

skate park beneath - Unit 2. Permit 18/12/1997.

The two 1997 permissions have not been implemented.

3 Proposal

- 3.1 The proposal is for 86 residential units comprised of 49 houses and 27 apartments. The housing mix is

1 bed - 9 units
2 bed - 28 units
3 bed - 24 units
4 bed - 21 units
5 bed - 4 units

The scheme is proposed as open market housing with no affordable housing units on site and no affordable housing contribution.

- 3.2 **Design and Layout:** The majority of the apartments are proposed to be sited along the western boundary of the site and range from 5 storeys at the northern end to 3 storey at the southern end. The elevations include projecting and recessed areas and the use of contrasting brickwork and horizontal cladding is proposed. The roofs are a mix of slate pitched roofs and flat roof areas. Balconies are provided for the majority of the apartments and ground floor amenity areas on the eastern side for ground floor units. The apartments are primarily dual aspect with principal rooms located on the east side. The parking areas are provided on the western side and are accessed through the building. There are also 3 apartments at the entrance to the site. The proposed building is 2 storey.
- 3.3 The layout of the site is rectilinear and the emphasis is on a roofscape that is pitched. The houses are designed as three or two and a half storey properties, the majority being in linear terraces but there are some detached and semi-detached units. The majority of the units have a predominance of brickwork with some horizontal board cladding. On various units, including the larger units or end units horizontal boarding is proposed. The proposed brickwork is buff or red multi stock with highlighted panels of projecting brick detail. The roofs include the use of grey slate, orange/brown and red/brown plain clay tiles. Porches, bay windows and different sized window casements are proposed. All the houses have private gardens and are provided with single or double garages.
- 3.4 Since the original submission amendments have been made to improve the vertical emphasis on certain of the plots, to introduce a gable detail on the flats at the entrance of the site, to adjust the fenestration of some plots in order to improve daylighting or to minimise overlooking of other plots and the gardens of some plots have been adjusted.
- 3.5 The majority of plots the rear garden depths are 10m and back to back distances accord accord with the requirements of the Havant Borough Design Guide.
- 3.6 With respect to landscape the road surfaces are tarmacadam and pavior/concrete setts. Garden boundaries against public boundaries have 1.8m brick walls or close boarded fencing. An acoustic fence is also proposed along the motorway boundary which is 2.5m for the majority of its length rising to 3m at the northern end. Trees are proposed for both the frontages of properties and within rear gardens.

3.7 Highways and Parking: 199 car parking spaces are provided including garages and visitor spaces. The spaces are either within the curtilage of each property or within designated parking areas. Provision is on the basis of 3 spaces for 4+ units, 2 spaces for 2 and 3 bed units and 1 space for 1 bed units. Cycle parking is proposed within garages and in cycle stores for the apartments. Vehicular and pedestrian access into the site is from a modified existing entrance and follows a circular route around the development. It is understood the roads will not be offered to the Highway Authority for adoption. On Portsdown Hill Road the pedestrian refuge will be altered but there is not a pedestrian crossing proposed. Some improvements are also proposed to the Belmont Roundabout at the junction of Portsdown Hill Road and Bedhampton Hill.

3.8 Other Aspects:

Sustainability: All homes will be built to Code for Sustainable Homes Level 3 and the development proposes to minimise waste, reduce water loss and maximise the efficiency of construction.

Drainage: It is proposed to utilise soakaways and an existing surface water sewer. The discharge to the sewer will not exceed the existing peak discharge rates. On-site storage is therefore proposed. With respect to foul sewage the sewer from the site goes to Bedhampton Hill through the garden of 40b Bedhampton Hill. This sewer will be utilised but from that point downstream it will be upgraded for a distance of 407m.

Ground Conditions: Mitigation of some soil contamination is proposed.

Noise: Following a noise assessment the following mitigation is proposed:

- The residential block near the western boundary will act as a barrier block to control noise levels within the site.
- An acoustic boundary along the A£(M) to reduce noise transmission through the openings in the barrier block
- High performance glazing in habitable rooms with a clear line of sight to the motorway
- alternative means of ventilation provided in rooms facing the motorway.

Open space; the proposed layout makes provision for an area of amenity space adjacent to the northern boundary totalling 0.06ha in area.

Ecology: There are no protected species on site but there is a potential badger sett near to the site.

Marketing: A marketing report has been submitted to demonstrate the marketing over the past 2 3/4 years. It contains a log of all contacts with potential retail or leisure occupiers. Special attention has been paid to bowling operators. Operators have not been interested but for one who wanted a 'golden hello' and a rental significantly below existing rent levels for bowling facilities. It concludes that not a single formal offer has been received for one of the units or for the whole site.

Viability: A Viability Submission provides the following details:

- the site was acquired for £5.44m
- the current valuation is £4.35m
- the landowner seeks a 15.7% incentive resulting in a figure of £5.407m
- for the developers to deliver the scheme it would make a loss if 30% affordable housing was required together with the requested financial contributions

CIL: Since the submission of the application the Council has adopted CIL. The required payment for the development is £195,120.

4 Policy Considerations

National Policies

National Planning Policy Framework 2012.

