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For: Mr Munday

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

Application Number: APP/21/01120

Site Address: Fiscal House, 2 Havant Road, Emsworth, PO10 7JE

Proposal: Change of use from existing two storey building from B1a to residential including part demolition of existing building and formation of a new residential garden, re-allocation of parking.

Further to your application received on 27 September 2021, which was valid from 21 October 2021 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:

Drawing No. 12:1089:L(2-)-101/02/REV B - AMENDED - PROPOSED FLOOR PLANS, ELEVATIONS & LOCATION PLAN

Marketing Report dated 25th February 2022

Flood Risk Assessment & Drainage Strategy Report D2048/FRA 1.0 23rd February

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Reason: To ensure provision of a satisfactory development.

- 3 Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from - or adversely affected by -, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk.

- 4 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 3 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term

monitoring and maintenance plan"). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk.

- 5 The development permitted by this planning permission shall be carried out in accordance with the amended Flood Risk Assessment (FLOOD_RISK_ASSESSMENT_FRA-1576623) dated 23 February 2022 and the measures it details, including the following requirements:

1. As proposed in Section 6 Mitigation subsection 6.2.1 ii. b. - all proposed bedrooms to be located on the higher floors of the property. Therefore, no sleeping accommodation should be allowed on the ground floor due to the severe risk of flooding.
2. As proposed in Section 6 Mitigation subsections 6.2.1 i. and 6.2.1 ii. – as the existing ground floor levels can't be changed, all flood resistance and resilient measures proposed must be installed prior to occupation for the 1 in 200-year tidal flood levels including climate change for the lifetime of the development of 4.5mAOD.
3. As proposed in Section 6 Mitigation subsections 6.2.1 ii. d. – a Flood Evacuation Plan must be developed and agreed by the LPA. The occupants must also sign up to the Environment Agency's Flood Warning System.

Reason: To reduce the risk of flooding to the proposed development and future occupants having due regard to policy CS15 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

- 6 No development hereby permitted, including demolition works, shall commence until details of the measures that will be undertaken to protect the public sewers have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To safeguard against undue damage to the public sewer in the vicinity of the site having due regard to policies CS15, CS19 and DM10 and the National Planning Policy Framework.

- 7 The new dwellinghouse/garden area shall not be brought into use until such time as the existing 3 windows in the south eastern/north eastern and eastern elevation of the retained offices/toilet facilities have been removed and the openings blocked up in accordance with the approved plans.

Reason: In the interests of the amenities of the future occupiers of the new dwellinghouse and having due regard to policy CS16 of the Havant Borough Local

- 8 Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or outbuilding permitted by Classes A, C, D or E of Part 1 of Schedule 2 to the 2015 Order (as amended) shall be constructed within the curtilage of the site without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of the immediate locality and having due regard to policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 9 The development shall not be brought into use until a minimum of 2 parking spaces have been provided for the new dwellinghouse and 4 parking spaces have been provided for the retained office use all within the curtilage of the site in accordance with the approved details and thereafter all of those spaces kept available for such purposes.

Reason: In the interests of highway safety and having due regard to policy DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD July 2016 (Partially updated September 2019) and the National Planning Policy Framework.

- 10 Prior to the commencement of development material samples and / or material details / specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: To preserve the character of the nearby listed building and the Emsworth Conservation Area having due regard to policies CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and DM20 of Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 11 No development shall commence until details of new windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such information to comprise: - 1:20 plan, section and elevations shown in context with the opening within which it is set. Details of finishes and the method of opening to be provided. The windows and doors shall thereafter be provided in full accordance with such approval details and be retained thereafter.

Reason: In order to safeguard the building's special architectural and historic interest and the character of the Emsworth Conservation Area having due regard to policies CS11 of Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of Havant Borough Local Plan (Allocations) 2014 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; and

- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 13 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. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011

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.

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(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) It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered 3 & 4 have been imposed in response to contamination risks which exist at the site in connection with the structures present throughout the mixed-use tenure of the site. Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with relatively low mobility.

Relevant exposure pathways associated with exposure to these contaminants are therefore generally associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas, though normal residential use). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that contamination within the footprint of the former- & proposed-dwelling is necessary. It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown- source of contamination which is likely to be mobile. It is expected that a physical site investigation limited to a maximum of 1m depth (below existing ground levels) will prove to be sufficient to characterise the risks posed to future occupants. The Council expects the sampling suite to include CLEA metals, PAH16 & an asbestos screen at a minimum.

(6) The applicant is advised of the following comments from Southern Water:

A formal application for connection to the public sewerage system is required in

order to service this development. Please read our New Connections Services Charging Arrangements documents which have now been published and is available to read on our website via the following link
southernwater.co.uk/infrastructure-charges

(7) The applicants are advised of the following comments by the Environment Agency:

Advice to Applicant

Environmental Permit .

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Simon Rowberry

Simon Rowberry
Executive Head of Place (Interim)

08 July 2022

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