses, 21No. 2 bed houses, 3No. 3 bed houses as starter/social units and demolition of 2No. bungalows with car parking and access roads. Refused April 1991.

Appeal Dismissed January 1992.

3 Proposal

3.1 The description of the application the subject of this report is as follows:

Variation of Condition 47 of Planning Permission APP/12/00612 to allow for a revised layout for the approved scheme, including change to house types comprising 2No. 1 bed flats, 7No. 2 bed flats, 26No. 2 bed houses, 48No. 3 bed houses, 9No. 4 bed houses; and garage/parking amendments.

The application is very similar to planning permission APP/12/00612, the differences between the approved scheme and that now under consideration are considered

below.

3.2 The applicant highlights the changes to the approved scheme, the most significant of which relate to the change in some dwelling types as follows:

- A) A decrease in the number of open market 1 bedroom flats - 2 proposed (4 approved)
- B) An increase in the number of open market 2 bedroom flats - 7 proposed (5 approved)
- C) An increase in the number of open market 3 bedroom houses - 27 proposed (23 approved)
- D) A decrease in the number of open market 4 bedroom houses - 5 proposed (9 approved)
- E) The provision of garages for some of the proposed dwellings

Overall the number of units remains at 92, there are no proposed changes in the proportion of flats or houses. The changes in dwelling types relate to the market housing units and there are no changes to the approved affordable housing.

3.2 In addition to these changes there are a number of smaller amendments and these (together with the changes outlined above) are listed by the agent and are attached at **Appendix B**.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
DM1	(Recreation and Open Space)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

H4 (Reserved Housing Sites)
H4.1 (Scratchface Lane, Bedhampton)
R17 (Playing Space related to New Housing Development)

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

5 Statutory and Non Statutory Consultations

Development Engineer:

Arboriculturalist:

Planning Policy:

This proposal relates to house type changes and the overall number of bedrooms will alter slightly to that originally approved. These alterations do not alter any matters associated with the principle of the development and are acceptable in relation to adopted policy. Therefore, **no objection**.

Hampshire Biodiversity Information Centre:

On site - Protected/notable species West European Hedgehog
Within 50m Priority Habitat - Lowland Mixed Deciduous Woodland
Within 50m Ancient Woodland Inventory - Ancient Replanted Woodland
Within 50m SINC - Littlepark Wood (East) (Ancient Woodland)

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: 118

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

Statutory advertisement: 21/02/2013

Number of representations received: 48 letters received with 62 names.

Objections Received:

Planning Policy

Land originally designated as Countryside and Strategic Gap - no good reason why this has changed.

Number of units increased from those originally planned.

Bedhampton Retail Park development not known about in 2012 and this must have changed the perspective of the council's view on the Scratchface development.

Drainage

Intentions in dealing with existing pond queried

Flooding issues

Southern Water issues in relation to untreated sewage into Langstone Harbour - development will exacerbate problems.

Brooklands/Maylands Road foul water system has long history of storm water surcharging and shows no sign of being rectified due to cost. If this application is approved the sewage pumping option should be abandoned in favour of connection to the existing Brooklands Road system with cost of upgrade shared between Southern Water and the Developer.

As HBC aware of the situation regarding inadequate drainage in this area it will come as no surprise that they and others may be asked to explain their non-action in a claims court if surcharging occurs.

Developers will have to put in insufficient/inferior drainage (due to cost constraints).

Surface water drainage concerns.
Concerns over safety of stream.

Highway Matters

Traffic concerns.
Building traffic affecting our quality of life.
Parking issues.
Concern that additional parking will take place in adjoining roads.
Penhurst Road not suitable for any traffic growth.
Traffic regularly backs up west beyond the Rusty Cutter Roundabout during the pm peak, additional traffic generated by this development will make situation worse.
Brooklands Road, Maylands Road and the Belmont Roundabout will be even more affected during construction period if development is phased with traffic from residents and construction combined.
Pedestrian conflict with construction traffic on site.
Reversing distances too great for Fire and Rescue, refuse Collection and Sewage Pumping Station servicing vehicles.
Access to Brooklands Road is still only a 'concept' ignoring services.
Highway danger at Maylands Roundabout.
Construction traffic issues in narrow roads.
A new traffic survey should be undertaken to assess the likely impact of this volume of additional traffic now the Rusty Cutter junction is complete.
Concern over safety of Portsdown Hill access (previously found unacceptable by planning inspectorate).
Impact of additional traffic on surrounding roads is unacceptable and dangerous.
Lack of pavements on site increases hazards for children, elderly and disabled.
Increase in potholes and mud on roads a concern.
Linden Homes site on Portsdown Hill will only exacerbate the problem and lead to accidents on this already dangerous corner.
Loss of shared drive to bungalows adjacent to the access.
Walkway/cycleway between the new development and the existing Scratchface Lane Bridlepath is likely to become a 'Rat run' for other vehicles.
Maintenance of this feature questioned.
Brooklands Road unsuitable to serve the development.
Emergency vehicle access issues.
Impact of traffic on drains and sewers in Maylands Road.
There has not been any planning agreement for access to the development from Brooklands Road.