Core Strategies 2011 forming part of the HBLDF

CS1	(Health and Wellbeing)
CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS13	(Green Infrastructure)
CS14	(Efficient Use of Resources)
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)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM2	(Protection of Existing Community Facilities and Shops)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

R17	(Playing Space Related to New Housing Development)
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Draft Havant Borough Local Plan (allocations)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control, (Fire Access Consultation)

There were original concerns that fire service access to the site will be restricted due to the tight turns in the road in several places, and additional information was requested to ensure vehicles can turn the corners. The road widths were acceptable but would suffer if cars are parked on the road. Fire service access to plots 2 - 8 was considered unacceptable. As a consequence the plans were amended a fire access turning space has been introduced between plots 8 and 9, the road has been widened in front of plots 9 and 10 and the parking redistributed. In addition the layout has been adjusted to remove certain pinch points to assist circulation.

Waste Services Manager

Having looked at the plans once the RCV is down into the new site the road layout looks very tight for space, with landscaping narrowing the road in places I am

concerned that a RCV will not be able to manoeuvre safely through this arrangement or if parked cars are on the highway, it will be extremely difficult to get a vehicle through safely.

The plans imply that you go in one way and out the other - past the amenity site! I would like this arrangement confirmed - this arrangement would certainly help with the concerns raised above.

As there will be collections from bulk bins in the flats, from bin stores as shown on the plans The vehicle will need to be parked up ahead of a dropped kerb situated on the footpath to enable these bins to be moved from store to highway safely, not sure from plans if this has been taken into consideration. The collection of this type of bin would be another good reason for a one way system to be incorporated helping to prevent accidents and incident with vehicle movements.

Arboriculturalist

No TPO trees impacted on as long as sewer to Bedhampton Road not upgraded.

Regeneration & Development

Environmental Health Manager, Community Group

No objection subject to conditions re ground contamination, air quality and noise mitigation measures. Object to inclusion of 4 units with chimneys as local topography is likely to significantly hamper adequate dispersion of smoke particularly under certain weather conditions. Individual applications for a solid fuel appliances would not be supported but it would be difficult to object if they are included in the original development. Similarly, if there was a future smoke nuisance it may not be actionable if an objection was not raised at this stage.

Housing

30% (26 units) required as affordable housing and 30% of affordable should deliver intermediate housing. Homes should be reasonably distributed. A request is made for 2 bed houses to be included in the scheme. On the basis of no affordable housing the application is not thought acceptable. Bedhampton is not in a low value area and the assessment by DTZ concluded that affordable housing provision between 30 and 40% on sites over 15 units was achievable other than in very low value areas. These conclusions informed the Core Strategy and Housing SPD. Havant along with 4 partner authorities has a large backlog of need for social housing. to house all those on the waiting list (2865) at the current annual letting rate of 250 a year would take 11.5 years.

Development Engineer

Highway Network

The application was supported by a Transport Assessment (TA) that quantifies the amount and modes of all journeys, that the proposed development will generate, and investigates the impact of the increased traffic flow on the surrounding road network and junctions.

The Transport assessment has been reviewed by the Highway Authority and given the guidance in the National Planning and Policy Framework (NPPF) the proposed application can not be prevented or refused on transport grounds as the effect on the residual cumulative impacts of the development on the surrounding highway network can not be defined as severe.

Modes of Travel

A Draft Travel Plan was submitted with the application which includes initiatives and

targets to encourage modal shift away from the private motor vehicles to other means of travel. If the application is successful the subsequently agreed Travel Plan will form part of a 106 Agreement

Layout of Estate.

The layout of the estate meets the recommendations contained within Manual for Street Design (MfS) guide. The detailed drawings within planning application submission demonstrate that the proposed layout can provide servicing arrangements for emergency vehicles, delivery vehicles, fire appliances and refuse vehicles. The layout also provides adequate parking for both vehicles and cycles on its completion and during the construction period when temporary parking for building operatives will be imperative.

The road and footway network will be built to an adoptable standard and will be maintained and managed by a company set up or selected by the developer. This maintenance agreement will be secured by means of a 106 Agreement.

A 106 legal agreement will be required to insure that general public have the right to pass and re-pass over the public area, road and footways to insure integration of the proposed development into the surrounding existing settlement.

It will be imperative that indiscriminate parking on the proposed residential roads is controlled to insure that the street layout is not made unsafe for its use by servicing, emergency and refuse vehicles. The implementation, control and enforcement of parking restrictions on this site will be secured by means of a 106 Agreement.

Parking

The Transport Assessment has justified the amount of parking provided (including cycle long term and short term storage) for each type of residential units proposed within the estate and meets the standards contained with the Havant Borough Council Parking Standards.

Site Access

The Head of Engineering Consultancy at HCC and the HCC S278 engineers have concluded that the proposal to modify the existing access to the site and the works to the Belmont Junction are adequate and acceptable for the purposes of the planning application. and also that they are suitable for progressing through a future Section 278 Agreement with HCC should the LPA resolve to grant planning permission.

