

OFFICER REPORT FOR COMMITTEE

DATE: 11/12/2019

**Q/0175/19 and P/15/0260/DP/F
PERSIMMON HOMES**

PORTCHESTER EAST

VARIATION REQUEST UNDER SECTIONS 106 AND 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
DISCHARGE OF CONDITION- REVISED CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

LAND NORTH OF CRANLEIGH ROAD AND WEST OF WICOR PRIMARY SCHOOL, PORTCHESTER

Report By

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1.0 Introduction

- 1.1 This Variation request is presented to the Planning Committee due to the delegation arrangements in respect of Section 106 legal agreements.
- 1.2 The related discharge of condition request in respect of the original outline planning permission for this site is condition 13 (Construction Environmental Management Plan) of P/15/0260/OA.

2.0 Site Description

- 2.1 The site is rectangular in shape and slopes gently southwards. It is divided into two parts by a hedgerow which runs the length of the site from north to south.

3.0 Description of Proposal

- 3.1 Planning permission has been previously granted for 120 dwellings on this site as set out in the relevant history section of this report. The site is currently being developed. As part of the discharge of planning conditions a Construction Environmental Management Plan has previously been approved which included the location of the site compound and contractors parking area in a portion of the site where some of the houses are to be built.
- 3.2 This variation and discharge of condition request is to consider a revised Construction Environmental Management Plan (P/15/0260/DP/F) which seeks to relocate the site compound and contractors parking area for the remainder of the development. The temporary location of the compound which has already taken place, is within an area which has been approved to be laid out as public open space.

4.0 Policies

4.1 The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS4 – Green Infrastructure, Biodiversity and Geological Conservation

CS5 – Transport Strategy and Infrastructure

CS17 – High Quality Design

CS21 – Protection and Provision of Open Space

Development Sites and Policies

DSP2 – Environmental Impact

DSP3 – Impact on living conditions

DSP13 – Nature Conservation

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/15/0260/OA – outline application for residential development of up to 120 dwellings together with vehicular access from Cranleigh Road, public open space including a locally equipped area of play pedestrian links to the public open space, surface water drainage and landscaping, Refused 24 March 2016. Appeal to the Planning Inspectorate, appeal allowed 14 August 2017.

P/17/1170/RM – Reserved matters in relation to outline application (P/15/0260/OA): Appearance of buildings, landscaping, layout and scale relating to 120 dwellings with a new access from Cranleigh Road, public open space including a locally equipped area of play. Approved February 2018.

P/15/0260/DP/A – Discharge of conditions 8, 10, 12, 13 – Conditions relating to Archaeology, Arboricultural Assessment and Construction Management Plan. Condition 8 Part discharged, Condition 10, 12, 13 discharged, January 2018.

P/15/0260/DP/D – Discharge of Condition 13 (Construction Management Plan) of planning application P/15/0260/OA. Discharged April 2018.

6.0 Consultations

Highways

6.1 The Highway Authority are satisfied that there are no direct or indirect impact on the operation or safety of the highway network.

Environmental Health

6.2 No objection.

Ecology

- 6.3 The Ecology officer is satisfied that the revised location of the compound has no adverse impacts on the ecology of the site.

Tree Officer

- 6.4 Supports the revised plan.

7.0 Planning Considerations

- 7.1 The key considerations are the implications of the proposal in respect of highway, ecology, arboriculture and amenity matters in respect of the Construction Environmental Management Plan and whether the variation is acceptable in so far as it relates to appropriate mechanisms to ensure that the delivery of the open space is achieved. The key issues therefore comprise:

- a) Whether the Construction Environmental Management Plan Rev-C is acceptable in respect of highway, ecology, arboriculture and amenity issues;
- b) Whether the variation to the original S106 Unilateral Undertaking, is acceptable to ensure delivery of the public open space.

a) Whether the Construction Environmental Management Plan Rev-C is acceptable

- 7.2 Condition 13 on the original outline planning permission (P/15/0260/OA) states:

'No development shall commence until the local planning authority have approved details of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority'.

- 7.3 Condition 13 has previously been discharged under P/15/0260/DP/A and P/15/0260/DP/D as set out in the history section of this report.
- 7.4 This discharge of condition application relates to the Construction Environmental Management plan and involves relocating the site compound and contractors parking area for the remainder of the development to an area identified with the proposed public space. At the time that the application was submitted, the foundations for 111 plots had been completed with nine remaining to be dug. These nine remaining plots 11-14 (affordable) and 73-77 (private) are sited in the south western corner of the site which is in the position of the approved compound, car parking and materials storage area.

- 7.5 In order to complete the remaining nine units, there is clearly a need to move the compound until the completion of the development which is anticipated to be in May 2020 to ensure appropriate provision for the storage compound and parking within the site.
- 7.6 The compound is accessed from the main internal estate road through an existing cutting approximately 5m wide in the tree belt with a temporary tarmac surface for the winter period.
- 7.7 The translocation of reptiles has previously been completed in the area for the relocated compound. The compound is located away from the tree belt and ecology zone to the north. Officers have undertaken a site visit and considered the consultee responses. Officers are satisfied that there would be no adverse impacts in terms of highway safety, ecological, arboricultural or neighbouring amenity implications as a result of the short- term relocation of the compound.
- 7.8 The anticipated completion of the development is May 2020. The temporary re-location of the compound within the public open space area until completion of the development is considered to be a practical solution to ensure that there is sufficient space for storage and parking within the site.
- 7.9 The proposal accords with Core Strategy Policies CS4, CS5 CS17, CS21 and Local Plan Part 2 policies, DSP2, DSP3 and DSP13.

b) Whether the variation to the original S106 Unilateral Undertaking is acceptable to ensure delivery of the public open space.

- 7.10 The original legal agreement contained provisions that included:
- That the open space would be completed and transferred to the management company prior to occupation of not more than 90% of the dwellings.
 - That the open space would be used for that purpose and not used as a site compound
- 7.11 A plan to accompany the variation request identifies:
- The ecology area, already completed
 - The area of public open space to be implemented January 2020
 - The compound area to be completed post development

- 7.12 The open space final works would be completed within 30 working days of the occupation of the last dwelling and transferred to the management company within 6 months of the occupation of the last dwelling.
- 7.13 When taking account of the practicalities of necessary storage and contractor parking on the site and given that the build out is nearing completion, it is considered that the proposed variation to the legal agreement can be appropriately secured and would not undermine the delivery of the open space.

8.0 ***Recommendation***

APPROVE

- 8.1 That Members approve the details pursuant to condition 13 of P/15/0260/OA; and
- 8.2 Subject to completion of a planning obligation on terms to the satisfaction of the Solicitor to the Council.

The map displays a residential area with a central site highlighted by a red outline. The site is located between DUNE DELL AVENUE to the north and BURRY CLOSE to the south. To the east of the site is WIGAN ROAD, which runs parallel to the site's eastern boundary. Further east, GRAND EGG ROAD is visible. The map includes labels for several streets: WILKED ROAD, LUTHERBY FOREST, DUNE DELL AVENUE, BURRY CLOSE, WIGAN ROAD, and GRAND EGG ROAD. A large building complex to the east of the red-outlined site is labeled 'Wigan Primary School'. The map also shows a network of roads and paths, including a 'Wigan Road' running vertically through the center-right. The overall layout shows a mix of residential streets and a larger institutional building (the school).

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