

Mr M Taylor
Avison Young
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London
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For: Mr M Taylor
Avison Young

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

Application Number: APP/20/01127

Site Address: Mill Rythe Holiday Village, 16 Havant Road, Hayling Island, PO11 0PB

Proposal: Application for full planning permission, pursuant to APP/16/01237, for the redevelopment of the holiday site including the demolition of redundant chalets, use of land for the siting of 112 holiday caravans with areas of open recreational space, cease the use of the land for pitch and putt purposes and retain the remaining pitch and putt area as a managed wildlife area including the provision of an ecology bund & ditch, landscaping, the siting of three bird hides with bat roost in their roof spaces and a mown 'circular wildlife walkway'.

Further to your application received on 24 November 2020, which was valid from 08 January 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:

Arboricultural Impact Assessment and plan MJC-20-0157-02 Rev: A Sheet 1, 2, 3 and 4
Bat surveys Report No: RT-MME-153320 Date: November 2020
Ecological Mitigation Strategy Report No: RT-MME-153231-03 Date: November 2020
Flood Risk Assessment & Drainage Strategy ref: 01C00816.

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Landscape and Visual Impact Assessment 7th October 2020
Planning Statement
PRELIMINARY ECOLOGICAL APPRAISAL Report No: RT-MME-153231-01 Date: November 2020
Reptile survey Report No: RT-MME-153231-02 Date: November 2020
Transport statement - November 2020 V2.0
Site Location Plan - 3877-300 Rev:A
Proposed site plan 3877-410 REV R
Proposed bird hide 3877-411
Proposed bund and Ecology ditch cross section 3877-412A

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the details shown on the approved plans no development shall commence unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls, windows, and roofs of the refurbished buildings and for all caravans, including external walls, roofing, window/door frames and ancillary access or decking elements surfacing and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area, the adjacent AONB and the quality of the development, in accordance with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 4 No development shall take place until a further detailed Scheme of Soft and Hard Landscape Works 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,
- iv) Retained areas of grassland cover, scrub, hedgerow, trees and woodland,
- v) Manner and treatment of watercourses, ditches and banks,
- vi) A schedule of landscape maintenance for a minimum period of 5 years include details of the arrangements for its implementation,
- vii) Details of all hard-surfaces, such as paths, access ways, seating areas and parking spaces, including their appearance, depth and permeability,
- viii) Means of enclosure, in particular boundary walls and planting around properties and holiday caravans including their frontages, including any retaining structures,
- 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 within the first five years of planting, 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, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 5 Details of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future residents, create an appropriate public realm, and conserve dark night skies of the AONB in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the NPPF.

- 6 No development shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. All LEMP measures shall be in accordance with those detailed within the Habitats Regulations Assessment (Middlemarch, March 2021) and the Ecological Mitigation Strategy (Middlemarch, November 2020) unless otherwise agreed in writing by the Local Planning Authority. The LEMP shall include (but not necessarily be restricted to): details of all habitat and species mitigation measures; costed management plan for the Solent Wader & Brent Goose site H43/Mill Rytte Holiday Park Site of Importance to Nature Conservation (SINC); details of the location, composition and ongoing management of all compensatory or enhancement habitat; location, type and number of all bat/bird boxes and other ecological enhancements; details of lighting. All ecological compensation/enhancement measures shall be installed/implemented in accordance with ecologist's instructions and retained in a location and condition suited to their intended function.

Reason: To protect and enhance biodiversity in accordance with the Conservation Regulations 2017, the Wildlife & Countryside Act 1981 (as amended), the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

- 7 No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. This shall include details of measures to avoid harm to the natural environment, including explicit avoidance and mitigation measures and the roles and responsibilities of those persons responsible for implementing the agreed CEMP. The details shall also include:

- a) waste disposal measures to be implemented linked to any demolition, excavation, clearance and construction works on the site; and
- b) Measures to minimise creation and impact of dust.
- c) Consideration of how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to SPA birds (i.e. October to March inclusive). Details of noise monitoring of the construction and demolition work at sensitive locations,
- d) Any percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor which is the nearest point of the SPA or SPA supporting habitat - high tide roost sites) should not be undertaken during the bird overwintering period (i.e. October to March inclusive).
- e) Measures to visually screen the construction works from the sensitive areas;
- f) Details of the ornithological watching brief necessary for any demolition and construction works during October to March.