Noise

Interesting to see if noise levels are still deemed acceptable under a new survey. In our view noise levels, and to some extent air quality, have deteriorated in the last couple of years.
Noise pollution to future residents.
Noise levels worse since opening of Hindhead Tunnel.
Noise from pumping station.
Noise consultants have not published predicted sound levels across the built development.
Houses closest to motorway will screen the rest of the development from noise and it is therefore imperative that these dwellings are included in Phase 1. If not a new noise survey should be undertaken to measure the levels of noise currently now the Hindhead Tunnel is open to assess the impact on Phase 1.
Continual construction traffic will add to noise levels already created by high volume of traffic using A3M.

Construction noise will affect our health causing us stress.
Noise and pollution from motorway to potential residents.
Development should create places where people want to live, work and relax - not the case.

Air Pollution

The Environmental Health Officer states air pollution is well below air quality guidelines but offers no supporting evidence.
No account has been made for the hundreds of HGV movements during construction phase.

Viability

Viability of the scheme should result in a cut in profit for the developer or abandon the development.
Changing the size of some dwellings and the number of garages will not increase profit margins as much as claimed.
How affordable will the houses be?
Planning decisions must be evidence based, where is the evidence to support Crayfern Homes estimate of 11% profitability for the approved scheme or that the revised scheme can achieve a profit in excess of 18%.
Ground conditions unsuitable.
Concern at possible non-completion of development.

Impact on Neighbours

Proposed boundary treatment questioned
Potential overlooking
Units 7 and 9 are very close to the boundary and they will overlook several bungalows resulting in loss of privacy.
Brooklands Road mainly 2 bedroom semi-detached bungalows and will all be overlooked by houses and flats.
Object to a 2 phase development which will prolong the noise and traffic nuisance and disturbance.
Proposed boundary treatment questioned.
Units 7/8, 18/19 should be downsized and should not have windows in habited rooms overlooking existing properties.
Unit 9 should be turned 90° to present a gable end towards Brooklands Road.
The threat of development over 10 years has harmed quality of life.
Will security measures be put in place to prevent residents putting in gates to rear fence with Hillmead Gardens?
Design does not contribute to the improvement of the public realm close to the development.
Will the windows to any flats/houses be faced away from the privacy of our gardens?
Loss of outlook.
Concern over dust impact during construction.
No mention of wheel washing and construction parking on site.
Traffic impacting on environment and health of residents.
Parking concerns off site in Scratchface Lane/Hillmead Gardens.
Number of properties will cause unacceptable harm to residents and neighbours through smell, loss of privacy, outlook, noise and being overlooked.
Phasing of development prolongs noise, dirt and intrusion from construction.
Units 7 and 19 will look directly through the velux window of our shower room resulting in loss of privacy.

Open Space

Concern over detention basins suitability
Veteran Oaks could present Health and Safety issues.
No on site play areas and children will use elevated southern wildlife area.

Crime and Anti-social behavior

Crime and anti-social behavior are more likely to occur if pedestrian routes are away from traffic carrying ones - two such routes proposed.

Site too permeable - Hampshire Police are against the footpath/cycleway to Portsdown Hill Road.

Undeveloped area behind Brooklands Road would become BMX track to the annoyance of residents and encourage anti-social behaviour.

It is spurious to claim the Portsdown Hill footpath would give access to the Bowling Centre and Homebase because Linden Homes plan to demolish these and build 86 homes.

The steepness of the pathway could lead to Health and Safety claims on HBC.

Fly tipping, motorcycling concerns in wildlife area.

Children and youths from the new estate will in time find their way to the 'ditch' to play and climb trees and to hang out and cause a nuisance.

Will developers ensure access to the ditch being 33, 34, 35, 36 and 37 Hillmead be protected from trespassers?

Will a very high security fence with grills and angle heads be erected to protect the ditch and river waters and our right to enjoyment of our garden without having to put up with children/youths frequenting this ditch?

Properties would remain unsold and subject to vandalism and decay.

Fence should be erected to the south side of the river.

Will increase potential crime to properties in Hillmead Gardens.

Concern over access to Portsdown Hill bridge that has been an avenue for self harm and attempted suicides.

Planning Conditions

Concern about impact on other conditions

Condition 16 - unreasonable to permit Saturday afternoon working until 6pm.

No need to work on Saturdays.

Should be conditions governing appropriate use of garages.

Should be conditions regarding phasing if that is the approved construction.

Trees

Loss of trees - impact on noise, screening and wildlife.

Moving unit 19 away from the site boundary would negate the need to remove Tree Group 8.

What provision will be made to protect the hedgerow where bats are frequently seen.

Developers state they will not be removing trees designated as Group 6 on the plan within the Arboricultural Report. This group is outside their jurisdiction, being on land owned by myself and my neighbours.

Concern at the loss of Group 7 trees and request for replacements.

Tree report conflict with ecology report.

Sustainability Issues

No local amenities to serve the site.

School capacity.

Sustainability appraisal in March 2008 describes the location as fairly isolated to non-car users yet it is being developed ahead of more sustainable ones.

Excessive burden existing services.

Local schools not in walking distance increasing congestion.

Distance to shops.

Wildlife

Impact on wildlife.

Hazel Dormouse survey not completed.

Natural England's standing advice with regard to protected species has been ignored.

