

Mr Pickup  
Pickup Town Planning  
57 Sea View Road  
Drayton  
Portsmouth  
PO6 1EW

For: Mr Bennett  
Baytree Securities Limited

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

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**Application Number:** APP/22/00487

**Site Address:** 78 Havant Road, Emsworth, PO10 7LH

**Proposal:** Demolition of existing 7 bed dwelling and construction of detached building comprising 9No. 'Assisted Living' Apartments (Class C3) and ancillary Carers Management Suite together with associated parking, secure mobility scooter and bicycle storage, refuse /recyclables storage and landscaping

Further to your application received on 09 May 2022 (which was valid from 01 July 2022) 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 General Conditions**

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:

**Plans**

Proposed Location & Block Plan - Drawing No 8993 -01 Rev C  
Proposed Floor Plan - Drawing No 8993 Rev B  
Proposed North & East Elevations - Drawing No 8993-03 Rev B  
Proposed South & West Elevations - Drawing 8993-04 Rev B  
Proposed Street Elevation & Perspective - Drawing No. 8993 - 06  
Proposed Perspective - Drawing No 8993 06  
Plan of paths  
Tree Constraints Plan - Drawing No BJH 01/02  
Tree Protection Plan - Drawing No BJH 03/04  
Photographs of fence to the west

**Documents**

Applicant's Statement  
Arboricultural Impact Assessment & Method Statement by Bernie Harverson, dated April 2022  
Bat report by The Ecology Co-op  
Bat Emergence Survey Report, by The Ecology Co-op, dated 2 August 2022  
Preliminary Ecological Appraisal by Ecosupport, dated 8 February 2022  
Planning Statement  
Design & Access Statement  
Solent Nutrient Budget Calculator  
Occupancy Calculator  
European Site avoidance and Mitigation  
Parking Survey Technical Note, by Bright Plan dated December 2022

**Reason:** - To ensure provision of a satisfactory development.

- 3 Occupation of the development hereby approved shall be restricted to:
- Persons over the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55; or
  - Persons with mobility issues such that they require use of a wheelchair; or
  - Persons living as part of a single household with persons with mobility issues as set out in b) above; or
  - Persons who are living in the approved development as part of a single household with such a person as defined in a) above who have either:
    - Died while living in the approved development; or
    - Moved to reside in an institutional care home.

**Reason:** To secure the development for retirement accommodation and for those with mobility issues, for which there is a recognised need within Havant Borough, having regard to Policies CS9 and DM7 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the building hereby permitted the windows in the 1<sup>st</sup> floor on the west and east elevations and the south/east and south/west corners servicing the en-suites shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

**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.

- 5 Development activities shall be in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Potential Roost Feature (Tree Climbing) Inspection report (the Ecology Co-op, April 2022) and Bat Emergence Survey Report (The Ecology Co-op, August 2022) unless otherwise agreed in writing by the Local Planning Authority. All mitigation, compensation and enhancement measures shall be implemented as per ecologist's instructions.  
**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 6 No floodlighting or other form of external lighting scheme shall be installed unless it has first been approved in writing 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 from the Local Planning Authority 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.
- 7 **Pre-commencement conditions**
- Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection as shown in the Tree Constraints Plan BJH 01/02 and the Tree Protection Plan BJH 03/04 and the approved Arboricultural Impact Assessment & Method Statement by Bernie Harverson dated April 2022 shall be fully implemented and within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. The development shall be carried out strictly in accordance with the submitted details.  
**Reason:** To safeguard the continued health and presence of such existing vegetation and trees and to protect the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Prior to commencement of demolition, groundworks and construction at this development site, an assessment of potential noise and vibration arising during construction shall be prepared in accordance with BS 5528: Parts 1 and Part 2, 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites. The assessment shall be submitted to and approved in writing by the Local Planning Authority, and all the above works carried out in accordance with the agreed recommendations.  
**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.

