

To:
Mr Moody
Pegasus Group
3 West Links
Tollgate
Chandlers Ford
Eastleigh
SO53 3TG

For: Bargate Homes Ltd and VIVID Housing Ltd

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Approval of Reserved Matters**

Application Number: APP/24/00612

Site Address: Land south of Lower Road and west of Old Manor Farm, Havant

Proposal: Approval of reserved matters comprising layout, landscape, scale and appearance, pursuant to outline planning permission APP/21/01071 for the development of 43 dwellings along with public open space and associated infrastructure works.

Further to your application received on 07 August 2024 Havant Borough Council, as Local Planning Authority, **Grants Approval for the Reserved Matters** in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The conditions imposed on the Outline Planning Permission APP/21/01071
- (ii) The following additional conditions:

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Thrive LP.01 A
Coloured Site Layout * Thrive CSL.01 B
Site Layout Thrive SL.01 B
Affordable Housing Layout Thrive AHL.01 B
Boundary Materials Layout Thrive BML.01 B
Dwelling Materials Layout Thrive DML.01 B
Parking Strategy Layout Thrive PSL.01 B
Refuse Strategy Layout Thrive RSL.01 B
Street Elevations – Sheet 1 Thrive SE.01 C
Street Elevations – Sheet 2 Thrive SE.02 C

Our Ref: APP/24/00612

Coloured Street Elevations - Sheet 1 * Thrive CSE.01 C
 Coloured Street Elevations – Sheet 2 * Thrive CSE.02 C
 House Type S2.1 (Block of 2) – Elevations Thrive HT.S2.1(2blk).e C
 House Type S2.1 (Block of 2) - Floor Plans Thrive HT.S2.1(2blk).p B
 House Type S2.1 (Block of 3) – Elevations Thrive HT.S2.1(3blk).e C
 House Type S2.1 (Block of 3) - Floor Plans Thrive HT.S2.1(3blk).p B
 House Type S3.2 (Block of 2) – Elevations Thrive HT.S3.2(2blk).e C
 House Type S3.2 (Block of 2) - Floor Plans Thrive HT.S3.2(2blk).p B
 House Type 2.1 (Block of 2) – Elevations Thrive HT.2.1(2blk).e C
 House Type 2.1 (Block of 2) - Floor Plans Thrive HT.2.1(2blk).p C
 House Type 3.1-A - Elevations Thrive HT.3.1-A.e C
 House Type 3.1-A - Floor Plans Thrive HT.3.1-A.p C
 House Type 3.2 (Block of 2) – Elevations Thrive HT.3.2(2blk).e C
 House Type 3.2 (Block of 2) - Floor Plans Thrive HT.3.2(2blk).p C
 House Type 3.2 - Plans and Elevations Thrive HT.3.2.pe C
 House Type 3.6 - Elevations Thrive HT.3.6.e C
 House Type 3.6 - Floor Plans Thrive HT.3.6.p C
 House Type 4.1 - Elevations Thrive HT.4.1.e C
 House Type 4.1 - Floor Plans Thrive HT.4.1.p C
 House Type 4.2 - Elevations - Option 1 Thrive HT.4.2.e1 C
 House Type 4.2 - Elevations - Option 2 Thrive HT.4.2.e2 C
 House Type 4.2 - Floor Plans - Option 1 Thrive HT.4.2.p1 C
 House Type 4.2 - Floor Plans - Option 2 Thrive HT.4.2.p2 C
 House Type 4.5 - Elevations Thrive HT.4.5.e C
 House Type 4.5 - Floor Plans Thrive HT.4.5.p C
 House Type 4.6 - Elevations Thrive HT.4.6.e C
 House Type 4.6 - Floor Plans Thrive HT.4.6.p C
 House Type 4.7 - Elevations Thrive HT.4.7.e C
 House Type 4.7 - Floor Plans Thrive HT.4.7.p C
 Garage - Single - Floor Plan and Elevations Thrive GAR.01.pe A
 Garage - Double - Floor Plan and Elevations Thrive GAR.02.1.pe A
 Garage - Twin - Floor Plan and Elevations Thrive GAR.02.2.pe A
 Landscape General Arrangement Terra Firma 2255-TFC-00-00-DR-L-1001 P05
 Landscape General Arrangement Terra Firma 2255-TFC-00-00-DR-L-1002 P05
 Landscape General Arrangement Terra Firma 2255-TFC-00-00-DR-L-1003 P06
 Landscape General Arrangement Terra Firma 2255-TFC-00-00-DR-L-1004 P05
 Specifications Terra Firma 2255-TFC-00-00-DR-L-1005 P05
 Landscape General Arrangement (site wide) Terra Firma 2255-TFC-00-00-DR-L-1006 P04
 Drainage Strategy Layout MJA 6430-MJA-SW-XX-DR-C-001 P14
 Survey Drawings 1-6, plus 'gas main, water main & perforated pipes' drawing (7 drawings in total) Encompass 6NN3A -
 Greenfield Plan MJA 6430-MJA-SW-XX-DR-C-005 P1
 Impermeable Areas MJA 6430-MJA-SW-XX-DR-C-006 P2
 Levels Layout MJA 6430-MJA-SW-XX-DR-C-002 P5
 Engineering Review and Vis Splays MJA 6430-MJA-SW-XX-DR-C-003 P6
 Refuse Tracking Layout MJA 6430-MJA-SW-XX-DR-C-500 P6
 Fire Appliance Tracking Layout MJA 6430-MJA-SW-XX-DR-C-501 P6
 SUV Car Tracking Layout MJA 6430-MJA-SW-XX-DR-C-502 P5
 Pump Station Tracking Layout MJA 6430-MJA-SW-XX-DR-C-503 P4