Lack of consistency with ecological surveys.

Human Rights

Human Rights - Article 8 of the Convention provides that everyone has the right to respect for his private and family life, his home and his correspondence. We would argue that any infringement on our present peaceful home and day-to-day life made by this development going ahead would impinge upon our Human Rights.

Comment:

It should be noted that the current application is a variation of condition to a previously approved scheme. The proposal is to make some changes to the approved plans listed under Condition 47. Many of the issues above have been raised previously and have been considered in detail in the determination of application reference APP/12/00612 which was approved by the Council on the 29th November 2012 following consideration at Extraordinary Council on the 21st November 2012. It is therefore not intended to re-consider the issues previously considered to be acceptable in this report. Instead the report will concentrate on the changes now proposed and any implications resulting from those changes.

7 Planning Considerations

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

- (i) Principle of development;
- (ii) Nature of the changes to the previously approved plans;
- (iii) Viability issues
- (iv) Impact on the character and appearance of the area;
- (v) Residential amenity;
- (vi) Access and Highway Implications;
- (vii) Flooding and Drainage;
- (viii) Noise Issues;
- (ix) The effect of development on Ecology;
- (x) Impact on Trees;
- (xi) Other Environmental Effects;
- (xii) Crime prevention;
- (xiii) Sustainability;
- (xiv) Contribution Arrangements/S106

(i) Principle of development

7.2 The principle of development has been fully established with the granting of planning permission reference APP/12/00612. The full background in relation to the planning policy history is set out in paragraphs 7.2 - 7.7 of the Officers Report to the Development Management Committee of the 25th October 2012 which is attached at **Appendix ##**. Planning Policy have confirmed that the proposed alterations do not

alter any matters associated with the principle of the development and are acceptable in relation to adopted policy.

(ii) Nature of the changes to the previously approved plans

- 7.3 It should be noted that the proposal relates to changes to the outline planning consent reference APP/12/00612. The outline consent related to the following matters Access, Layout and Scale of development which are to be considered at this stage. The appearance (detailed design) and landscaping are not to be considered at this stage although some indicative information in relation to both matters was provided in the approved scheme. A separate reserved matters application would be required in relation to the appearance and landscaping matters.

- 7.3 The most main changes proposed to the approved scheme relate to changes in the dwelling types as follows:

A decrease in the number of open market 1 bedroom flats - 2 proposed (4 previously approved)

An increase in the number of open market 2 bedroom flats - 7 proposed (5 previously approved)

The changes to the flats are to unit 46 (a single flat above a garage now 2 bed not 1 bed) and within the flat block 87-92 (one flat now 2 bed not 1 bed).

An increase in the number of open market 3 bedroom houses - 27 proposed (23 previously approved)

A decrease in the number of open market 4 bedroom houses - 5 proposed (9 previously approved)

The changes to the houses are to the following units:

Plot 1 - was 4 bed house now 3 bed chalet style property

Plot 20 - was 2 bed now 3 bed

Plot 30 - was 2 bed now 3 bed

Plot 35 - was 3 bed now 2 bed

Plot 44 - was 3 bed now 2 bed

Plot 48 - was 3 bed now 2 bed

Plot 49 - was 3 bed now 2 bed

Plot 52 - was 2 bed now 3 bed

Plot 56 - was 2 bed now 3 bed

Plot 57 - was 2 bed now 3 bed

Plot 71 - was 2 bed now 3 bed

Plot 72 - was 2 bed now 3 bed

Plot 73 - was 2 bed now 3 bed

Plot 74 - was 2 bed now 3 bed

Plot 75 - was 4 bed house now 3 bed chalet style property

Plot 76 - was 4 bed house now 3 bed chalet style property

Plot 77 - was 4 bed house now 3 bed chalet style property

Plot 78 - was 4 bed house now 3 bed chalet style property

Plot 80 - was 3 bed now 2 bed

Plot 81 - was 3 bed now 2 bed

Plot 83 - was 3 bed now 2 bed

Plot 84 - was 3 bed now 2 bed

Overall these changes to the houses result in 5 less 4 bed units and 5 more 3 bed houses, overall there is no change to the 2 bed houses.

The changes to flats result in 2 less 1 bed flats and 2 more 2 bed flats. **Check figures should be 4 difference?**

- 7.4 In addition to the changes outlined above there are a number of other amendments; these include changes to the form of some of the units (some units becoming detached, others semi detached or linked detached and some terraced properties becoming semi-detached); the footprints of some units are altered and garage removals and additions. Overall whilst there are a number of alterations they are considered to result in relatively minor changes to the character and appearance of the previously approved scheme.
- 7.5 Notwithstanding this overall conclusion the changes have been considered in detail in particular with regard to the any additional impact on neighbouring residents and this aspect is considered in part (v) below. There is no objection in principle to the amendments to the approved scheme.

(iii) Viability issues

- 7.6 It is understood that the proposed changes to the approved scheme have been put forward following concerns raised by the applicant in relation to the viability of the development. The applicants agent states:

'Owing to the time that it has taken to secure planning permission for the residential development of the site, the approved scheme, which uses the layout prepared for the original outline application that was submitted in 2011 has become unviable with the level of affordable housing provision and financial contributions that have been agreed. This is partly due to the banks reversing their lending requirements in terms of the level of profit a scheme has to generate. Banks now require a gross profit margin of between 18% and 20% before they will be prepared to offer funding. The approved scheme with the current level of affordable housing provision and financial contributions would generate a gross profit margin of approximately 11%.'

