

Mr Eitel  
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Stocklund House  
East Street  
Chichester  
PO19 1JE

For: Mr Luckas

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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/19/01240

**Site Address:** 1A St James Road, Emsworth, PO10 7DN

**Proposal:** Demolition of existing bungalow. Erection of 2No. 4bed dwellings with parking and cycle storage.

Further to your application received on 17 December 2019 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 Drawing No. C0146-P001B  
Site Layout Plan Drawing No. C0146-P002D  
Proposed Site Layout Plan Drawing No. C0146-P003E  
Proposed Ground Floor Plan Drawing No. C0146-P111D  
Proposed First Floor Plan Drawing No. C0146-P112D  
Proposed Roof Plan Drawing No. C0146-P113C

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Proposed Street Elevation Drawing No. C0146-P206C  
Proposed Street Elevation Drawing No. C0146-P208A

Proposed East Elevation Drawing No. C0146-P211C  
Proposed West Elevation Drawing No. C0146-P212C  
Proposed South Elevation Drawing No. C0146-P213B  
Proposed North Elevation Drawing No. C0146-P214C  
Proposed Section A Drawing No. C0146-P215  
Proposed Section B Drawing No. C0146-P216  
Design and Access Statement (including Flood Risk Assessment) March 2020 Rev D  
European Site avoidance and mitigation checklist  
Report for Trees - Team Greens Tree Services Ltd

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

- 3 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**Reason:** To ensure that the development has an acceptable impact on neighbouring residents and in the street scene having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

**Reason:** To safeguard the amenities of the locality and/or 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.

- 5 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

**Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS15, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 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 buildings 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 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.

**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, outbuilding or windows shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

**Reason:** To ensure that adequate external amenity space is retained and to avoid unneighbourly impacts having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide 2011 and the National Planning Policy Framework.

- 9 The car parking, servicing, other vehicular access arrangements and cycle parking provision 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 A replacement Oak Tree shall be planted in the position shown on drawing No.C0146-P003E in the first planting season following the felling of the existing Oak Tree. The tree shall be a minimum 1.5m tall at the time of planting and comply with BS3936:Part 1:1992. The tree shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To conserve and safeguard the visual amenities of the locality having due regard to policies CS11 and DM8 of the Havant Borough Local Plan 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 of the building hereby permitted the en-suite window in the first floor on the side elevation of the southern most

dwelling facing south 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.

- 12 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; all measures necessary to meet the agreed waste efficiency calculation must be installed before first occupation and retained thereafter;
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
  - c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

**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 for 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 of the Pre-Submission Havant Borough Local Plan 2036.

- 13 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been 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, this shall include a hedge to part of the southern boundary (as shown indicatively on drawing No. C0146-P003E) 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, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 No above ground construction works shall take place until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the parking and maneuvering area which shall be surfaced in a non-migratory porous material. 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 and thereafter maintained.

**Reason:** In the interests of the amenities of the locality and flood risk and having due regard to policies CS15 CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM25 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 15 Prior to the occupation of the southern most unit a close boarded fence and close boarded gate with a height of 1.8m from the finished floor level of the external patio area shall be erected to the southern side of the patio as shown on drawing No. C0146-P111D. The fence and gate shall thereafter be retained and maintained in a satisfactory condition.

**Reason:** In the interests of residential amenities having due regard to policy CS16 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/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.
- (5) The applicant is advised that the Birch Tree (*Betula Pendula*) cannot be removed without first obtaining the tree owners permission. If the tree is removed there would be a replacement planting requirement for a replacement *Betula pendula to be* planted within 2m of the tree being removed, the tree would need to be 1.5m tall at the time of planting and comply with BS3936:Part 1:1992.
- (6) The following advice has been provided by Hampshire County Council as the Highway Authority to the applicant:
- Before undertaking any work which affects a public highway (including a public right of way) you must obtain specific written approval from the Director of Economy, Transport and Environment at Hampshire County Council and enter into or secure any necessary legal agreements or consents to enable the works on a public highway to proceed. It is an offence to carry out unauthorised works on a public highway. This requirement applies to the alteration of an existing vehicle access involving excavation within a footway, verge or carriageway or other works on or to the public highway. For further information, please contact [highways.development.control@hants.gov.uk](mailto:highways.development.control@hants.gov.uk)
- (7) 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
- (8) 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.
- (9) 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.
- (10) The applicant is reminded of the requirements in relation to protected species and the Wildlife and Countryside Act 1981, in particular representations have been received from a third party in relation to slow worms which have been observed in the locality.

**Simon Jenkins**

Simon Jenkins  
Interim Director of Regeneration and Place

24 April 2020