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PDP Architecture llp
2 Beechworth Road
Havant
PO9 1AX

For: Mr Samuels
Dolphin Quay LLP

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

Application Number: APP/20/00878

Site Address: Dolphin Quay, Queen Street, Emsworth

Proposal: Variation of Condition 2 of Planning Permission APP/16/00921 to vary approved Drawing 27958-PD108F (Street Scene and Section) and supersede with drawing 27958-PD118 (Proposed Site Section / Wider Street Scene) relating to change in sea wall material finish from Brick to Timber Cladding.

Further to your application received on 24 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 hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan - Topographical - DN: 27958-PD-100
Site Plan - DN: 27958-PD-103K (as amended by minor subsequent changes)
Proposed floor plans plots 3-6 - DN: 27958-PD-104F
Proposed floor plans plots 1-2 - DN: 27958-PD-105J
Proposed site section A - A - DN: 27958-PD-109B (as amended by minor subsequent changes to sea wall crossing)
Proposed elevations plots 3-6 - DN: 27958-PD-106F
Proposed elevations plots 1-2 DN: 27958-PD-107G
Flood Defence Wall Layout Drawing No. 18-3130-121 C4 received 17th December 2019
Soft Landscaping Plan Drawing No. 27958-PD140 rev C
Proposed Site Section / Wider Street Scene DN: 27958-PD118
Boundary Treatments, Hard Landscaping Plan DN: 27958-PD150 Rev H

Reason: - To ensure provision of a satisfactory development.

- 2 The timber cladding to the sea wall hereby approved shall be Lignia Rough Sawn unstained horizontal cladding unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The development shall take place in accordance with the site levels information submitted in relation to planning permission APP/16/00921 Condition No.3 and subsequently approved by the Local Planning Authority on the 30th May 2019.

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 The development hereby permitted shall be carried out in accordance with the foul and surface water drainage details submitted in relation to Condition No.4 of planning permission APP/16/00921 and subsequently approved by the Local Planning Authority on the 24th May 2019. 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.
- 5 The development hereby permitted shall take place in accordance with the details submitted in relation to planning permission APP/16/00921 Condition 5 with regard to materials to be used externally on the buildings and subsequently approved by the Local Planning Authority on the 11th July 2019. 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.
- 6 The development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.6 and subsequently approved by the Local Planning Authority on the 10th August 2020. 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 CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The boundary treatments and sea wall hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.7 and subsequently approved by the Local Planning Authority on the 30th September 2020 as amended by this consent in relation to the sea wall cladding. The structures shall thereafter be retained.

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.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building alteration, means of enclosure, or additional windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.
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.
- 9 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.
- 10 The construction phase of the development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No. 10 and subsequently approved by the Local Planning Authority on the 21st March 2019. Throughout the site clearance and implementation of the development, the approved parking provision, storage compound and mud prevention facilities shall be kept available and used only as such.
Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 11 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation the following windows at second floor level in the east elevation of Plot 1 and in the west elevation of Plot 2 to serve ensuite bathrooms, shall be fitted with 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.
- 12 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of Plots 3-6, all windows serving a bathroom or ensuite as shown on Drawing Number 27958-PD104 Rev F 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.
- 13 The construction phase of the development hereby permitted shall be carried out in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No. 13 for the Construction Environmental Management Plan and subsequently approved by the Local Planning Authority on the 24th May 2019. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
Reason: In the interests the nearby environmentally sensitive areas and having due

- 14 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by OPUS International Consultants (UK) Ltd, dated 11 May 2014 (in relation to planning permission APP/16/00921) and the following mitigation measures detailed within the FRA:

1. No habitable use of the development to occur below 4.8mAOD

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the proposed development and its occupants remain safe over its lifetime. This condition is in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 15 The siting and design of any proposed external meter boxes/metal ducting/flues and guttering shall be in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.15 and subsequently approved by the Local Planning Authority on the 29th August 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the appearance of the development within the Conservation Area and having due regard for policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The south elevations on the two detached dwellings fronting onto the Mill Pond shall include the use of non reflective glazing at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the environmentally sensitive setting and having due regard for policies CS11 and CS12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 The provision to be made for external lighting for all plots shall be in accordance with the details submitted in relation to planning permission APP/16/00921 Condition No.17 and subsequently approved by the Local Planning Authority on the 10th August 2020. There shall be no external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality 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 sought and were provided with pre-application advice,
- You were updated about issues after the initial site visit,
- Your application was acceptable as submitted and no further assistance was required.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

19 November 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.](#)

Our Ref: APP/20/00878

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