'The revised site layout is therefore proposed in order to ensure that the approved scheme generates enough of a margin to ensure that both the agreed financial contributions and level of affordable housing can be provided and to ensure that the applicants profit margin meets the criteria for lending set by the banking sector, so that they can obtain finance to build out the scheme.'

- 7.7 Whilst the viability of the scheme has not been independently tested, the general issues associated with the viability of housing sites are recognised by both the Government and the Local Planning Authority. The re-negotiation of legal agreements is a trend that has been seen in recent times. In this case, however, the agent argues that the proposed changes would not require a re-negotiation of affordable housing or financial contribution as they would make the scheme more viable.
- 7.8 In this case the changes are being assessed independently on their merits. If the revised development is considered acceptable on its own merits then it is not considered necessary to have an independent assessment of the viability issue.

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

- 7.9 It is considered that the changes to the approved scheme would result in very little

change to the character and appearance of the area. The impact of the development in the wider landscape is considered unchanged and is considered in detail in paragraphs 7.28 - 7.32 of the officers report attached at **Appendix ##**

- 7.10 In terms of more local views into the site, the main changes are considered to be the changes to Plot 1 adjacent to the Brooklands Road access and Plots 76 and 77 close to the Scratchface Lane pedestrian/cycle entrance. These 3 units have been changed from two storey units to chalet style units which would utilise room in the roof as first floor accommodation. These houses would provide a lower form of development when entering the site and are considered acceptable in terms of the character and appearance of the area.
- 7.11 Within the site the changes are considered generally modest and acceptable. There are some areas where frontage parking does dominate and therefore a condition is recommended to ensure that parking is broken up to soften the appearance of the street scene and to allow for more planting. Subject to this the proposed scheme is considered to have an acceptable impact on the character and appearance of the area.

(v) Residential amenity

- 7.12 In relation to residential amenity, the main impacts are considered to relate to the following areas:
- Whether the proposed houses (as amended) would have an overbearing impact on existing properties in terms of mass/bulk and proximity to existing residential properties,
 - Would the amended development be likely to lead to unacceptable overlooking?
 - The likely impact from noise and disturbance from the use of gardens and open areas of the site,
 - Traffic noise and disturbance from the cars entering/leaving the site and manoeuvring within it.
- 7.13 The site is bounded by properties in Pennant Hills, Brooklands Road and Hillmead Gardens. Properties in Brooklands Road and Hillmead Gardens would back onto the residential part of the development site. The properties adjacent to the site boundary in Brooklands Road are bungalows with rear gardens with a depth of approximately 15m. Proposed Units 2-6 and 18 are set well off the common boundary. The closest proposed Units are No's 7 and 19. These properties would be likely to be two storey. There is no change to Unit 19 (which is as previously approved). There are nominal changes to unit 7. The distance between the existing and proposed properties would be approximately 19m (minimum). It is considered that this relationship would be acceptable subject to suitable boundary treatment and design of the proposed units. Proposed Unit 1 has been carefully positioned to reduce the impact on the properties either side in Brooklands Road and beyond in Hillmead Gardens. The property is now shown as chalet style and the ridge height is therefore likely to be reduced compared to the approved scheme. It is considered that, subject to detailed design (considered at the reserved matters stage) the proposed dwellings would have an acceptable impact on residents in Brooklands Road.
- 7.14 The properties in Hillmead Gardens are two-storey houses with substantial rear gardens. There are some changes proposed to the dwellings to their western side which would back onto the existing properties and be set a minimum of 24m off their rear walls. The only exception to this being a separation distance of 22m between

proposed plot 20 and No.37 Hillmead Gardens. This property would be set at an angle and the distances would result in an acceptable relationship between dwellings subject to suitable boundary treatment and landscaping.

