

To:
Mr Beavan
Savills
2 Charlotte Place
Southampton
SO14 0TB

For: Mr Hudson
Portsmouth City Council

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Approval of Reserved Matters**

Application Number: APP/20/00508

Site Address: Dunsbury Park, Fitzwygram Way, Havant, PO9 4EE

Proposal: Approval of Reserved Matters in respect to Phase 1 Plot 4a of APP/17/01324 (new employment uses, hotel and access road) comprising construction of 11,622 sqm B2 commercial premises for plot access, layout, scale, appearance & landscaping and Condition B5 Other Matters criteria a to h inclusive.

Further to your application received on 29 June 2020, which was valid from 10 July 2020 Havant Borough Council, as Local Planning Authority, **Grants Approval for the Reserved Matters submitted pursuant to Conditions 1 (A1), 2 (A2), 3 (A3), 5 (A5), 10 (A10), 11 (A11), 12 (A12), 13 (A13), 14 (A14), 17 (A17), 18 (A18), 22 (B3) (i) – (v), 24 (B5) (a), (d), (g) (h) and 29 (B10) of Outline Planning Permission APP/17/01324** in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The conditions imposed on the Outline Planning Permission APP/17/01324 dated 13 December 2018.
- (ii) The plans and other documents submitted with your application, (as amended by plans and documents received on 8th October 2020); and
- (iii) The following additional conditions:

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Document / drawing	Reference / Prepared by	Condition
Planning Statement	Savills	All
Design & Access Statement	BAM	All
Parking Statement Received October 2020	Savills	B5 (a)
DHF-BMD-Z4A-XX-DR-A-10000-P01.0	Plot 4a Location Plan / BAM	B3 (i)

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DHF-BMD-Z4A-00-DR-A-11000-P01.5	Ground Floor Plan GA / BAM	B3 (ii)
DHF-BMD-Z4A-01-DR-A-11001-P01.5	First Floor Plan GA / BAM	B3 (ii)
DHF-BMD-Z4A-02-DR-A-11002-P01.45	Second Floor Plan GA / BAM	B3 (ii)
DHF-BMD-Z4A-RF-DR-A-11003-P01.4	Roof Plan GA / BAM	B3 (ii)
DHF-BMD-Z4A-XX-DR-A-12000-P01.5	GA Elevations / BAM	B3 (iii) & (iv)
DHF-BMD-Z4A-XX-DR-A-12001-P01.1	Site Elevation / BAM	B3 (iii) & (iv) & B5 (c)
DHF-BMD-Z4A-XX-DR-A-13000-P01.1	GA Sections / BAM	B3 (iii) & (iv)
DHF- XX- DR- A- 12025-P02	Site Section	B3 (iii) & (iv)
DHF-BMD-Z4A-XX-DR-A-17800-P01.2	External Envelope Materials / BAM	B3 (iv)
DHF-BMD-Z4A-XX-DR-S-20570-P10	Plot 4a Setting Out and Levels	B3 (iv)
DHF-FIR-ZA4-DR-S-0001-revK	Landscape Plan / FIRA	B3 (v)
DHF-FIR-ZA4-DR-S-0002-revF	Fencing plan / FIRA	B3 (v)
DHF-FIR-ZA4-DR-S-0003-revD	Planting plan / FIRA	B3 (v)
P115-2948-04	External lighting plan / BAM	B5 (g)
DHF-BMD-Z4A-XX-RP-E-48700	Lighting assessment / BAM	B5 (g)
260220 Plot 4a BREEAM Pre-assessment	BAM	B5 (d)
Dunsbury Park Plot 4a_Supplementary Note_200826	BAM	B5 (d)

Document / drawing	Relevant condition
Landscape proposals summary	A1
Drainage strategy	A2 & B10
Phasing plan update	A3
External finishes	A5
Tree Protection Plan	A10
Construction Environment Management Plan (CEMP)	A11
Contractor parking & site compound	A12 & A13
Contaminated land desk study and SI results	A14
Ecological Impact Assessment 4 June 2020	A17 & A18
Plot 4 Noise Assessment	B5 (h)
Stantec	

Reason: - To ensure provision of a satisfactory development.

- 2 Notwithstanding the submitted plans and prior to the commencement of development, a further landscape scheme including details of additional tree planting shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the distribution, positions, species and planting sizes of all planting together with the proposed additional tree planting, and timing provisions for completion of the implementation of the tree planting and all the 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 and, CS16, of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 3 No above ground development shall commence until further details of the external finish of the proposed fencing and walling, including retaining walling, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
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 above ground development shall commence until further details of the covered cycle structure has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.
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.

- 5 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.
- 6 The development shall be carried out strictly in accordance with the avoidance, mitigation, compensation and enhancement measures set out in the Ecological Impact Assessment dated 4 June 2020.
Reason: The site is important within a wider ecological network and corridor that supports a diverse assemblage of protected species and biodiversity, and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The development shall be carried out in strict accordance with the Plot 4 Noise Assessment
Reason: To safeguard the amenities of nearby residents and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 8 Piling or other deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reasons: The site is located in the groundwater Source Protection Zone 1c (SPZ1c) for the Bedhampton and Havant springs - this SPZ protects the chalk aquifer which occurs at depth beneath a thick layer of clay that lies beneath the site; Contamination may be present on site; To prevent pollution of groundwater in the chalk aquifer and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework; To ensure that the proposed Piling or other deep foundation does not harm groundwater resources in line with paragraph 170 of 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 6573.
- (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 Civic Offices or by telephoning

- (4) Your attention is drawn to the provisions of Section 12 of the Hampshire Act 1983, relating to access for the Fire Brigade. A copy of the Act may be inspected at the Planning and Development Reception at the Civic Offices.
- (5) Before undertaking any work which affects a public highway (including a footpath) you must obtain specific written approval from the Head of Technical Services, Havant Borough Council, Civic Offices, Civic Centre Road, Havant PO9 2AX (tel. no (023)9244 6428/9). This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or the construction of new boundary walls and foundations immediately alongside the public highway.
- (6) You are advised that consent may be required from Southern Water Services Ltd to build in the vicinity of public sewer. You can inspect a copy of the Southern Water Services Maps of public sewers, which are held by Technical Services at the Civic Offices to determine the proximity of any public sewer to the proposed development. If you are in any doubt or need information regarding the procedure for obtaining consent from Southern Water Services Ltd, you should seek further advice from the Development Control Manager, Southern Water Services Ltd (01962 714585).
- (7) 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
- (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 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.
- (10) 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.

- (11) Details of measures to be employed to control the emission of noise during demolition, excavation, clearance and construction. BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, and Part 2: Vibration (BSI, 2014v) provides guidance on the requirements and indicative noise and vibration levels and criteria.

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

- (12) 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.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

14 October 2020

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