Landscape Team

Requests extra back garden trees for certain plots and additional green space/planting to rear of the western flats. (*The revised plans addressed the request for more garden trees but the planting to the rear of the flats would impact on the parking layout*)

Planning Policy

As this is critical to the principle it is included in full:

Local Plan

It should be noted that the Draft Havant Borough Local Plan (Allocations) was published for public consultation under Regulation 18 on 3rd December 2012. This includes a number of draft strategic, allocation and development management policies that may be relevant to this proposal. Where relevant these are material considerations to be taken into account in the determination of planning applications by the Borough Council.

CIL Charging Schedule

On the 20 February 2013, the Council approved that the Havant Borough Community Infrastructure Levy Charging (CIL) Schedule. The Charging Schedule will take effect

from the 1st August 2013.

Health and wellbeing: Havant Retail Park is currently occupied by AMF Bowling and Homebase. The bowling alley is a type of community facility as it provides a beneficial facility to the community. It is therefore protected by policy CS1 and DM2 of the Local Plan (Core Strategy). The Homebase store which has now closed is not defined as a community facility as it is an out of centre DIY superstore. The closure of the bowling alley would be a significant loss to the local community as it is a indoor leisure facility well used by young people, the elderly and disabled groups.

The application needs to meet all the policy tests set out in DM2.1 namely evidence of an active marketing process. A marketing report has been submitted with this enquiry and is considered in regard to the six criteria of policy DM2.1 as follows:

1. The site has been marketed for a little under three years, which exceeds the 12 months required for a major community facility.
2. Marketing boards were not used but the commercial justification of this is set out in the marketing report is adequate.
3. The marketing log contains a detailed commentary listing all the retail and leisure businesses that have been approached including cinemas, fast food outlets and other operators of bowling alleys.
4. An advertisement has been placed in Estates Gazette.
5. There is no evidence of marketing on the internet.

The marketing statement provides robust evidence of an effective marketing campaign that complies with policy DM2. Although marketing boards and the internet were not used for marketing the approach of targeting key players rather than a wider marketing campaign is adequately justified in the report.

The application also needs to meet the policy tests set out in DM2.2 namely evidence that the bowling alley is no longer required for community use or that there is an easily accessible existing or new facility for the community it is intended to serve. AMF Bowling is the only facility of its type in the Borough and if it were to close residents would have to travel out of the Borough to Portsmouth, Fareham or Chichester to go bowling. The petition containing 1,419 signatures demonstrates significant public support for the bowling alley.

The Community team has compiled a list of schemes that could provide the basis for alternative community provision. This would only be an acceptable approach if all aspects of policy DM2 have been complied with. It should be acknowledged that the scale and the nature of the new provision would be very different to the existing bowling alley. A viability report by the applicant has been considered by the Valuation Office. This draft report would suggest that further contributions could be provided to address the matters that remain contrary to policy. The Valuation Officer will advise further on the matter.

Paragraph 216 of the NPPF states that weight should be given to relevant policies in emerging plans from the date of the publication. The site is allocated for mixed use development including 33 new homes in policy HB3 of

the Draft Local Plan (Allocations). The supporting text requires the retention of the bowling alley as part of a mixed use scheme or the provision of an alternative community facility. Here is the text in full:

31 *Havant Retail Park (H80) is a brownfield site next to the A3(M). It is currently occupied by a bowling centre and a DIY superstore. The bowling centre is a well used community facility, particularly by young people. Any development proposal for housing on the site will need to retain the bowling centre, or provide an alternative community facility.*

Promoting Havant Borough's Economy: Neither the shop or the bowling alley are traditional B class employment uses and so policies CS2 and DM3 are not applicable to this proposal. Nevertheless the proposal would result in the loss of a number of jobs. The unemployment rate in Havant Borough was 3.4% in March 2013.

Skills and employability are an important issue for the Borough. An Employment and Skills Plan will be required to maximise the benefits of the development to local people through jobs and training. The plan will apply to the construction phase of the development. Further details can be obtained from the Economic Development officer.

Housing: The proposal will contribute to achieving a net total of 6,300 new dwellings in the Borough between 2006 and 2026.

It is relevant to refer back to the Draft Allocation Plan. The indicative housing figure for this site is 33 and this application is for 86 dwellings. The site is located in the Havant and Bedhampton area of the Borough where there is a requirement to allocate sufficient land to accommodate 1,189 to 1,378 homes in the period 2012 to 2026. A number of sites are allocated for housing in draft policies HB1 and HB3. Paragraph 196 of the NPPF states that the planning system is plan-led.

At the time of writing the Council currently have sufficient deliverable housing supply in accordance with the requirements of the NPPF. There are also sufficient developable sites to meet the plan requirement of 6,300 new dwellings between 2006-2026 without reliance on the dwellings this application will provide.

Policy CS9.2 requires between 30% and 40% affordable housing to be provided on site. Currently the application does not propose any affordable housing provision and is therefore contrary to policy CS9. Although the supporting text for this policy allows for flexibility subject to viability work the viability report by the applicant has been considered by the Valuation Office and their draft findings would indicate there is capacity for further contributions beyond that currently offered. With 2,764 households currently on the waiting list for affordable housing it is important that large housing schemes do deliver new affordable homes for the Borough. This application is clearly contrary to policy CS9.2.