- 7.15 In relation to concerns about overlooking, at this outline stage the proposed fenestration of the dwellings is not known. This would be considered at the reserved matters stage. However, given the separation distances proposed between dwellings it is considered that the detailed designs could appropriately address overlooking issues to result in an acceptable relationship between dwellings. The previous consent included conditions in relation to proposed Units 7 and 19 to ensure that the detailed design avoids overlooking windows. This condition is proposed to be re-imposed.
- 7.16 With regard to noise from the use of gardens and open space within the site, it is considered that the development generally provides adequate garden amenity space around properties and this is not significantly altered from the previously approved scheme. This reduces the risk of likely disturbance to neighbouring residents, although it has to be recognised that the residential development would increase activity close to the rear boundaries of adjacent properties. It is considered that a minor change to the siting of Units 7 and 8 would provide a more useable garden area to Unit 7, and a condition is recommended to be re-imposed to ensure that this is achieved. This would also increase slightly the separation distance between Unit 7 and No's 48 and 50 Brooklands Road.
- 7.17 With regard to the open areas of the site, these are mainly set off the boundary with existing residential properties with the exception of the Reptile relocation area and the area close to the central stream. The management and public use of the Reptile Relocation area would be subject to planning conditions and the S106 Agreement. Whilst it is hoped to allow public access, this will need to be subject to detailed consideration in order to reduce the risk of unsociable behaviour and protection of wildlife. It would also be necessary to ensure that suitable boundary treatment is provided. Subject to suitable conditions and the S106 Agreement it is considered that the use of this land should not have a harmful impact on neighbours residential amenities. **Check condition discharged**
- 7.18 The open space close to the stream and adjacent to neighbouring properties is considered important in terms of the visual amenity of the development but is not likely to attract significant informal use. Subject to suitable boundary treatment and landscaping, any impact on neighbouring residents from the informal use of this area is likely to be limited and acceptable. This is unchanged from the previous approval.
- 7.19 Finally in relation to traffic noise, the site access is unchanged and as previously approved. The impact of traffic noise is considered in paragraph 7.39 of the officers report attached at **Appendix ##**. Concern has been raised in relation to the possible phasing of development which is considered in application APP/13/00102 in relation to road construction. It is understood that it is intended to construct 50 units in phase 1 and the remaining 42 in phase 2. It is appreciated that phased development can extend the development phase at a site, but is not unusual for a site of this size and it is considered that subject to the re-imposition of conditions in relation to boundary treatments, and construction management the construction phase noise and disturbance would not be sufficient to warrant a refusal of the revised application.

(vi) Access and Highway Implications

- 7.20 Access and highway implications have been considered in detail during the previous

planning approval. Paragraphs 7.41 - 7.74. The current proposal would result in slightly less bedrooms on site (-4 bedrooms) and therefore the previous assessment of the impact of the development remains valid.

- 7.21 Third party comments have raised concerns in relation to the pedestrian/cycle route to Portsdown Hill Road and have questioned the need for the link given the uncertainty in relation to the retail and entertainment facilities at Havant Retail Park Portsdown Hill. There is a current planning application reference APP/13/00266 for residential development at this site. The outcome of the current application is under consideration and therefore the loss or otherwise of these facilities is uncertain. In addition the access would provide increased permeability into and out of the site and lead to open space and recreational opportunities on Portsdown Hill. The principle of the access has already been established and it is considered to remain an important aspect of the scheme.
- 7.21 Third party comments have raised issues in relation to the possible phasing of the development and the impact on construction movements. the phasing of development is not unusual in a scheme of this nature and conditions are recommended to be re-imposed requiring the approval of a Construction Management Plan. This plan shall at least include the following:

- Construction lorry routes;
- Parking and turning provision to be made on site for clearance and construction vehicles;
- On site provision for materials compound and other item storage;
- Siting of construction facilities;
- Measures to prevent mud from being deposited on the highway;
- A programme for construction

In addition the Construction Management Plan shall detail the following:

- No bonfires on site during the clearance or construction phases;
- The hours of works which shall not exceed those detailed below:

Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

- 7.22 It is considered that subject to this condition, the construction phase can be managed to ensure an acceptable impact on neighbouring roads and residential amenity.

(vii) Flooding and Drainage

- 7.23 Flooding and drainage issues have been considered in detail in the officers report **Appendix ##** in relation to the approved application and can be viewed in paragraphs 7.75 - 7.96. No changes to drainage are proposed and relevant conditions are recommended to be re-imposed.

(viii) Noise Issues

- 7.24 Noise issues have been fully considered and are included in the officers report in relation to the approved application **Appendix ##** paragraphs 7.97 - 7.107. The layout changes are minor in nature and do not affect the assessment of noise impact which is considered acceptable subject to the re-imposition of relevant planning conditions. It

is not considered that any phasing of the development would make the development unacceptable in terms of noise impact.

(ix) The effect of development on Ecology

- 7.25 The effect on ecology has been fully considered in the approved application in consultation with Natural England and the County Ecologist. The current proposals are not considered to result in any additional impacts and subject to the re-imposition of relevant conditions no objection on ecological grounds can be justified. Paragraphs 7.108 - 7.129 of the officers report refers to these issues **Appendix ##**.

(x) Impact on Trees

- 7.26 The Councils Arboricultural Officer has considered the revised layout and confirms that the minor changes to layout are unlikely to have a harmful impact on trees and vegetation to be retained subject to a plan showing root protection areas. This has been requested from the agent and members will be updated if there are any issues arising from the consideration of this plan.

(xi) Other Environmental Effects

- 7.27 Air quality and land contamination issues have been considered previously by Environmental health in relation to the approved scheme and there have been no concerns raised.

(xii) Crime prevention

- 7.28 Crime prevention issues have been assessed in detail in relation to the approved scheme (paragraphs 7.137 - 7.150 of the officers report **Appendix ##**). There are not considered to be any significant change in circumstances in relation to crime prevention.

(xiii) Sustainability

- 7.29 These issues have been previously assessed in relation to the approved application (paragraphs 7.151 - 7.155 of the officers report **Appendix ##**).

(xiv) Contribution Arrangements/S106

- 7.30 The proposals will require a deed of variation to the original S106 agreement in order to reflect the new planning approval.

