

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY Mr M Hughes AGAINST REFUSAL of Demolition of existing dwelling and replacement with sustainable modern dwelling (Use Class C3), incorporating a studio, garaging, solar panels, landscaping and associated works.

AT Creek Cottage, 41 Beach Road, Emsworth, PO10 7HR

Planning Inspectorate Reference: APP/X1735/W/24/3348661

LPA Ref: APP/23/00779

List of Suggested Conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
P02 EXISTING EAST ELEVATION
P01 EXISTING SOUTH ELEVATION
BRE-MP-05 A BALCONY PLANTING PLAN
BRE-C-08 REV B TREE PLAN
387 OBA A 0454 P08 PROPOSED EAST ELEVATION
387 OBA A 0453 P08 BLANK PROPOSED WEST ELEVATION
387 OBA A 0452 P07 PROPOSED NORTH ELEVATION
387 OBA A 0451 P07 PROPOSED SOUTH ELEVATION
387 OBA A 0450 P04 PROPOSED STREET ELEVATIONS
387 OBA A 0400 P02 EXISTING STREET ELEVATIONS Public
387 OBA A 0200 P03 SITE PLAN EXISTING Public
387 OBA A 0103 P09 PROPOSED FIRST FLOOR GA PLAN
387 OBA A 0102 P10 PROPOSED GROUND FLOOR GA PLAN
387 OBA A 0101 P11 SITE PLAN PROPOSED
387 OBA A 0100 P06 LOCATION AND BLOCK PLAN
387 ABA A 0453 P08 PROPOSED WEST ELEVATION
Reason: - To ensure provision of a satisfactory development.
3. No above ground works (excluding demolition) shall 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 CS11.4, CS12, CS16 and DM9 of the Havant Borough Core Strategy 2011, Policies D1 and D2 of the Emsworth Neighbourhood Plan, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and the National Planning Policy Framework.
4. No development shall commence on site, including demolition, until an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement has been submitted

to and approved in writing by the Local Planning Authority. Thereafter the development carried out in full accordance with the approved details and the tree protection measures shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that trees (including TPO 2142) , shrubs and other natural features to be retained are adequately protected from damage to health and stability and in accordance with policies CS12 and CS13 of the Havant Borough Core Strategy 2011, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and the NPPF. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5. No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:
- (a) the anticipated number, frequency and types of vehicles used during construction,
 - (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
 - (c) the loading and unloading of plant, materials and waste,
 - (d) the storage of plant and materials used in construction of the development,
 - (e) the erection and maintenance of security hoarding,
 - (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
 - (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
 - (h) measures to control the emission of noise during construction,
 - (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
 - (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
 - (k) waste management including prohibiting burning.
- The CMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction'.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety, protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect nor adverse impact on the integrity of European Sites. Having due regard to policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. No development hereby permitted shall commence until details of the new access including vehicular visibility splays and dropped kerb width shall be submitted to and approved in writing by the Local Planning Authority. The replacement dwelling shall not be occupied until the access has been provided in accordance with those approved details. Thereafter the access and visibility splays shall be retained in accordance with the approved details.
- 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. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7. The development shall be carried out in full accordance with the submitted flood risk assessment and plans (ref: Flood Risk Assessment- Prepared by aegaeaAEG0493_P010_Emsworth_01 - June 2023) and the following mitigation measures it details:
 - Finished floor levels shall be set 600mm above existing.These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and having due regard to policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
8. No development above slab level shall commence, until detailed plans of louvered screens as shown on the hereby approved plans have been submitted to and approved in writing by the Local Planning Authority. These plans shall include details of the quantity, size, specification and orientation of the louvered screens. Thereafter the dwelling hereby approved shall not be occupied until all of the louvered screens have been installed in accordance with the approved detailed plans and shall be retained thereafter in accordance with those detailed plans.

Reason: In the interests of the amenities of the occupiers of nearby properties and to minimise light spill and having due regard to policies CS11, CS12, CS16, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policies D1, D2 and D7 of the Emsworth Neighbourhood Plan, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and National Planning Policy Framework.
9. No development above slab level shall commence, until details of the measures to reduce light spill from the front elevation have been submitted to and approved in writing by the Local Planning Authority, these details should reflect the recommendations contained within the Dark Skies Assessment prepared by SRE and shall include details of the glazing of windows and doors, integrated external blinds at ground floor level and sliding screens at first floor level. Thereafter, the development shall be carried out in accordance with the approved details and the measures to reduce light spill from the front elevation shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise light spill and having due regard to policies CS11, CS12, CS16, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy D7 of the Emsworth Neighbourhood Plan, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and the National Planning Policy Framework.
10. The dwelling hereby approved shall not be occupied until details of a privacy screen on the western side of the front balcony/terrace has been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details prior to the first occupation of the dwelling and thereafter retained, unless otherwise agreed in writing by 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
11. No development above slab level shall commence, until details of the specification of low transmittance/ tinted 'light control' glazing for all 6 roof lights/ roof lanterns as shown on plan number 387 OBA A 0101 P11 SITE PLAN PROPOSED has been submitted to and approved in writing by the Local Planning Authority, this specification should reflect the

recommendations contained within the Dark Skies Assessment prepared by SRE. Thereafter, the development shall be carried out in accordance with the approved details. The low transmittance/ tinted 'light control' glazing shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise light spill and having due regard to policies CS11, CS12, CS16, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy D7 of the Emsworth Neighbourhood Plan and the National Planning Policy Framework.

12. No development shall commence until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall minimise light pollution and reflect the recommendations contained within of the Dark Skies Assessment prepared by SRE. Thereafter, the development shall be carried out in accordance with the approved details and shall be retained as in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise light spill and having due regard to policies CS11, CS12, CS16, DM9 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy D7 of the Emsworth Neighbourhood Plan, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and the National Planning Policy Framework.

13. The car parking, cycle stores and refuse storage shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

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.

14. The dwelling hereby approved shall not be occupied until a detailed hard and soft landscaping scheme that accords with the Flood Risk Assessment and Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the surface materials; distribution and species of shrubs/hedge plants and 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, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, the Chichester Harbour Management Plan (2019 - 2024), Chichester Harbour AONB Joint SPD and the National Planning Policy Framework.