
**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Grant of Planning Permission**

Application Number: APP/23/00627

Site Address: 2 Seagull Lane, Emsworth, PO10 7QH

Proposal: Application for variation of condition 6 relating to access to unit 8 of Planning Permission APP/22/00155.

Further to your application received on 20 July 2023 Havant Borough Council, as Local Planning Authority, **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 1 The development must be begun not later than 24th March 2026.

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:

Existing Site Plan - Drawing number 1000 Rev A
Proposed Plans Units 6 - 7 - Drawing number 2009 Rev A
Proposed Plans Unit 8 - Drawing number 2012 Rev A
Proposed Plans Units 1-5 - Drawing number 2008 Rev A
Proposed Elevations Units 1- 5 - Drawing number 3008 Rev B
Proposed Elevations Units 6-7 - Drawing number 3009 Rev B
Proposed Elevations 6 Seagull Lane - Drawing number 3013 Rev C
Proposed Elevations Unit 8 - Drawing number 3012 Rev B
Proposed Street Scene - Drawing number 3007

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Proposed Visibility Splays - Drawing number 1012
Proposed Boundary Treatment Plan - Drawing number 9000
Cycle Store Location - - Drawing number 9001
BXM/WAR Cycle Shelter Specification
Materials Schedule
Elevation Material Example - Drawing number 3014 Rev C
Flood Risk Report by PWP Architects dated May 2022
Planning, Design and Access Statement by PWP Architects dated February 2022
Ecological Impact Assessment by Ecosa dated August 2022
Transport Statement by Bright Plan dated May 2022 with amended Max Legal Length
Articulated and Swept Path Analysis - Drawing Number 6442-005 Rev A

Reason: To ensure provision of a satisfactory development.

- 3 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) A site walk-over survey &/or sufficient desk-based research to identify;
 - All relevant previous uses of the site,
 - Potentially significant features and contaminants associated with those uses
 - Uncertainties relating to previous use or associated potential contaminants
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;
 - A summary of potentially unacceptable risks arising from contamination at the site.
- 2) Site investigation based on (1), to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all receptors that may be affected, including those off site.
- 3) The results of an appropriate risk assessment based upon (1) & (2), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework.

- 4 No development hereby permitted, nor any related site clearance, shall commence until an assessment of potential noise and vibration arising during construction has been prepared in accordance with BS 5528: Parts 1 and Part 2, 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites, and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall also include details of any piling methods to be used. All the above works shall thereafter be carried out in accordance with the approved assessment.

Reason: To minimise disturbance to all nearby sensitive receptors, and to ensure the amenities of nearby residential properties are not impacted upon by any external noise levels and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted, nor any related site clearance, shall commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority, which shall include:
- (a) A programme of and phasing of demolition (if any) and construction work;
 - (b) The provision of long term facilities for contractor parking;
 - (c) The arrangements for deliveries associated with all construction works;
 - (d) Methods and phasing of construction works;
 - (e) Access and egress for plant and machinery;
 - (f) Protection of pedestrian routes during construction;
 - (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;
- Thereafter, demolition and construction work shall only take place in accordance with the approved method statement.

Reason: To safeguard the amenities of the locality and in the interests of traffic safety, having due regard to policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 The access to unit 8 must not be used until the site egress, including the footway and/or verge crossing has been constructed and lines of sight of 2.0 metres by 25.0m metres have been provided in accordance with Drawing Number 1012. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 600mm in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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.

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary

drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Development of the 3No light industrial buildings hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 No above ground development shall commence until a detailed soft landscaping scheme for the identified planters and areas of landscaping shown on Drawing Number 1012 has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution and number of plants, their species and planting sizes, and timing provisions for completion of the implementation of all such landscaping works. You are advised to use native species where possible to benefit pollinating invertebrates. 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 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 Within 6 months of the 3No light industrial buildings hereby approved first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Very Good' against the BREEAM Standard in the form of a post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with Condition 3 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, and must demonstrate that site remediation criteria have been met.

Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for

maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Contamination may be present at the site as a result of both previous land uses (&/or activities) at the development land and adjacent that could pose a risk to buildings and future employees of the completed development &/or to controlled waters. This is in line with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183-185 of the National Planning Policy Framework.

- 12 The car parking, servicing and other vehicular access arrangements 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.

- 13 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS11.4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No flood lighting or other form of external lighting scheme shall be installed at any unit or within the site, unless it has first 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 of nearby residential properties, 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.

- 15 No lorries or articulated vehicles shall access unit 8 at any time.

Reason: The constrained width of access and available turning for unit 8 are limited and could result in a highway safety and amenity concern, having regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 Development shall proceed in accordance with the ecological avoidance, mitigation and enhancement measures detailed in the Ecological Impact Assessment (ECOSA, August 2022) unless otherwise agreed in writing by the Local Planning Authority. This shall include the provision of 3 Vivara Pro WoodStone bat boxes, or similar, and 2 integrated WoodStone House Sparrow Terraces, and two lbstock Swift Bricks, or

similar.

Reason: To provide ecological protection and enhancement in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 17 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order, the units hereby approved shall only be used for any use falling within Class E(c) (financial & professional services), Class E(g) (light industrial), and Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) (Amendment) Order 2020. No Class E(a) (retail) shall take place from any unit except ancillary trade counters.

Reason: To ensure the uses at the site are appropriate for the site's location away from the town centre; compatible with adjacent residential dwellings having no adverse impact on neighbouring amenity; having due regard to policies CS4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 The hereby approved units shall only be open for trade or business between the hours of 08:00 and 18:00 Monday to Saturdays with no activity on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (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 6571.
- (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/pcs.
- (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 Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and

- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit, the application amended making the revised proposal acceptable.

(5) 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>

(6) You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site. This is in order to protect the occupants of nearby residential properties from dust pollution.

(7) You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you

enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action.

This is in order to protect the occupants of nearby residential properties from smoke pollution.

- (8) You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

- (9) You are hereby requested to ensure that any external lighting that may be installed on this site, within the grounds or attached to the building, is so positioned so as not to cause nuisance to neighbouring properties.
This is in order to protect the occupants of nearby residential dwellings from light pollution.

Alex Robinson

Alex Robinson
Executive Head of Place

22 November 2023

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.](#)

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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.