8 Conclusion

- 8.1 In conclusion, many of the issues associated with this development have been previously considered and planning permission subsequently granted. The application seeks to vary the original planning permission with a number of changes relating to unit types, garaging, parking and other minor alterations.
- 8.2 These changes have been considered in detail and the report above highlights any new impacts. It is considered that the changes are relatively modest and are acceptable in terms of density, form and layout and the impact on the character and appearance of the area.

- 8.3 The changes are considered to have an acceptable impact on the residential amenities of adjoining residents subject to the detailed design of the proposed dwellings which would be considered at the reserved matters stage.
- 8.4 The proposed access arrangements are considered acceptable and are as previously approved with cycle and pedestrian routes improving the permeability of the site. Provision for contributions towards infrastructure improvements have been previously secured via a S106 Agreement.
- 8.5 Drainage issues are unchanged and subject to conditions are considered acceptable.
- 8.6 Noise issues are unchanged and have previously been considered acceptable.
- 8.7 Ecological issues remain unchanged and are considered to have been previously addressed to the satisfaction of HCC Ecologist. The manner in which the development is proposed would have an acceptable impact on off site ecology and protected areas.
- 8.8 Trees are, where possible, proposed to be retained and the revisions are (subject to the receipt of a suitable root protection plan) considered acceptable by the Council's Arboricultural Officer.
- 8.9 A package of planning obligations will be delivered by the associated S106 Agreement which will mitigate the impact of the development.
- 8.10 In summary, the proposed amendments are not considered to result in any additional impacts which would warrant a refusal of planning permission for these alterations to the previously approved scheme. The proposed development is considered to comply with the saved policies of the HBDWLP 1996-2011 and the Local Plan Core Strategy and the NPPF. as such the recommendation is for permission subject to planning conditions.
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9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/13/00103

(A) The completion of a Deed of variation of the Section 106 Agreement of the Town and Country Planning Act 1990 and other relevant legislation, associated with planning permission reference APP/12/00612 **which incorporates the following items**

(B) subject to the following conditions as set out in **Appendix ##** (subject to such changes as the Executive Head of Planning and Built Environment may determine)

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Application for approval of reserved matters shall be made to the Local

Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called "**the reserved matters**" have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in full accordance with the approved details.

(a) The appearance of all buildings (including details of the colour and texture of external materials to be used);

(b) Landscaping including an accurate plan showing the position, type and spread of all existing trees on the application site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the trees to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree. A soft landscape scheme for the whole site (Residential and Reptile Relocation Area and Public Open Space) not proposed to be hardsurfaced, including the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and timing provisions for completion of the implementation of all such landscaping works.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.1, CS11.2, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 4 No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.

With respect to the roads coloured grey on drawing number 02.12_102e these shall be constructed to adoptable standards.

Reason: To ensure that they are constructed to satisfactory standard and, where appropriate a standard which will enable them to be taken over as publicly maintained highways and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) and the NPPF.

- 5 Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and thereafter managed and maintained in accordance with the approved details.

The scheme shall also include:

- Design details of the permeable paving areas, including car parking bays
- Design details for infiltration and collection systems
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To improve and protect water quality by ensuring that the infiltration of potentially polluting surface water run-off does not enter groundwater. In addition this will prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance with the NPPF and Havant Borough Local Plan (Core Strategy) policies CS11, CS15, DM8 and DM10.

- 6 No development shall begin until details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority. Thereafter the bridges shall be constructed as set out in the approved scheme.

Any bridges to be built over the Bedhampton Brook shall be of a clear span design, with the following features:

- Abutments shall be set back from the watercourse on both banks to provide a bank width of a minimum of 2 metres beneath the bridge to provide an unobstructed corridor to allow the movements of otters and other animals.
- Bridge soffit levels and flood spans shall be 600mm above the 1 in 100 year flood level to allow floating debris to pass freely through the structure. One metre above maximum known flood level will be required on main rivers if the applicant does not provide hydraulic calculations for the design flood level.

Reason: The use of clear-spanning bridges will maintain a continuous river corridor and allow the movement of both the river and associated wildlife in accordance with Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS16 and DM8. It will also ensure that flood flows are conveyed safely on site and that the risk of blockages under the bridge is minimised in accordance with the NPPF.

- 7 No development shall begin until a scheme for the provision and management of a minimum of an 8m buffer zone both sides of the Bedhampton Brook is submitted to and agreed in writing by the local planning authority. This zone should be measured from the bank top (defined as the point at which the bank meets the level of the surrounding land) alongside the stream. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- Details of any footpaths, fencing, lighting etc.
- Details showing how access to the watercourse and grill covering the entrance to the culvert underneath Brooklands Road will be made available

throughout the construction phase and after the development is complete.

