Havant BOROUGH COUNCIL

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Mrs Herrick
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51 Great Marlborough Street
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For: Hargreaves Properties Ltd

The Town and Country Planning (Development Management Procedure) (England) Order 2010
Grant of Planning Permission

Application Number: APP/12/00852
Site Address: Land bounded by Solent Road, Brockhampton Lane & Selbourne Road, Havant
Proposal: Demolition of existing buildings on site and erection of a single structure (for class A1 use) extending to 4289 sq.m (GEA) at ground floor and up to 3328 sq.m (GEA) at first floor, with associated access, parking and servicing.

Further to your application received on 16 August 2012, which was valid from 20 August 2012, 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 begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (if applicable).

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
Reason: The site lies above a Secondary A Aquifer, and the Lewes nodular chalk formation (a principal aquifer) and in the vicinity of the groundwater Source Protection Zone 1 for the Bedhampton and Havant Springs water supply. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies. This condition is in line with paragraphs 109 and 121 of the NPPF and Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

3 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in any approved remediation strategy required pursuant to Condition 2(3) above, and the effectiveness of that remediation has been submitted to and approved, in writing, by the local planning authority. Should such a report be required it shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: The site lies above a Secondary A Aquifer, and the Lewes nodular chalk formation (a principal aquifer) and in the vicinity of the groundwater Source Protection Zone 1 for the Bedhampton and Havant Springs water supply. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies. This condition is in line with paragraphs 109 and 121 of the NPPF and Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
Reason: The site lies above a Secondary A Aquifer, and the Lewes nodular chalk formation (a principal aquifer) and in the vicinity of the groundwater Source Protection Zone 1 for the Bedhampton and Havant Springs water supply. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable supplies. This condition is in line with paragraphs 109 and 121 of the NPPF and Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

5 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), ref.no. 1456-R2 and dated August 2012, and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 7.26m above Ordnance Datum (AOD).

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 reduce the risk of flooding to the proposed development and future occupants. This condition is supported by Paragraph 103 of the National Planning Policy Framework (NPPF) which states Local Planning Authorities (LPA) should ensure flood risk is not increased elsewhere, and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

6 No development (other than demolition of buildings) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the run-off from the existing site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
Reason: To prevent the increased risk of flooding, both on and off site. This condition is in line with paragraph 103 of the National Planning Policy Framework (NPPF) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

7 The commencement of the development shall not take place until a programme for the suppression of dust during the construction/demolition phases of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction and demolition unless any variation has been approved by the Local Planning Authority.
Reason: In the interests of residential amenity and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

8 No development hereby permitted (other than demolition of buildings) shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard against undue damage to existing trees and other vegetation at and in the vicinity of the site and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

9 Construction of the building hereby approved shall not commence until plans and particulars specifying the finished levels (above ordnance datum) of ground levels surrounding the building in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

10 No development hereby permitted (other than demolition of buildings) shall commence until plans and particulars specifying the final alignment, width, gradient and type of construction proposed for all new and altered accesses to serve the retail unit (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.

Reason: To ensure that they are constructed to satisfactory standard and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

11 No development hereby permitted (other than demolition of buildings) shall commence until a specification of measures to be undertaken to prevent damage to the existing maple tree shown for retention on the northern boundary of the site throughout implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times which such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than 3 metres height when planted.
Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

12 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials have been submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

13 No development hereby permitted (other than demolition of buildings) shall commence 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. 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.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

14 No development hereby permitted (other than demolition of buildings) shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.
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 National Planning Policy Framework, March 2012.

15 No development hereby permitted (other than demolition of buildings) shall commence until plans and particulars specifying the provision to be made for external lighting of the same has been submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site other than as thereby approved.
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.

16 No development hereby permitted (other than demolition of buildings) shall be commenced until a 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, 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, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

17 The construction of the retail unit hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of the relevant unit. Unless otherwise agreed in writing with the Local Planning Authority the assessment shall demonstrate that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment.
Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

18 A waste management policy for the retail unit shall be submitted to and approved in writing by Local Planning Authority prior to its occupation. Such policy shall provide a clear statement explaining the method of waste management which will be used throughout the site activities i.e. Disposal of trade waste, disposal of office waste, location of waste storage facilities.
Reason: To prevent contamination to land and watercourses, and to minimise odour nuisance and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

19 No works or ancillary operations associated with the construction of the development which is audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall take place on any Bank Holiday, nor on any other day except between the following times:

Monday to Saturday – 0800 hours - 1800 hours.
Sunday – 1000 hours - 1600 hours

Unless in association with an emergency, or in connection with a continuous construction procedure that cannot be interrupted, or with the prior written approval of the Local Planning Authority.
Reason: To protect the occupants of nearby residential properties from noise disturbance, and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

20 Any proposal relating to the installation and operation of potential noise creation equipment (manufacturing plant, refrigeration units, air conditioning, extract ventilation equipment and so forth) shall be agreed and approved in writing by the Local Planning Authority prior to any such installation taking place.

N.B. Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.
Reason: In the interests of protecting local residents from unreasonable noise levels which would be detrimental to the residential character of the area, and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

21 Any proposal relating to the installation and usage of odour causing processes and / or odour suppression equipment (e.g. extract ventilation equipment) related to processes shall be agreed and approved in writing by the Local Planning Authority prior to any such installation taking place
Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

22 Vehicular access for customers to the site shall only be taken from Selbourne Road.
Reason: To accord with the terms of the application as amended, and in order to protect the amenities of the adjacent Brockhampton Lane properties, which lie within a Conservation Area, and having due regard to Policies CS16 and CS11 of the Havant Borough Local Plan (Core Strategy) 2011.