In housing terms therefore the Council have sufficient supply and availability of alternative developable sites in order to meet the plan requirement. Such other sites are currently considered viable in the context of developer requirements/CIL without compromising developer contributions to such a degree.

It is also necessary to consider the recent Appeal decision at Goldring Close. The appeal was allowed and permission was granted for 131 dwellings. There are a number of differences between the Goldring Close and Havant Retail Park proposals.

The former provided 30% affordable housing in line with policy CS9, is located in close proximity to a District Centre with a full range of local facilities and is well related to an existing residential centre. The Havant Retail Park proposal does not constitute sustainable development in accordance with paragraph 7 of the NPPF in that it will have a detrimental impact in economic terms through the loss of jobs, a detrimental impact in social terms by way of the loss of a community facility and non-provision of affordable housing or an education contribution and environmentally it will be detrimental in the event that matters relating to the impact to the SPA (in consultation with Natural England) are not resolved.

Caring for our Borough: The application will need to comply with Core Strategy policy CS14 and meet level 3 of the Code for Sustainable Homes.

The proposed site is located within a former chalk quarry. The proposed scheme must meet the challenges of this location and respond positively to existing features in line with policy CS16 on high quality design.

The Solent Disturbance and Mitigation Project (SDMP) has shown that recreational activity close to the Langstone and Chichester Harbour Special Protection Area (SPA) can have an adverse impact on bird populations. Policy CS11 of the Core Strategy requires planning applications to have particular regard to the hierarchy of nature conservation designations including the SPA. Natural England have commented on the need for mitigation in regard to this development. Further information is required on this matter.

Concentration of development within the urban area: The site is within the urban area boundary as defined on the Local Plan Proposals Map and therefore complies with Core Strategy policy CS17 on the concentration of development within the urban area.

Infrastructure: The proposal will need to comply with all aspects of policies CS20, DM11 and DM12. This may include a contribution towards education provision in the local area.

Conclusion: The proposal is contrary to Policy DM2.2 on the protection of existing community facilities and contrary to policy CS9 as it fails to provide affordable housing provision. Developer contributions also currently fall short of requirements and the viability report and subsequent independent assessment would suggest further financial or on-site provision can be made before the site becomes unviable. It is therefore also contrary to policy CS21 on developer contributions.

Public Spaces Development Manager

Casual amenity space is not something we are short of but given the location of this development and the nature of the road, I can see the advantage in providing it. (The required contribution is now included in the CIL figure)

Urban Design

Overall architectural approach supported but comments provided in respect of the fenestration and detailing on certain of the housing units and design of the flats at the entrance of the site. These have been addressed through amendments referred to in 3.4.

Communities Team Leader

Havant youth Bowling Club provides a safe structured activity at the bowling alley. It has received ClubMark status and would be displaced with no local alternative.

Environment Agency, Planning Liaison - South Downs

No objection subject to conditions re contamination mitigation and piling.

Education Department

I am writing in reply to the application for residential development on the Havant Retail Park. This proposed development site sits in the catchment area of the Bidbury Schools. Bidbury Infant School is full for the intake in September 2013 and this is also true of the other schools in the area. The number of pupils living in the area is forecast to remain at the same and, therefore, I am anticipating that the schools will be full again in the future. Consequently any housing development being brought forward will add to the pressure in the area. In the case of this application for 86 dwellings I note that 9 are 1-bedroomed flats. For the purposes of requesting a contribution to expand the educational provision in the area I will not be seeking a contribution from these dwellings, in line with the County Council's developer contribution policy. I will, however, be seeking a contribution for the remainder of the dwellings, i.e. 77 in line with the policy. Currently the figure shown in the County Council's developer contribution document is £5,834 per dwelling. Based on this amount I will be seeking a contribution of £449,218, i.e. 77 dwellings at £5,834 per dwelling.

Crime Prevention -Major Apps

Concern over rear access to plots via footpaths, recessed front doors, the need to light courtyards, safety/security of carports, fencing of amenity space proposed and need for overall lighting. As a consequence of these comments some of the rear accesses have been removed or gates provided with locks; doors have been provided for carports serving the apartment blocks and lighting could be covered by condition. However, the recessed front doors are only 0.9m deep and are integral to the design. It is thought that fencing the amenity area would detract from the quality of the public realm.

Portsmouth Water Company - No response

Southern Electric - No response

Southern Water

Additional off site sewers will require improvement to provide sufficient capacity to service development.

County Ecologist

Full protected species information were needed in respect of badgers and alternative greenspace is needed to off set impact on designated areas. A badger report was subsequently submitted to which the response was 'The badger report states that additional site visits were undertaken during May, June and July 2013 in order to ascertain the level of usage of the site by badgers. In summary, no evidence of badgers was recorded and it is concluded that the species is not present on site. I am content that the level of survey effort employed is likely to have allowed an accurate assessment of badgers on site and that, provided standard best-practice precautionary measures are carried out, there should be no impact on the species as a result of the proposals.' Therefore it has been requested that a condition is included that an updated survey is undertaken prior to site clearance works commencing and that any necessary mitigation is undertaken. Any works that interfere with a set will need to be carried out under licence.