Reason: Development that encroaches on watercourses and wetlands has a potentially severe impact on their ecological value. This is contrary to Paragraph 109 of the NPPF and Havant Borough Local Plan (Core Strategy) 2011 policies CS11, CS13, CS15 and DM8 in addition to the UK Biodiversity Action Plan. Land alongside watercourses and wetlands is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Through securing access to allow maintenance activities to take place if required will reduce the risk of flooding to the local area in accordance with the NPPF

- 8 No development shall begin until a scheme for the provision and management of at least one compensatory pond habitat has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: Development that encroaches on ponds and other wetlands has a potentially severe impact on its ecological value. Paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is also supported by policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 No development hereby permitted shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and other vegetation on the site and in the vicinity of the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 10 No development shall commence on the site until details of the design, depth and type of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and other vegetation at the site and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 11 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in

detail in the interests of the character and amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 12 No development hereby permitted shall commence until a scheme for protecting the proposed dwellings and their gardens from noise from the A3(M) has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme. The scheme is required to achieve the following requirements:
Maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided:

Daytime 35 dB LAeq,16h

Night time 30 dB LAeq,8h and should not regularly exceed 45 dB L_{Amax}, F.

Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 13 No development hereby permitted 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 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 CS11.1, CS15, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 14 Notwithstanding the submitted details no development hereby permitted shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 15 No development hereby permitted nor any related site clearance shall commence until the tree and hedge protection approved under condition 15 of discharge of condition application APP/13/00153 has been undertaken to prevent damage to existing trees and hedgerows on the site throughout implementation of the same. All measures forming part of this approved specification shall be undertaken and fully adhered to at all times during which such implementation is in progress. Any such tree or hedgerow which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than 1.6 metres height when

planted.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 16 A Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing before development commences. This shall, at least, include the following:

- Construction lorry routes;
- Parking and turning provision to be made on site for clearance and construction vehicles;
- On site provision for materials compound and other item storage;
- Siting of construction facilities;
- Measures to prevent mud from being deposited on the highway;
- A programme for construction

In addition the Construction Management Plan shall detail the following:

- No bonfires on site during the clearance or construction phases;
- The hours of works which shall not exceed those detailed below:

Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Saturdays and not at all on Sundays and all recognised public holidays.

The agreed Construction Management Plan shall be fully implemented before the development is commenced and retained during the construction period and the development carried out fully in accordance with the agreed plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 and the NPPF.

- 17 No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the commencement of occupation of the buildings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the implementation of such provision for refuse has been completed in full accordance with such an approved specification.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 18 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting on the application site has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved. The lighting proposed should be sympathetically designed to accommodate foraging and commuting bats.

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

19 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no free-standing walls, fences or other means of enclosure of any kind permitted by Part 2, Class A of the 1995 Order as amended shall be erected without the prior written approval of the Local Planning Authority within the following areas:

- The area between the front wall(s) of unit numbers 10, 11, 12, 13, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 78, 79, 80, 81, 82, 83, 84, 85, 86 and 87-92 and the highway;
- The area between the front and side wall of unit numbers 31, 37, 51 and 68 and the highway;
- The area between the front wall of unit numbers 14, 15, 16, 17 and 18 and the footpath adjacent to the public open space/SUDS

Reason: In the interests of visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

20 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/E and F of the 1995 Order, as amended, shall be erected within the curtilage of units 2, 3, 7, 8, 18, 19, 32 of the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that trees/hedges to be retained are protected from inappropriate development having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

21 No dwelling / building hereby permitted shall be constructed anywhere on the site until the road(s) have been laid to at least base course unless otherwise agreed in writing by the Local Planning Authority.

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

22 No dwelling shall be occupied unless and until the vehicular access and space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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

23 No development shall take place within the area indicated on the approved plan ref no. 02.12_102e until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.

Note for Decision Notice: *Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.*

- 24 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.
Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 25 Following completion of archaeological fieldwork a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.
Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available and having due regard to policy CS11.4 of the Havant Borough Local Plan (Core Strategy) 2011.
- 26 No development shall commence on the site until details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The agreed details shall be fully implemented before the buildings hereby permitted are first occupied.
Reason: In the interest of maintaining the amenity value of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 27 No development including site clearance shall commence on the site until all trees / shrubs and / or other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along the line agreed under condition 27 of discharge of condition application APP/13/00153. Such fencing shall conform to the following specification in accordance with BS5837 2005.
Minimum 2.4 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting a minimum of 20mm exterior grade ply.
Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 28 The soil levels within the root spread of trees / hedgerows to be retained shall not be raised or lowered without the prior written approval of the Local

Planning Authority.

Reason: To avoid damage to health of existing trees and hedgerows and having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 29 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 30 The development hereby approved shall not commence unless and until full details of measures aimed at reducing the possibility of crime and antisocial behaviour have been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
Reason: In the interests of reducing the opportunity for crime and antisocial behaviour in the interests of existing and future residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 31 The development hereby permitted shall not commence unless and until details in relation to the provision of restrictions to vehicular access to the Scratchface Lane emergency access/footpath/cycleway have been submitted to and approved in writing by the Local Planning Authority. The approved access restrictions shall thereafter be provided and maintained in accordance with the approved details.
Reason: To ensure that the Scratchface Lane access is for emergency vehicle, cycle and pedestrian access only in the interests of amenity and highway safety having due regard to policies CS16 and DM11 the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 32 The footpath/cycle routes to Portsdown Hill Road and Scratchface Lane shall be designed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The details shall include features to improve the safety of the routes including the design and positioning of fencing, lighting, surfacing materials, landscaping and width of routes. The approved scheme shall be provided prior to the occupation of the dwellings hereby approved and thereafter maintained in accordance with the approved details.
Reason: To ensure that the development provides good pedestrian and cycle access to encourage sustainable means of transport and having due regard to policies CS16 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 33 The development hereby permitted shall not commence unless and until a scheme for cycle parking meeting the standards set out in Havant Borough Residential Parking and Cycle Provision has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided in accordance with the approved scheme prior to the occupation of the associated dwelling and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate cycle parking in the interests of promoting sustainable travel options and having due regard to policies DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 34 The foul sewer system's pumping station must at no time exceed a pump rating of 4.4 litres per second. In addition no foul sewage shall be discharged from the application site into the Brooklands Road sewerage system.

