

Mr Andy Marshall
Brackley Investments Ltd
Unit 6 Lower Farm Barns
Bainton Road
Bucknell
Bicester, Oxon
OX27 7LT

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

Application Number: APP/23/00665

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

Proposal: Erection of a 78 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 01 August 2023 (which was valid from 11 September 2023) 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:

Plans:

Site Location Plan Drawing No. APL001 Rev A
Proposed Site Plan Drawing No. APL003 Rev O
Landscape Concept Plan Drawing No. APL004 Rev J
Lower Ground Floor Plan Drawing No. APL005 Rev H

Our Ref: APP/23/00665

Upper Ground Floor Plan Drawing No. APL006 Rev H
First Floor Plan Drawing No. APL007 Rev G
Roof Plan Drawing No. APPL008 Rev H
Proposed North Elevation Drawing No. APL009 Rev C
Proposed East Elevation Drawing No. APL010 Rev C
Proposed South Elevation Drawing No. APL011 Rev D
Proposed Elevation West Drawing No. APL012 Rev B
Proposed Sectional Elevation South Drawing No. APL013 Rev B
Proposed Sectional Elevation North Drawing No. APL014 Rev B
Proposed Street Elevation-Normandy Way Drawing No. APL015 Rev B
Proposed Site Sections Drawing No. APL016
Lighting Plan Drawing No. D40872/AE/D
Tree Protection Plan Ref: TH3923 dated 02/02/2024
Swept Path Analysis Drawing No. 0511 Rev P03
Swept Path Analysis Drawing No. 0512 Rev P04
Swept Path Analysis Drawing No. 0513 Rev P04
Swept Path Analysis Drawing No. 0514 Rev P03
Swept Path Analysis Drawing No. 0515 Rev P03
Swept Path Analysis Drawing No. 0516 Rev P01
Swept Path Analysis Drawing No. 0517 Rev P01
Section 38 Agreement Plan Drawing No. 0510 Rev P03
Proposed Drainage Drawing No. 0200 Rev P06

Documents/Information:

Design & Access Statement Hunters February 2024 uploaded 16th February 2024
Planning Statement Brackley Investments Ltd December 2023
Letter Instruct CS Ltd letter dated 6th February 2024 Ref:
5244-BART-ICS-CO-C-03.004
Letter Trevor Heaps Arboricultural Consultancy Ltd dated 5th February 2024
Allocation Agreement - Nitrate Mitigation at the Warnford Park Estate
Confirmation of Exchange Letter dated 20th December 2023
BREEAM UK Construction 2018 Helmsley House Care Home Design Stage Tracker
V4 Very Good Target BOE12067 dated 15/12/23
Nutrient Budget Calculator
Arboricultural Impact Assessment Method Statement & Tree Protection Plan Trevor
Heaps Arboricultural Consultancy Ltd. dated 5th December 2023
Stage 1 Road Safety Audit Report (Feasibility) (Internal access road) (Designer and
Auditor Response) Rev B Dated 14th December 2023
Flood Risk Assessment and Drainage Statement Ref:
2709-HELM-ICS-XX-RP-C-07.001 October 2023
Affordable Housing Statement June 2023
Historic Environment Assessment AC Archaeology Document No: ACW1269/1/1 -
updated April 2023
Noise Impact Assessment Rev 1 19th April 2023
Utilities Services Statement
Travel Statement Cole Easdon July 2023 Issue No. 3
Ecological Appraisal FPCR July 2023 Rev A
Flood Risk Assessment and Drainage Statement Doc Ref:
2709-HELM-ICS-XX-RP-C-07.001 May 2023
Transport Statement Cole Easdon July 2023 Issue No.4

For Information also considered in the determination of this application:

CGI 01 - Household Garden Drawing No. APL019 Rev A
CGI 02 - Main Entrance View Drawing No. APL020 Rev A
CGI 03 - West Courtyard View Drawing No. APL021
CGI 04 - East Courtyard View Drawing No. APL022
CGI 05 - Aerial View Drawing No. APL023 rev B

Our Ref: APP/23/00665

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 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 unless and 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 levels are agreed in detail in the interests of the character and appearance of the development, residential amenities and tree protection having due regard to policies CS11, CS16 and DM8 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 4 Class A (Temporary buildings and uses) no development shall commence on site unless and until a Construction Method Statement (CMS) 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;
- h) Details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process

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

Reason: In order that the Local Planning Authority can properly consider the effect of

the works on the amenity of the locality and in the interest of Highway Safety having due regard to policies CS16, DM10 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 No development shall commence on site until the care home access from Normandy Way into the site, including the footway and/or verge crossing shall be constructed and lines of sight provided in accordance with drawing APL003 Rev O and APL004 Rev J. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access and in the interests of highway safety having due regard to policies CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Prior to commencement, final details regarding the levels and drainage strategy for the site shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority, and for the levels and drainage strategy to be implemented in accordance with the approved plans.

Reason: In the Interest of highway safety and having due regard to policies CS15, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The development hereby permitted shall not be occupied unless and until full details of the management of the car parking have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Details of staff parking management including full details of shift patterns.
- Measures to be employed to avoid staff or visitor parking to Normandy Way or to nearby residential roads.
- Details of the management regime for car parking management.
- Details of measures to encourage staff to car share, use non-car based transport options.

The operation of car parking at the site shall be in full accordance with the approved details.

Reason: To ensure that car parking takes place on site in order to avoid amenity and congestion issues on the local road network and having due regard to Havant Borough Local Plan (Core Strategy) policies CS20 and DM14 and the National Planning Policy Framework.