Natural England

The site is within approximately 900m of habitats which form part of the Langstone Harbour site of Special Scientific Interest which is part of the Chichester and Langstone Harbours Special Protection Area (SPA) and is a Wetland of International Importance under the Ramsar Convention.

The Solent Mitigation and Disturbance Project (SDMP) having assessed and modelled bird disturbance and visitor data has concluded

- There is a high number of current recreational visits to the three SPAs and modelled future increase in visits is also high
- Lower bird densities were observed at sites that have greater recreational disturbance events
- The model estimated a high percentage of intertidal recreational disturbance
- There was a significant correlation between visitor numbers and housing numbers within 5km of the coast (in bands within 5km)
- In Southampton Water, the model suggested that current levels of disturbance had a depressing effect on the populations of four SPA species and that future housing scenarios would exacerbate this effect for two of these species.

Natural England's advice is that the SDMP work represents the best available scientific evidence, and therefore mitigation is required in order to avoid a likelihood of significant effect, in combination, arising from new housing development around the Solent.

Natura 2000 site – Objection

Given the above Natural England is of the view that the proposal, as submitted **is likely to have a significant effect** in-combination with other plans and projects, on the interest features for which Chichester and Langstone Harbours SPA/Ramsar has been classified. Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), Natural England advises that your Authority refuse permission unless appropriate mitigation measures are secured in order to avoid Likely Significant Effect as a result of these proposals.

We note that work towards the development of an Interim Mitigation Scheme, which would offer a contribution based mitigation mechanism, is now well advanced. Natural England is of the view that once this scheme has been agreed it will offer a solution to addressing the impact of this development on the aforementioned European sites.

Under S281 of the Wildlife and Countryside Act 1981 your authority must take Natural England's

Highway Agency

No objection subject to adequate mitigation in respect of noise and air quality.

Sport England

No comment

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 31

Number of site notices: 4

Statutory advertisement: 11/04/2013

Number of representations received: 27 including a petition of 1419 signatures

Petition: With respect to the petition it seeks the retention of a tenpin bowling facility in Havant. The removal of the facility is counter to the Council's stated aims of promoting sporting involvement across the Borough. The proposal to replace the facility with housing is unsatisfactory given the concerns about noise, pollution and pedestrian and vehicle access to the site. The covering letter provides the following details

The Disability Groups that attend would not have anywhere to go if the site is removed and the Gunwharf site has high parking charges and they are unable to get disabled transporters into the car park. It would then take a lot of time to actually access the facility via the lifts. The Disability groups are

Portsmouth Day Services
Havant Day Services
Waterlooville Day Services
Dolphin Homes
Fitzroy Disability
Signature Carer Support
SCA Care in the Community
Blind Association

There are 45 junior bowlers that attend Havant Youth Bowling Club; Gunwharf do not appreciate professional bowlers; the lanes are not kept to a suitable level. There are Hampshire and England junior players using the AMF site - they would lose their training facility.

League bowlers at the site number 250 in 9 leagues which would not have anywhere else to bowl. Other alleys do not have enough space or do not run league bowling.

Other Representations Summary

1. Concern over traffic impact on the Belmont Roundabout
2. Traffic safety issues at the entrance
3. Dangerous for pedestrians crossing Portsdown Hill Road; consider the proposal of the pelican crossing should be reconsidered by HCC.
4. Noise and pollution issues for the development
5. Concern over the heights of the buildings
6. The proposal will push AMF out.
7. Concern that the development (as a result of height) will impact on the amenity of the garden and pool area of an adjacent property.

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) Loss of a Community Facility

- (iii) Housing Considerations
- (iv) Effect on Economy
- (v) Highway and Parking Implications
- (vi) Design and Impact on the Character of the Area
- (vii) Residential Environment
- (viii) Environmental Impacts
- (ix) Effect on Neighbouring Properties
- (x) Infrastructure Requirements

(i) Principle of development

7.2 The site is within an urban area and so the principle of undertaking development is acceptable. However, the proposal needs to be assessed by the principles of the NPPF and the local development plan policies.

7.3 This application has been accompanied by a Viability Assessment and the findings of that Assessment are providing the basis for the applicant's submissions in respect of the offer of £327,256 being made for financial contributions and no offer for affordable housing. The Assessment has been reviewed by the District Valuer (DV) who does not draw the same conclusions. On the basis of the DV's assessment and incorporating the following financial contributions:

- CIL £195,120
- Education £449,218
- Replacement for Community Facility £100,000 (minimum)
- Solent Mitigation Strategy (at £500 per dwelling) £43,000

the conclusions are that for all private housing (with a profit level of 20%) there is a deficit of £623,521 and if there was an inclusion of 28% affordable housing (with a lower profit level) the deficit would be £1,523,202. These conclusions would mean that if the development was all private and met its CIL payment there would only be £31,303 available for any other contributions. If the development was to include affordable housing at 28% then it would not be able to meet any contribution requirements including CIL (although this would be a lesser amount if affordable housing was included in the scheme). It therefore needs to be assessed whether the principle of developing the whole site for housing is acceptable when assessed against the NPPF and development plan policies, when it is contrary to the Draft Allocations proposal for the site and when, on the basis of the profit levels being sought, the price being paid for the site and the planning risk allowance, it is not able to meet the financial contributions being requested and is not providing any affordable housing.