23 The retail unit shall not be occupied until the related space for the loading, unloading and parking of cars, motorcycles and cycles has been provided within the relevant site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

24 Construction of the covered cycle parking areas hereby approved shall not commence until details of the final design, appearance and materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the amenity of the area and to secure adequate cycle parking provision at the site, and having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

25 Notwithstanding the provisions of any Town and Country Planning Use Classes Order, the total amount of gross floorspace used for the sale of convenience goods in the retail unit hereby approved shall not exceed 1,486 sqm without the prior written approval of the Local Planning Authority.
Reason: To accord with the terms of the application as submitted, to safeguard the vitality and viability of the town centre, and to secure the adequacy of the associated vehicular parking provision and having due regard to the National Planning Policy Framework and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

26 No separate or self contained unit or franchised area of floorspace of less than 465sq.m. (5,000sq ft) shall be created by the division or sub-division of the floorspace.
Reason: To accord with the terms of the application submitted and in order to ensure the vitality and viability of the existing Havant Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to the National Planning Policy Framework 2012.

27 There shall be no commencement on site until such time as details of the access works on Solent Road and Selbourne Road as indicated in principle on drawing '14080-24 Rev C' and the works on Solent Road and Brockhampton Lane as indicated in principle on drawing '1209-PL12 Rev I' have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the site for the purposes of the planning permission until the approved details have been constructed to the written satisfaction of the Local Planning Authority.
Reason: To ensure safe and suitable access to the site and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

28 A Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in writing before development commences. This should include; lorry routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before the development is commenced.
Reason: In the interests of highway safety and having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

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

Plans/Illustrations:

- 1209 PL10 Rev A – Site Location Plan
- 480/31/1_1a – Site Location Plan
- 1209 PL11 Rev C – Site & Ground Floor Plan in Context
- 1209 PL12 Rev I - Proposed Site and Ground Floor Plans
- 1209 PL13 Rev C – Proposed Roof Plan
- 1209 PL14 Rev D – Proposed Elevations
- 1209 PL15 Rev A – Proposed Elevations & Section A-A & B-B
- 1209 PL17 Rev B – 3D Views
- 1209 PL18 Rev A – Brockhampton Lane Boundary Treatment Options 1 & 2
- 1209 PL19 – Hard Landscaping Details & Materials
- 1209 PL20 Rev A – Photographs of Existing Site & Buildings to be demolished
- 1209 PL21 Rev A – Photographs of Wider Site Context including Town Centre
- 1209 PL22 Rev A – Photographs of Existing Adjoining Retail Development

Documents:

- Planning Statement, August 2012
- Design and Access Statement, August 2012
- Transport Assessment, including Framework Travel Plan, 6 August 2012
- Retail Assessment, August 2012
- Flood Risk Assessment and Drainage Strategy, August 2012
- Air Quality Assessment, 10 August 2012
- Noise Impact Assessment, 15 August 2012
- Environmental Investigation Report, August 2012
- Statement of Community Involvement, August 2012

Other information submitted:

- Rapleys Response to Policy Comments, dated 7 November 2012
- DTA Response (including appendices with revised Framework Travel Plan) to HCC comments, dated 20 November 2012
- DTA further response and LINSIG modelling evidence, dated 7 December 2012

Reason: - To ensure provision of a satisfactory development.

Other Important Information:

In reaching its decision the Council has had regard to the relevant policies of the Havant Borough Local Plan And Other Planning Policy Documents including the National Planning Policy Framework 2012.

Havant Borough Core Strategy 2011

CS11	Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS14	Efficient Use of Resources
CS16	High Quality Design
CS17	Concentration and Distribution of Development within the Urban Areas
CS2	Employment
CS21	Developer Requirements
DM10	Pollution
DM14	Car and Cycle Parking on Development (excluding residential)
DM8	Conservation, Protection and Enhancement of Existing Natural Features

The Council considers, having regard to the objectives of these policies and The National Planning Policy Framework, March 2012, that the principle of the development is acceptable in this case, and also that the impact of the development is acceptable in terms of retail and employment issues; effect of development on the character of the area; effect on the amenity of neighbouring properties and Conservation Area; highway issues; environmental considerations. Having taken into account the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the Council has determined that planning permission should be granted for the development.

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.

(2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

(3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at Public Service Plaza or by telephoning 023 9244 6015.

(4) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 19 June 2013 which secures the following:
(i) a signage strategy for both the application site and the adjoining Solent Retail Park, including provisions for implementation of the agreed signage;
(ii) prevent the letting of the retail unit in the first instance to any of the existing retailers in the town centre;
(iii) an Employment and Skills Plan for the construction and occupation phases of the development.
(iv) a financial contribution of £96,600 towards the adopted Hampshire County Council Transportation Contributions Policy; and
(v) the provision of a Full Travel Plan together with Hampshire County Council's monitoring and approval fees.

(5) A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.

(6) It is a legal requirement under the provisions of the Site Waste Management Plans Regulations 2008 to have a site waste management plan (SWMP) before construction begins on all new construction projects worth more than £300,000. The level of detail the SWMP should contain depends on the estimated build cost, excluding VAT. Further information can be found at http://www.legislation.gov.uk/uksi/2008/314/contents/made

(7) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) take a positive and proactive approach to development proposals focused on solutions. HBC work with applicants and agents in a positive and proactive manner 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

In this instance:

- You sought and were provided with pre-application advice,
- You were updated about issues after the initial site visit, and amended plans were accepted.



Mr Chris Murray
Service Manager (Planning Development)

20 June 2013