

Mr Andy Marshall
Brackley Investments Ltd
Unit 6 Lower Farm Barns
Bainton Road
Buckness
OX27 7LT

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

Application Number: APP/20/00761

Site Address: Land on the east side of Helmsley House, Bartons Road, and west of Normandy Road, Havant.

Proposal: Erection of a 64 bed older persons care home (Use Class C2) together with construction of new access road, car/cycle parking, drainage works, hard/soft landscaping and other associated infrastructure.

Further to your application received on 02 September 2020, which was valid from 22 September 2020, 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 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:

SITE LOCATION PLAN - APL001 REVE

Proposed site plan - APL003 REV N
PROPOSED LANDSCAPE PLAN - APL005 REV H
PROPOSED GROUND FLOOR PLAN - APL006 REVG
PROPOSED FIRST FLOOR PLAN - APL007 REVG
PROPOSED ROOF PLAN - APL008 REVC

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PROPOSED NORTH ELEVATION - APL009 REVD
PROPOSED EAST ELEVATION - APL010 REVD
PROPOSED SOUTH ELEVATION - APL011 REVD
PROPOSED SECTIONAL ELEVATION WEST - APL015 REVD
PROPOSED SECTIONAL ELEVATION NORTH - APL014 REVD
PROPOSED WEST ELEVATION - APL015 REVD
PROPOSED STREET ELEVATION - APL017 REVD
PROPOSED BAY WINDOW ELEVATIONS - APL018 REVC
PROPOSED SECTION - NEIGHBOURING BUILDING APL020 REV A

Drainage

Flood Risk Assessment and Drainage Statement - 2709-HELM-ICS-XX-RP-C-07.001
PROPOSED DRAINAGE AREAS - 2709-HELM-ICS-01-XX-DR-C-0201-P01-S2
LEVELS DESIGN - 2709-HELM-ICS-01-XX-DR-C-0100-P02-S2
PROPOSED DRAINAGE - 2709-HELM-ICS-01-XX-DR-C-0200-P03-S2
Proposed Drainage ref: HELM-ICS-01-XX-DR-S-0200 P04
Site Location Plan ref: ASK001 A
Email with supporting information dated 26 October 2020 & 12 November 2020 by
Infrastructs CS

BREEAM

Helmsley House - BREEAM New Construction 2018: Pre-Assessment Report

Trees

ARBORICULTURAL DEVELOPMENT STATEMENT - CBA11305V1
Tree survey report - CBA11305 v1B
Tree protection plan - CBA11305.02 TPP

Transport

Transport Assessment - July 2020
TRANSPORT ASSESSMENT - Supplementary Transport Information - October 2020
TRANSPORT ASSESSMENT - Additional transport information - 3rd December 2020
Access plan 1009/6/U/2A

Ecology

Ecological Appraisal (FPCR, update November 2020) including Phase 1 Habitat Plan
- figure 2 9591-E-02
Bat emergence report (HES, July 2020)

Reason: - To ensure provision of a satisfactory development.

- 3 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 Strategy) 2011 and the National Planning Policy Framework.
- 4 No development shall take place until a further detailed Scheme of Soft and Hard Landscape Works, based on the principles of plan APL005 REV H has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) Written specifications (including cultivation and other operations associated with plant and grass establishment,
 - ii) Planting methods, tree pits & guying methods,

- iii) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, this shall include specific measures for the landscaping adjacent to the southern boundary, with evergreen trees in order to protect the amenities of properties to the south,
- iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- v) Manner and treatment of watercourses, ditches and banks,
- vi) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
- vii) Means of enclosure, in particular boundary walls and planting around the development and including its frontages, including any retaining structures,
- viii) The type of street lighting including calculations, contour illumination plans and means to reduce light pollution
- ix) A timetable for implementation of the soft and hard landscaping works.