(ii) Loss of a Community Facility

7.4 The bowling alley is considered a type of community facility and this is borne out by the details of the evidence in respect of usage by disabled groups and leagues as well as general members of the public. Its closure would be a significant loss to the local community. It is protected by Policy CS1 and DM2 of the Local Plan (Core Strategy). Para 74 of the NPPF also states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: ... the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location"

7.5 The applicant needs to address the marketing test of policy DM2.1 and it is considered

that the requirements have been met. However, DM2 also requires evidence that the facility is no longer required for community use or that there is an easily accessible existing or new facility for the community it is intended to serve. The bowling alley is the only facility of its type in the Borough with the nearest other alleys being at Chichester, Fareham or Portsmouth. In the event that the facility did close, even with a sizeable financial contribution being made to assist reprovision of a community facility a new bowling alley would not be provided. Any new provision would be different in both type and scale.

- 7.6 Paragraph 216 of the NPPF states that weight should be given to relevant policies in emerging plans from the date of publication. In this case the site is allocated for mixed use as a site for 33 new homes in policy HB3 of the Draft Local Plan (Allocations) and the text requires the retention of the bowling alley or an alternative community facility. The proposal to provide 86 dwellings on the site is therefore contrary to this Allocation.

(iii) Housing Considerations

- 7.7 The proposal would contribute to achieving the net total of 6,300 new dwellings required by 2026. In the Draft Allocation Plan this site is shown for 33 units and not the 86 proposed. As detailed in the Planning Policy comments the Council currently have sufficient deliverable housing supply in accordance with the NPPF and there is also sufficient developable sites to meet the plan requirement of 6,300 new dwellings without reliance on the dwellings this application will provide. Policy CS9.2 also requires between 30% and 40% affordable housing to be provided on site. Currently none is provided. Whilst the NPPF looks for flexibility in order to provide for development it also emphasises the need to meet affordable housing requirements and para 50 requires that policies are set for meeting this need on site. That has been done through the Core Strategy and the SPG for Affordable Housing. If affordable housing is not provided on site, and particularly on a large site, then it places pressure on other sites to meet the demand. It is therefore considered unacceptable to approve the development of this site for 86 units with no on site provision at all for affordable housing. Whilst CS9.2 does allow for a provision of less than 30%-40% where a lesser requirement has been transparently justified on viability grounds the policy does not allow for not proposing any affordable units at all. The proposal is therefore considered contrary to policy CS9.

- 7.8 With respect to the mix of units there is a variety of house sizes and the density is

(iv) Effect on Economy

- 7.9 The retail use and bowling alley are not subject to policies CS2 and DM3 as the uses are not B class employment and so there is no policy objection to their loss on employment grounds. However, a number of jobs would be lost. The site would be subject to an Employment and Skills Plan for the construction phase.

(v) Highway and Parking Considerations

- 7.10 The Development Engineer has received confirmation that the amendments to the access from Portsdown Hill Road and to the Belmont Roundabout are acceptable to Hampshire County Council (HCC) and may progress through the Section 278 procedure. The option of a pedestrian crossing was considered by HCC but was not accepted. It is therefore considered that the offsite works proposed are acceptable. The Transport Assessment is considered acceptable in terms of the impact on the

surrounding road network and junctions and the Development Engineer advises that the residual cumulative impacts of the development on the surrounding highway network cannot be defined as severe. Consequently the development is not refusable on transport grounds under the guidance of the NPPF. The development will be subject to a Travel Plan. The parking provided meets the standards of the Havant Borough Council Parking standards. The layout meets the recommendations within the manual for Street Design guide. The layout can provide the required servicing arrangements together with an acceptable parking layout. The road and footway network would be constructed to an adoptable standard but it is imperative that it is maintained and managed to ensure it is retained at an adequate standard and that indiscriminate parking is controlled. This can be secured through a S106 Agreement. It is therefore considered that on this basis the development is acceptable in terms of highway impact, the layout of the development and both the level and management of the parking provision.

(vi) Design and Impact on the Character of the Area

- 7.11 The site is within an area largely enclosed by the cliffs following its excavation for chalk and its boundaries are well treed.. Consequently views into it are limited to vantage points from the bridge across the A3(M), the vehicular access area and frontage immediately to the south, glimpses from the A3(M) and from the properties in Pennant Hills and Glebe Park Avenue. The majority of such views will be of the roofscape. That roofscape is primarily pitched using traditional materials and consequently the visual impact on the locality is considered acceptable.
- 7.12 The other area that will be publicly viewed is the entrance area. The amendments to the scheme have introduced a further gable detail on the two storey apartment building and it is considered that the building will now relate well to its location linking with the two storey development in the vicinity and the higher units proposed within the site. The impact on the character of the area is therefore considered acceptable.
- 7.13 With respect to the architectural approach to the design of the scheme this is considered a high standard modern design with the use of the pitched roofs and high quality materials. The tightness of the road layout is acceptable in design terms and the issues of circulation are discussed in 7.10 above.