- 9 Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority. The details shall include details of the management and maintenance of SUDs facilities including:

- Specification of 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.

This shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details.

Reason: To ensure acceptable drainage is achieved and for the avoidance of

flood risk having due regard to policies CS15 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 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 Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 12 The development hereby permitted shall only be carried out in accordance with BS5837:2012 and the Arboricultural Impact Assessment Method Statement and Tree Protection Plan (TH3923) provided by Trevor Heaps Arboricultural Consultancy Ltd dated 5th December 2023 and the Tree Protection Plan Drawing No. TH/A3/3923/TPP.

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

- 13 No development shall take place until a further detailed Scheme of Soft and Hard Landscape Works, based on the Landscape Concept Plan Drawing No. APL004 Rev J 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 DM8, DM10, CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 14 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.

- 15 Prior to the commencement of any development activities including site set up and site clearance, an Ecological Mitigation, Compensation and Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the outline ecological measures detailed within the Ecological Appraisal (FPCR, July 2023) and shall include (but not necessarily be restricted to): full details of all ecological avoidance and mitigation measures; full details of all ecological compensation and enhancement measures, including location, composition, establishment and ongoing management and responsibilities.

Reason: to protect and enhance biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

Note: The strategy shall include the provision of at least 10 integral swift boxes.

- 16 The development hereby permitted shall not be occupied unless and until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Confirmation that the acoustic mitigation measures to be employed with regard to the building envelope, including fenestration and ventilation, for all residential rooms, will meet BS8223:2014 standards as recommended for indoor ambient noise levels for dwellings, and conform to the measures as recommended in the Noise impact assessment dated 19 April 2023 Rev 1 and produced by Parkerjones Acoustics.
- Similarly for any potential mechanical plant associated with the development, an assessment in accordance with BS 4142:2014, has provided that a noise rating level limit of 40 dB and 30 dB LAeq for the day and night-time periods respectively, shall not be exceeded at 1m outside of nearby residential

windows on and off site.

Reason: To ensure the amenities of nearby residential receptors external to the proposed care home and also future residents of the home, 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.

- 17 Prior to the commencement of development including any site clearance a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local 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 following shall be included in any CEMP submitted and shall be in operation for all phases of the development i.e. excavation, clearance and construction: The plan shall 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. Details of measures to be employed to control the emission of noise during the above phases to be provided. 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) provide guidance on the requirements and indicative noise and vibration levels and criteria.

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 shall 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 shall 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 shall also specify that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, dozers and the like are working, are also be kept damp at all times.

I. No bonfires to take place on the site at any time.

J. A scheme for recycling/disposing of waste resulting from excavation and construction works is to be implemented.

The development shall thereafter be carried out in accordance with the approved details.

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 due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.

- 18 If piling is to be undertaken on this site, no such works shall take place unless and until a detailed specification of methods and programme of works have been submitted to and approved in writing by the Local Planning authority. The least intrusive noise and vibration method of piling shall be employed. This 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 during this activity. Any piling works shall thereafter be carried out in accordance with the approved details.

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.

- 19 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 189-190 of the National Planning Policy Framework.

- 20 The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between the Council, South Downs National Park Authority and Andrew Sellick of Gawthorpe Estate dated 20th December 2023 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nutrients from the development has on European protected sites. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 22 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. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 23 Prior to the commencement on a phase of the development (excluding demolition and temporary works), a Draft Design Stage Assessment demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in accordance with policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 24 Within 6 months of any phase of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Very Good' against the BREEAM Standard in the form of post construction assessment and 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 contributes to sustainable construction in accordance with policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 25 Prior to the occupation of the development the following provisions shall be made on site:

Solar Photovoltaic panels as shown on drawing reference APL008 Rev H;

Four Electric Vehicle charging points;

Green roofs as shown on drawing reference APL008 Rev H;

The Photovoltaic panels, Electric Vehicle charging provision and Green Roofs shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the details if the submitted Transport Assessment and plans, to reduce pollution and improve ecological provision to help to ensure sustainable development having due regard to policies CS11, CS14 and DM10 of the Havant Borough Local Plan Core Strategy, and the National Planning Policy Framework.

- 26 The access into the development from Normandy Way shall be provided to allow for potential future vehicular and pedestrian access for land to the north and west of the application site.

Reason: To provide for potential access to land beyond the application site in the

interests of coordination of development having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 27 The car parking, cycle 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 occupied and shall be retained thereafter for their intended purpose.
- Reason:** In the interests of highway safety, the provision of cycle parking facilities and having due regard to policies DM13 and DM14 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.co.uk
- (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 sought and were provided with pre-application advice,
 - You were updated about issues after the initial site visit.
- (5) The applicant is advised of the detailed Consultation Response received from Southern Water on the 10th October 2023. This provides information in relation to sewer protection, connection, SUDs etc and can be viewed on the Council's website at the following address:

<https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do>

- (6) The applicant is advised of the following consultation comments from the Council's Environmental Health Department (amended to take account of revised lighting plan):

It would appear from the submitted Lighting plan dated 8th February 2024 and completed by Kingfisher Lighting, that there should be limited, if any, impact on neighbouring properties. However if complaints should happen to arise after completion, advising of light spill / nuisance impacting on residential receptors, this will be investigated under the relevant nuisance legislation, & the developer / applicant may thereafter be required to carry out any remedial measures necessary to mitigate the problem.

Alex Robinson

Alex Robinson
Executive Head of Place

26 February 2024

**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) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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

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.