The CEMP shall be in accordance with the measures detailed within the submitted Habitats Regulations Assessment (Middlemarch, March 2021) and the Ecological Mitigation Strategy (Middlemarch, November 2020).

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

- 8 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Highway Authority), the details 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;

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

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.

- 9 Prior to the occupation of the development hereby permitted details of signage to warn vehicle drivers of the need to give way to users of the Right of Way, 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 and the agreed signage shall thereafter be retained at all times.

Reason: In the interests of highway safety and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The holiday caravans and chalets shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the holiday village shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 11 No more than 309 static caravans used for holiday accommodation shall be stationed on the site.

Reason: To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 12 Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

1) An intrusive site investigation based on the proposals outlined within the ASI Ltd. Preliminary Ground Contamination Risk Assessment Report Ref: R17-12377/ds Aug 2017 Rev.1.0; 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 all identified receptors.

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

o appropriately considered remedial objectives,

o an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;

o 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 to future employees & guests at the site, and/or to adjacent sensitive environmental receptors.

- 13 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 12 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 in accordance with the approved details.

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 to future employees & guests at the site, and/or to adjacent sensitive environmental receptors.

- 14 No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding. Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- i) Specify the responsibilities of each party for the implementation of the SUDS scheme
- ii) Specify a timetable for implementation
- iii) Provide a management and maintenance plan for the lifetime of the development. This will include the condition of the existing ditch, which will take surface water from the development site, should be investigated before any connection is made. If necessary, improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this, including photographs should be submitted. In addition details of 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 before

any part of the development is occupied and shall be retained thereafter.

Reason: To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 15 The development hereby permitted shall be carried out in accordance with the approved 'Flood Risk Assessment and Drainage Strategy' compiled by Avison Young dated December 2020) and the following mitigation measures detailed in the FRA:

- i) Finished floor levels shall be set no lower than 650mm metres above ground level.
- ii) All holiday lodge caravans shall be anchored to the ground in at least two places to prevent lateral displacement should a flood event occur.
- iii) A Flood Warning and Evacuation Plan shall be written for the site and all staff shall sign up to receive Environment Agency Flood Warnings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, unless otherwise agreed in writing, by the Local Planning Authority.

Reason: The site is within flood zones 2 and 3 where development is sensitive to flood risk, as such without the protection measures outlined within the Flood Risk Assessment in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 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, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 17 At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed 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, and Policy E14, EX1 and E12 of the Pre-Submission Havant Borough Local Plan.

- 18 No development, including demolition shall commence until the submission of a Tree Survey and updated Arboricultural Impact Assessment (including a Tree Constraints Plan), Arboricultural Method Statement and Tree Protection Plan showing the tree or group of trees, the Root Protection Area(s) and the crown spread(s) in relation to the proposed development has been submitted to and agreed in writing by the Local Planning Authority. All tree root protection areas identified, shall be protected by protection fencing in accordance with BS 5837:2012.
- The approved tree protection measures shall be implemented before any equipment, machinery, or materials are brought on to the site in connection with the works. They shall be retained intact for the duration of the construction works and shall only be removed or altered following completion of that phase.
- Reason:** To preserve the amenity visual amenity of the locality in accordance with policies CS11, CS12 and CS16 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.
- (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:

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- You were updated about issues after the initial site visit, and further information was provided.
- (5) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 20/10/21 which requires:
1. Nutrient mitigation
 2. Solent Recreation Mitigation Strategy
 3. Contribution towards Solent Waders and Brent Geese Strategy
 4. Monitoring fees
- (6) 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.
- (7) 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.
- (8) You are hereby requested to ensure that any external lighting that may be installed on this site, within the grounds or attached to the building, is so positioned so as not to cause nuisance to neighbouring properties. This is in order to protect the occupants of nearby residential dwellings from light pollution.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

21 October 2021

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