The scheme of Soft and Hard Landscaping Works shall be implemented in accordance with the approved timetable. Any plant which dies, becomes diseased or is removed, shall be replaced with another of similar type and size, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, and to ensure that the roads, footway, footpath, street lighting and surface water drainage are constructed to an appropriate standard to serve the development in accordance with policies DM10, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Prior to any demolition, construction or groundwork commencing on the site the approved tree protective measures, including fencing and ground protection, as shown on the with the Arboricultural Development (Method) Statement CBA11305.v1 and Tree Protection Plan CBA11305.2 by CBA consultancy shall be installed. The Council's Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the Tree Protection Plan (telephone 023 92 446525). No arboricultural works shall be carried out to trees other than those specified and in accordance with the submitted Tree Survey. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the National Planning Policy Framework and Policy CS16, of the Havant Borough Local Plan (Core Strategy) 2011.

- 6 No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing, by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) before development commences. The details shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction. The development shall be carried out in accordance with the approved details.

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.

- 7 No development shall commence until details of the site access bellmouth junction onto Normandy Way have been designed to an adoptable standard and approved by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority) as shown on drawing 1009/6/U/2 Dated December 2020. The development shall be carried out in accordance with the approved details.
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.
- 8 No development shall commence until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 43 metres have been provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre 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 policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 9 No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the proposed Sustainable Urban Drainage System (SuDS), and should provide the following:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development
The development shall be carried out in accordance with the approved details.
Reason: To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) 2011 policies CS19 and DM10 and the National Planning Policy Framework.
- 10 In the event that public sewers are found at any time when carrying out the approved development which were not previously identified, development shall STOP until details of the measures which will be undertaken to protect the public sewer have been submitted to and approved in writing by the Local Planning Authority. Following approval, such measures shall be implemented on site in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the adequate protection of infrastructure having due regard to Havant Borough Local Plan (Core Strategy) 2011 policies CS19 and DM10 and the National Planning Policy Framework.
- 11 All air handling plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be attenuated so that the rating level of noise emitted does not exceed the criteria specified in Table 5.1 of Noise Impact Assessment dated 26/06/20 produced by Parker Jones Acoustics at any adjoining or nearby noise sensitive premises when measured according to BS4142: 2014+A1:2019. Details shall be submitted to the Local Planning Authority in writing before any plant is used on the premises to demonstrate compliance with this limit.
Reason: To ensure the residential amenity of the property is not impacted upon by any external noise levels and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 In the event that any suspected contamination* is encountered during groundwork (*obviously contaminated / stained or discoloured soil / groundwater, or any buried waste materials not assuredly comprising non-harmful construction materials); works in affected areas of the site shall STOP until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.
- The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;
- 1) Investigation in the vicinity of the suspect material, sufficient to characterise its nature, likely extent & mobility,
 - 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
 - 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability
- All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.
- Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;
- A) A written statement confirming that no suspected contamination was identified during development, OR;
 - B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.
- Reason:** Made Ground of unknown origin is present across the site which has not been adequately characterised. There is a risk that the made soils may be variable in nature, and could include material which poses a risk to future occupiers of the site. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework.
- 13 Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal (FPCR, November 2020), and bat emergence report (HES, July 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological mitigation, compensation and enhancement measures shall be retained in a location and condition suited to their intended function.
- Reason:** To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
- 14 No development shall commence until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall demonstrate how artificial lighting has been minimised to avoid impacts to bat species, particularly at the southern and eastern site boundaries, and should be produced in accordance with the ecologist's recommendations. Development shall then proceed in strict accordance with approved details.
- Reason:** To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, NERC Act 2006, NPPF and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact, based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 Following completion of archaeological fieldwork, a report shall be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available 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 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission

- 19 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed 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, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 20 Unless otherwise agreed in writing prior to the occupation of the care home hereby permitted, the post construction assessment written documentary evidence proving that the development has achieved at minimum a level of Excellent against the BREEAM Standard, shall be submitted and approved in writing by the Local Planning Authority. Within 6 months of occupation of the development hereby approved the post 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 minimises its overall demand for resources and to demonstrate compliance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) and policy E12 of the emerging Havant Borough Local Plan.

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 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)
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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 sought and were provided with pre-application advice, and you were updated about issues after the initial site visit.
- (5) 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.
- (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 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.
- (8) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 31 March 2021 which requires:
1. Health Contribution of £5,600
 2. Nutrient contribution of £33,244.50
 3. Monitoring fees

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

31 March 2021

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/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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