The following documents have also been considered in the determination of this application:

Application Form Pegasus Group 31.07.2024
CIL Information Form Pegasus Group 15.11.2024
Covering Letter Pegasus Group 31.07.2024
Planning Statement (inc. Affordable Housing Statement) Pegasus Group P23-1017 3 July 2024
Development Quality Standards Checklist Pegasus Group - - July 2024
Statement of Community Involvement Pegasus Group P23-1017 2 July 2024
Design and Access Statement Thrive BARG230421 A 22.07.2024
Accommodation Schedule Thrive BARG230421 H 28.10.2024
CIL Calculations Thrive BARG230421 B 11.11.2024
Heritage Statement SLR 425.065736.00001 3 24.07.2024
Flood Risk Assessment and Drainage Strategy MJA SS/21/0433/6430 Rev. G updated 17/01/2025.
Drainage Strategy Technical Note MJA SS/23/0157/6430 Rev. E 13.11.2024
Surface Water Checklist MJA July 2024
Stage 1 Road Safety Audit Traffic Management Consultants (via MJA) A 15.07.2024
Ecology Mitigation & Enhancement Strategy (EMES) * Aluco November 2024
Biodiversity Net Gain Metric Aluco - 25.07.2024
Nitrogen Budget Plan Bargate Homes - - 24.07.2024
Nitrogen Budget Calculator V3 submitted 14/01/2025
Havant Occupancy Calculator submitted 14/01/2025
Noise Impact Assessment 24 Acoustics R8907-4 5 26.07.2024
Transport Technical Note (new document) i-Transport SJ/ITB12174-022 15.11.2024
Infiltration Testing Results Geo-Env GE20565/FG01/220111 11.01.2022
Winter Monitoring Results Geo-Env GE20565 2021-2022
Winter Groundwater Monitoring Letter Geo-Env GE20565/WP01/220401 01.04.2022
Borehole Prelim Information Letter Geo-Env GE20814/WP01/220429 29.04.2022
Borehole Ground Investigation Letter Geo-Env GE20814/WP02/220518 18.05.2022
Winter Monitoring Results (2 no. documents) Geo-Env GE21231 2022-2023
Winter Monitoring and Swale/Basin Locations Geo-Env GE21231/TM01/221014 14.10.2022

Reason: - To ensure provision of a satisfactory development.

- 2 No development above slab level shall take place until an Acoustic Design Statement setting out the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential units, shall be submitted to and approved in writing by the Local Planning Authority. The report shall set out how the mitigation measures shall meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. The acoustic mitigation report shall also stipulate which units will use passive ventilation and which will use mechanical ventilation. The development shall be carried out in accordance

with the approved details.