(vii) Residential Environment

- 7.14 It is considered that the design of the scheme with the apartment block along the western boundary of the site will assist in the mitigation of the noise and air quality issues for the site subject to the use of a suitable glazing specification and mechanical ventilation within required units. Suitable conditions are proposed to ensure adequate specifications are proposed. In addition a condition is proposed to ensure contamination is adequately mitigated. With these measures it is considered that the environment would be suitable for the residents of the development . With respect to the inclusion of 4 open chimneys within the scheme this is not a matter that is considered of significant harm to the amenity of the locality to warrant a planning refusal. Should there be an issue with smoke then Environmental Health could pursue a complaint as they have expressed their concerns at this time.

(viii) Environmental Impacts

- 7.15 As detailed in the responses of the County Ecologist and Natural England alternative green space is needed to off set the impact on the special designated areas of the

Chichester and Langstone Harbours which are within 900m. Further information is required to avoid and mitigate such impact. The applicant has argued that mitigation is a matter to be funded through CIL but this has not been agreed at this time. Mitigation therefore need to be provided through a S106 but there is not an offer to do this. The development is therefore not acceptable without adequate mitigation and Natural England are objecting. In consequence the proposal is contrary to policy CS11. The information provided in respect of a potential near by badger sett is now considered acceptable.

- 7.16 With respect to trees there are no trees of major significance within the site. The sewer run to the south is adjacent to TPO trees but as this sewer is not being upgraded as part of the proposal there is not thought to be any detriment to trees of merit. The development as proposed will introduce more trees into the site.

(ix) Effect on Neighbouring Properties

- 7.16 In view of the cliffs surrounding the site the majority of units have a ground level significantly lower than adjacent neighbours such that views from neighbouring properties are of the roof scape only. The boundaries are also well screened and distances are such that there will not be overlooking of neighbouring properties.

(x) Infrastructure Requirements

- 7.17 The County Education Officer has advised that the local schools are full and so there will be a need for further provision. A financial contribution has been requested of £449, 218. This has not been secured.

8 Conclusion

- 8.1 The detailed form of the scheme, with respect to its architectural approach, height and design of buildings associated with its layout and parking provision, highway improvements and proposals to incorporate contamination, noise and air quality mitigation (to be secured by condition) is considered acceptable in terms of the impact on the wider area and the environment provided within the site. The concerns with respect to the development relate to the loss of a community facility and that infrastructure requirements normally secured through development and the provision of affordable housing are not achieved. These aspects are expanded below.
- 8.2 The proposal is on a site that contains two uses; one retail and not protected by policy; the other is a bowling alley with ancillary catering and other facilities, used by groups and individual members of the public, which is considered a community use and which is protected by policy. Redevelopment should only be permitted if the facility is no longer required by the community or there is an easily accessible existing or new facility. The facility is well used by both groups, clubs and the public who may access and use the associated facilities as well as bowl. There is not a close by alternative for the residents of the Borough. In addition the Draft Allocations Plan provides for the retention of the bowling alley or a community facility upon the site. If this application is permitted then the bowling alley will definitely be lost; if it is not permitted there is a lease issue to resolve and the business plans of the bowling alley operators will determine whether it remains or closes. If this application is responded to positively then under policy D2 there would be a need for mitigation for the loss of the facility by replacement or another community facility or a contribution. In practice no development could fund a replacement bowling alley so the facility would be lost but

any contribution would have to be meaningful in order to provide (with other monies) an indoor recreational/leisure facility that could to some degree compensate for the loss of the bowling alley. The policy does not provide a formula to calculate the required contribution. The present proposal does not propose a sum of substance. It is therefore considered that the loss of the bowling alley is contrary to both the current policy DM2 and the Draft Allocations Plan.

- 8.3 With respect to the housing proposal the Draft Allocation proposal is for 33 units for the site. The proposal is greater than that at 86 units. Planning Policy advises that there is not a need for the additional units; nor is there a strong need for the 33 units as there is an adequate supply to meet the required targets. Whilst the NPPF requires flexibility in policies to enable sites to be developed it is not considered that this means that development should be at all costs and the requirements of the Core Strategy be forgone when there is not a strong case for allowing the development to proceed. Should it be concluded that housing was suitable for the whole site it is not considered acceptable under policy CS9.2 that affordable housing is not included, particularly on a large site proposing 86 units.
- 8.4 The development is also considered to be likely to have a significant effect in combination with other plans and projects on the interest features for which Chichester and Langstone Harbours SPA/Ramsar has been classified. Appropriate mitigation measures have not been secured and it is not thought that it will be a matter to be confirmed as one that will be met through the CIL payments. The development is therefore considered contrary to CS11.
- 8.5 With respect to other Infrastructure requirements CIL will not include the education requirement so provision needs to be made through a S106. The required sum of £449,218 requested by the Education Authority has not been offered. The proposal is therefore contrary to policy CS21 in respect of developer contributions.
- 8.6 Whilst the development is considered unacceptable in respect of the individual matters discussed above the combined impact is that if the development proceeded with, the loss of the community facility, the non provision of affordable housing and an education contribution it will not be a sustainable development and would be contrary to para 7 of the NPPF. The applicant wishes to recoup their purchase price of the site and achieve a profit margin of 20% for an all private development but the consequence, based on the District Valuer's report, is that the Borough gains no recompense but for the payment of CIL. Whilst there could be negotiation and adjustment in the amount of contributions that are being sought for infrastructure and the ecological mitigation it is not considered acceptable to proceed with a large development that results in the loss of a community facility (without adequate mitigation) does not provide affordable housing.
- 8.7 There are other matters that the applicant is willing to secure through a S106 with respect to an Employment and Skills Plan, a Travel Plan and the management and operation of the roads, parking areas and open space within the site. However, these have not been secured to date by binding arrangements and so the development is considered unacceptable with respect to these matters.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to