- 9 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- a. Procedures for maintaining good public relations including complaint management, public consultation and liaison and site management contact details;
  - b. Arrangements for liaison with the Council's Pollution Control Team;
  - c. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and at no time on Sundays and Bank Holidays;
  - d. Deliveries to and removal of materials, plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
  - e. Mitigation measures as defined in BS 5528: Parts 1 and Part 2, 2009 and A1:2014 - Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from works on this site;
  - f. Procedures for emergency deviation of the agreed working hours;
  - g. Measures for controlling the use of site lighting during all phases, whether required for safe working or for security purposes, to ensure no impact on any nearby residential receptors;
  - h. Control measures for dust and other air-borne pollutants; It should advise as to what measures are to be put in place for the control of any dust that might emanate from the development site. Furthermore the methods of dust control should be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities, and also the IAQM Guidance on the assessment of dust from demolition and construction 2014. It should also be noted that during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are to be kept damp at all times;
  - i. No bonfires to take place on the site at any time; and
  - j. A scheme for recycling/disposing of waste resulting from demolition and construction works is to be implemented

**Reason:** To minimise disturbance to all nearby sensitive receptors and to ensure the amenities of the surrounding occupiers are not unduly impacted upon, during all phases of the development, having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 No development shall start on site until a construction method statement has been submitted to and approved in writing by the 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;

Demolition and construction work shall only take place in accordance with the approved method statement.

**Reason:** In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality having regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 11 No piling shall take place on the site unless and until full details have been submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate the least intrusive noise and vibration method of piling shall be employed, and shall be accompanied by a justification as to the reasons why a particular piling method has been chosen, and additionally the proposed mitigation methods to be employed, to ensure minimal impact on nearest residential receptors. The piling method shall be implemented as approved.  
**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.
- 12 No development hereby permitted shall commence until a surface water drainage strategy, which shall incorporate SUDS provision for the site and its subsequent management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed 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, with the SUDs managed and maintained thereafter as approved.  
**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and thereafter maintained, 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.
- 13 **Above ground conditions**
- No external air moving plant or equipment, such as air conditioning units, air source heat pumps and the like shall be installed or mounted, as part of this development, unless and until a scheme for such provision has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise and / or vibration that may emanate from such plant / equipment, prior to any development taking place. The approved scheme shall be fully implemented prior to occupation of the development and thereafter maintained and retained.  
**Reason:** To protect the occupants of nearby residential properties from any noise and / or vibration nuisance having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.  
**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

- 15 No above ground construction works shall take place until details have been submitted to the Local Planning Authority, that confirm that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, will 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.

**Reason:** To protect the amenities of the future occupants of the proposed dwellings and to ensure the residential amenity of the properties is not impacted upon by any external noise levels, including road traffic noise having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

16 **Pre-occupancy Conditions**

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 and shall remain at all times as unallocated parking spaces.

**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.

- 17 Prior to the occupation of the development full details of the Electrical Vehicle Charging points and future infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The Charging Points and future infrastructure shall be installed in accordance with the approved details prior to the occupation of the development and retained and maintained at all times thereafter.

**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

- 18 Prior to the occupation of the development hereby permitted a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced, which shall include replacement trees to compensate for those removed by the development, shall be 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 CS11.1, CS11.2, CS11.4, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 19 Prior to occupation of the development hereby permitted a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced shall be 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 policies CS11.1, CS11.4, CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 20 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained and maintained.

**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.

- 21 The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

## 22 **Post occupancy**

At all times following occupation of the development hereby approved, all measures for water usage within the submitted nutrient budget shall be maintained in the development in perpetuity.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new

housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

**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/pes](http://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 Planning and Development 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.

***Neeru Kareer***

Neeru Kareer  
Executive Head of Place (Interim)

10 March 2023

Our Ref: APP/22/00487

# 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Our Ref: APP/22/00487

# **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](mailto: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.