Reason: To ensure the residential amenity of the properties is not impacted upon by any external noise levels, especially traffic noise in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 3 No development above slab level shall take place until an overheating assessment has been submitted to and approved in writing by the Local Planning Authority. Where future residents will need to keep windows closed to mitigate noise from road traffic sources (especially overnight) the applicant will need to provide an Overheating assessment shall be in accordance with CIBSE TM59 (2017) and Approved Document 'O' which supports Part O of Schedule 1 to the Building Regulations 2010, to demonstrate that indoor temperatures will be acceptable in the absence of open windows where windows will need to be closed to mitigate noise (especially overnight). The development shall be carried out in accordance with the approved details.

Reason: To ensure that the internal residential amenities are not impacted on by overheating, especially during periods where windows cannot be opened for any reasonable length of time due to external traffic noise levels in particular in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No dwelling shall be occupied until a post completion noise survey has been undertaken and a report submitted to and approved in writing by the local planning authority. The post validation testing will need to be undertaken by a competent person to determine compliance with the BS8223:2014 standards. Such testing should be achieved using at least 3 sample dwellings, nearest to the measurement positions Locations 1, 2 & 3. A report shall be produced which details the post validation testing that has taken place. This report is to confirm the expected noise levels within the proposed dwellings have been achieved, especially at bedroom and living room first floor level, and are in line with those levels laid out in BS8233:2014, and recommended for indoor ambient noise levels for dwellings, especially in relation to living rooms and bedrooms i.e during the day (07:00 to 23:00) 35 dB L Aeq,16 hour and at night (23:00 to 07:00) 30 dB L Aeq,8 hour for bedrooms. In addition to a windows closed scenario, levels should also be provided with windows in an open position. Similarly for traditional external areas that are used for personal amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq, 16 hour with an upper guideline value of 55 dB LAeq, 16 hour in noisier environments. External amenity area levels are also required to be tested upon completion, to confirm the levels detailed here, and as a result of any proposed mitigation measures, have been met.

Reason: To ensure the residential amenity of the property will not be impacted upon by any external noise levels in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 5 No floodlighting, street lighting or other form of external lighting scheme, including at or on dwelling units, shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other

than for routine maintenance, which does not change its details.

Reason: To protect the occupants outside of and within the development from light disturbance / nuisance and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 There shall be no piling carried out on site unless a detailed methodology has been submitted to and approved in writing by the Local Planning Authority. The methodology should seek the least intrusive noise and vibration method of piling and shall detail proposed mitigation methods to be employed, to ensure minimal impact on the nearest residential receptors.

Reason: To ensure the amenities of nearby residential properties are not impacted upon by any external noise or vibration levels during any piling operations and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The development hereby permitted shall not be brought into use until visibility splays shown on drawing 6430-MJA-SW-XX-DR-C-003 Rev P6 have been provided. Nothing over 0.6m in height above the level of the adjacent carriageway shall be placed or permitted to stay within the visibility splay.

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 the National Planning Policy Framework.

- 8 Notwithstanding the hereby approved details, no development shall commence above slab level until a scheme detailing hard landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the details and samples of the hard surfacing materials and a programme for the provision of the hard landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

- 9 Notwithstanding the hereby approved details, no dwelling shall be occupied until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hard surfaced 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 CS11, CS16 and DM8 of the Havant Borough Core Strategy

- 10 No dwelling shall be occupied until a report detailing measures to protect children and other vulnerable users from open water within the site and the railway beyond the site boundary and other potential hazards has been submitted to and approved in writing by the Local Planning Authority. The report shall include a programme for provision of mitigation measures. Thereafter the mitigation measures shall be provided in accordance with the approved details and retained in perpetuity.

Reason: In the interest of public safety and having regards to policy CS16 of the Havant Borough Core Strategy 2011 and paragraph 102 the National Planning Policy Framework.

- 11 No development shall commence until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail how the dwellings shall achieve a reduction in CO2 emissions of at least 19% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate (TER) of Part L of the 2013 Building Regulations. Consideration should also be given to the minimising the visual impacts on the setting of the Conservation Area and shall minimise impacts on the amenities of the occupiers of the site and neighbouring properties. The development shall be carried out in full accordance with the approved details.

Reason: In the interest of sustainability and having regards to the Council's Housing Delivery Position Statement and policies CS11, CS16 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework. This is a pre-commencement condition as it goes to the heart of the permission.