GRANT PERMISSION for application APP/13/00266 for the following reasons:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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.
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) 2011 and the National Planning Policy Framework 2012.
- 3 Construction of the building(s) hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of

the implementation of all such landscaping works.

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

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The proposed works must be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy dated 24 July 2013 Ref 13042-AIA2-PB and the Tree Protection Plan Ref: 13042-BT2.

Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 7 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 including the acoustic fence adjacent to the A3(M) and catch fences where required adjacent to the chalk faces within the site 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 National Planning Policy Framework 2012.

- 8 No development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided and used only as such.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a

material storage compound within the site have been submitted to and approved in writing by the Local Planning Authority and no materials shall be stored anywhere else on the site throughout the contract period.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 No development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site throughout the implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times when such implementation is in progress.

Reason: In the interests of traffic safety and having due regard to policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 11 The development hereby permitted shall not commence until plans and particulars specifying the provision to be made for external lighting of the same 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.

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 National Planning Policy Framework 2012.

- 12 Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors of potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall be submitted to and approved in writing by Local planning Authority. The scheme shall be implemented as approved.

Reason: In order to (i) protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and (ii) to prevent future site users, buildings & key services being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land, soil gas & vapours and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 14 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In order to (i) protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and (ii) to prevent future site users, buildings & key services being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land, soil gas & vapours having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework March 2012.

- 15 Piling using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect water sources as the site is located on the

Portsmouth Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework March 2012.

- 16 The development hereby permitted shall not commence until a scheme for protecting the proposed dwellings from traffic 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.

N.B. The configuration of double glazed window units shall not contain panes of equal thickness and the maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided should not exceed the following:

Daytime 35 dB LAeq,16h

Night time 30 dB LAeq,8h

Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.

- 17 i) No development hereby permitted shall commence (other than demolition and site preparation) until a detailed design & specification for a fresh air ventilation system has been submitted to, and approved in writing by the Local Planning Authority (the 'approved mitigation works'). The systems shall be applicable to all floors of 'Apartment A', no.'s 50-83.

The ventilation system shall be of sufficient capacity to provide adequate ventilation with all openings (windows & doors) closed.

The submitted specification shall include:

- a) the position of the fan box and / or air intake duct, to be located either at roof level or at the Eastern Façade, and;
- b) the ventilation standards to be achieved (i.e. as m³/min or air changes per hour (% total volume/hr)), with reference to CIBSE & HVCA recommendations.

ii) All measures forming part of the approved mitigation works for the site shall be undertaken and fully adhered to, prior to occupation of the units.

Reason: To protect future occupants from the effects of locally elevated concentrations of Nitrogen Dioxide (NO₂), and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.

Note : It is suggested that documentary evidence including receipts, invoices &/or guarantees (if applicable) in connection with the purchase & installation of the extraction system are submitted to the Local Planning Authority in order to facilitate confirmation of compliance with this condition.

- 18 No development hereby permitted shall be occupied prior to the completion of the roadworks substantially in accordance with the details shown indicatively on Bellamey Roberts' drawings 4186/001 for the alterations to Portsdown Hill Road adjacent to the entrance and on 4186/005 for alterations to the Belmont Roundabout.
Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.
- 19 Immediately prior to the commencement of site clearance works , an updating badger survey shall be undertaken and the results submitted in writing to the Local Planning Authority. The applicant will undertake any necessary mitigation, compensation or enhancement measures resulting from the updating survey in accordance with an agreed timescale.
Reason: In order to provide appropriate protection and mitigation and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.
Note: Under the Protection of Badgers Act 1992, it is an offence to willfully kill or injure a badger or to intentionally or recklessly interfere with a sett. Any works which will interfere with a sett will need to be carried out under licence.
- 20 Demolition, clearance, excavation, road or construction works and deliveries during the development phase shall take place only between the hours of 0800 hours and 1800 hours on Mondays to Saturdays and not all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.
- 21 No dwelling shall be occupied until space for the loading, unloading and parking of vehicles and cycles and has been provided within the site, surfaced and marked out in accordance with the approved plans. 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 National Planning Policy Framework 2012.
- 22 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 National Planning Policy Framework 2012.
- 23 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Reason: - To ensure provision of a satisfactory development.

Appendices:...