Reason: To ensure suitable foul water drainage for the site and having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 35 The development hereby permitted shall not commence until such time as full details of the junction arrangements for Brooklands Road with the new access road have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The works shall be carried out in accordance with the approved details prior to the commencement of development.

Reason: In the interests of highway safety and having due regard to policies CS20 and DM11 of the Havant Borough Core Strategy 2011 and the NPPF.

- 36 The development hereby permitted shall not commence unless and until a scheme specifying the measures to be undertaken to protect public sewers on the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To protect drainage infrastructure and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 37 The development hereby permitted shall not take place other than in accordance with the ecological details approved in relation to condition 37 approved under discharge of condition application reference APP/13/00153. Development shall subsequently proceed and be maintained in accordance with the approved mitigation strategy.

Reason: To avoid impacts to reptiles in accordance with CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

- 38 Prior to commencement of the development hereby permitted, plans showing the layout and specification of streetlighting and how impacts from new external lighting will avoid illuminating the identified bat roost and key foraging / commuting routes shall be submitted for written approval to the local planning authority. Development shall subsequently proceed and be maintained in accordance with any such approved details.

Reason: To avoid impacts to bats in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

- 39 Bat roosting features shall be provided in the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Upon completion, a brief report provided by a suitably experienced ecologist confirming the installation of these shall be submitted for written approval to the local planning authority.

Reason: To enhance biodiversity in accordance with Policy CS11 of the Havant Borough Local Plan (Core Strategy) and having due regard to the NPPF.

- 40 Clearance of any vegetation shall only take place between August and early February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken by a competent ecologist to ensure there are no occupied nests present. If necessary, the supervising ecologist shall maintain a watching brief during the vegetation clearance. Work shall cease in any areas where occupied nests are identified and an exclusion zone of 5 metres maintained around such nests, until such time as those nests become unoccupied of their own accord.

Reason: To avoid impacts to nesting birds and having due regard to policies CS11, and CS16 of the Havant Borough (Core Strategy) 2011 and the NPPF.

- 41 The buildings hereby permitted shall not occupied until plans and particulars specifying:

- i) the design and appearance of informal open space,
- ii) its relationship to SUDS,
- iii) the design of any water features to address safety,
- iv) a timetable for the implementation on site.

have been submitted to and approved in writing by the Local Planning Authority. The informal open space shall be provided in accordance with the approved details and timetable.

Reason: In the interests of the amenities of the locality and having due regard to policies CS11, CS16, DM1 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 42 No development including site clearance shall take place other than in accordance with the scheme in relation to the proposed reptile relocation area approved under condition 42 of discharge of condition application APP/13/00153.

The approved scheme shall thereafter be provided and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and nature conservation and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 43 Notwithstanding the submitted details the development hereby permitted shall not commence unless and until details of the siting and design of the proposed pumping station have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that the wildlife buffer zone and tree protection can be adequately addressed having due regard to policies CS11, CS13, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 44 Units 7 and 19 hereby permitted shall be designed to ensure that windows or other openings above ground floor level in the east facing elevations are designed to prevent an unneighbourly impact on the properties in Brooklands Road.

Reason: In the interests of residential amenities and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 which forms part of the Local Development Framework together with Planning Policy

Statement 1.

- 45 Notwithstanding the submitted details nothing in this permission shall approve the siting and garden areas of units 7 and 8 which will be subject to further details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that suitable amenity space can be provided for unit 7 having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 46 The development hereby permitted shall not commence unless and until full details of suitable boundary treatment to 32 and 38 Brooklands Road have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure suitable boundary treatment in the interests of residential amenity and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.
- 47 The development hereby permitted shall be carried out in accordance with the following approved plans:

Documents:

Letter Pro Vision dated 29th January 2013
Summary of Proposed Variations to Approved Scheme
Schedule of Landowners
Summary of Proposed Bed Spaces from Approved Scheme
Email Crayfern homes dated 25th April 2013
Post Application Agreement Crayfern Homes dated 3rd July 2013

Plans:

Site Location Plan Drawing No. 1387/P01c
Site Layout Plan Drawing No. 02.12_102e
Site Layout Plan sheet 1 Drawing No. 02.12_105b
Site Layout Plan sheet 2 Drawing No. 02.12_106b
Site Layout Plan sheet 3 Drawing No. 02.12_107e
Site Layout Plan sheet 4 Drawing No. 02.12_108b
Site Layout Plan sheet 5 Drawing No. 02.12_109b
Housing Mix Plan Drawing No. 02.12_111a

Reason: - To ensure provision of a satisfactory development.

Appendices:...