- 12 All the windows at or above 1st floor level in the side elevations of plots 2, 7, 10, 21, 32, 38 and the rear (northern) elevation of 26 shall
- i) if openable, consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times;
 - ii) at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order), no additional windows or other openings shall be constructed within the rear (northern) elevation of Plot 26 without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework

- 14 No dwelling shall be occupied until a detailed design of the play space has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall include the equipment mix to be provided to encourage all ages and

abilities to enjoy the areas safely, together. It should detail how each area is inclusive and accessible for all regardless of age or ability. It should include a range of play experiences such as natural play space, swinging, spinning, climbing, bouncing and sensory provision. Details shall be provided on the robustness of materials to be used, their life expectancy, types of safety surfacing and whether fencing and gates are proposed. Detail should also be provided on the ancillary items to be provided such as number and location of bins, seating areas and bike storage.

Reason: In the interests of the amenities of the area and to promote health and wellbeing and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

- 15 Prior to the occupation of any dwelling, the allocated vehicle and cycle parking spaces and any necessary turning spaces necessary for the safe access to that dwelling shall be constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and having due regard to policies DM13 and CS16 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pes.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Development Control Service at the Civic Offices or by telephoning 023 9244 6015.
- (4) Your attention is drawn to the provisions of Section 12 of the Hampshire Act 1983, relating to access for the Fire Brigade. A copy of the Act may be inspected at the Planning and Development Reception at the Civic Offices.
- (5) Before undertaking any work which affects a public highway (including a footpath) you must obtain specific written approval from the Head of Technical Services, Havant Borough Council, Civic Offices, Civic Centre Road, Havant PO9 2AX (tel. no (023)9244 6428/9). This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or the construction of new boundary walls and foundations immediately alongside the public highway.

You are advised that consent may be required from Southern Water Services Ltd to build in the vicinity of public sewer. You can inspect a copy of the Southern Water Services

- (6) Maps of public sewers, which are held by Technical Services at the Civic Offices to determine the proximity of any public sewer to the proposed development. If you are in any doubt or need information regarding the procedure for obtaining consent from Southern Water Services Ltd, you should seek further advice from the Development Control Manager, Southern Water Services Ltd (01962 714585).

(7) Southern Gas Networks - Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

(8) SGN have advised the following;

1. Relating to the proposed swale, depth of cover over the pipeline (from ground level to crown of pipeline) must be maintained at, at least 1m
2. Relating to the proposed swale, an impermeable layer (or equally suitable solution to be approved by SGN) must be installed to prevent excessive water ingress to the soils surrounding the pipeline and pipeline easement
3. Nothing can be done which is likely to cause damage or injury to the gas main
4. Not, without consent make any material alteration or deposit any of anything on the easement (20 feet either side of the pipeline) so as to interfere with or

obstruct access to the gas main.

5. Not to erect or install any building or structure or permanent apparatus in through, upon, or over the easement strip (20 feet either side of the pipeline). Under this clause, agreement has been made to remove a flagpole structure shown on indicative plans being within the easement

6. All works in the vicinity of the high pressure gas pipeline must comply with those conditions set out in a document published by Southern Gas and which is titled "SGN/WI/SW/2 - Work Instruction for Safe Working in the Vicinity of Pipelines & Associated Installations with maximum operating pressure >7barg". A copy of this document is enclosed with this letter

7. Any documentation or drawings that include the gas pipeline must appropriately label them as Major Accident Hazard Pipelines (a classification within The Pipeline Safety Regulations 1996)

8. Any vehicle crossing points will require an SPIA Assessment, if pipeline stresses are found to be too high then protective measures (e.g. concrete protection slab) must be designed and installed under permission from SGN

9. SGN reserves the right to introduce further conditions if the aforementioned assessments indicate a danger to the pipeline

(9) National Rail have advised:

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow National Rail's ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

The developer must ensure that their proposal, both during construction and after completion does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will

allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third-party access to its land.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culvert or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full

details to be submitted for approval to the Network Rail Asset Protection Engineer.

Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged,

undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.

Alex Robinson

Alex Robinson
Executive Head of Place

06 February 2025

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Our Ref: APP/24/00612

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Southern Gas advisory note

In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.