



Havant
BOROUGH COUNCIL

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Mr Simon Wilson
Stoke Fruit Farm
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**The Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Prior Approval is Required and Hereby Given

Application Number: APP/16/00338

Site Address: The Dairy, Northwood Lane, Hayling Island, PO11 0LR

Proposal: Prior Notification for Change of use from agricultural buildings (milking parlour and cattle stalls) to 2No. Residential Dwellings (Class C3) subject to prior approval covering flooding, highways and transport issues, noise and contamination.

Further to your application received on 05 April 2016, Havant Borough Council, as Local Planning Authority **Grants Prior Approval** 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 Prior to the commencement of development hereby approved (other than site clearance, partial demolition and consequential works for the purpose of ensuring structural stability of retained buildings), 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

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- 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 in the Remediation Strategy (2) are complete, to include consideration of contingency action.
- All elements shall be adhered to unless agreed in writing by the Local Planning Authority
- Reason:** Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.
- 2 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] 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 &/or that the integrity of risk mitigation measures is adequate.
- Reason:** Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy 2011) and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.
- 3 The development hereby permitted shall not commence unless and until details of the proposed external works to the building are submitted to and approved in writing by the Local Planning Authority.
- Reason:** To control the extent of the alterations in the interests of the character and appearance of the area and the building having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The dwelling hereby permitted shall not be occupied unless and until the demolition of a section of the adjacent agricultural building (Pea Store) has taken place in accordance with the submitted details in this application.
- Reason:** To ensure that a sufficient separation distance exists between agricultural buildings and the residential use having due regard to the occupants of the dwelling and policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The occupation of the dwelling shall not commence unless and until car parking for two cars is provided within the curtilage of each dwelling unless alternative car parking arrangements are approved in writing by the Local Planning Authority.
- Reason:** To ensure that the parking is acceptable in the interests of amenity having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Notwithstanding the submitted plan the occupation of the dwellings hereby permitted shall not take place unless and until a more detailed plan indicating the layout of the curtilage of each dwelling has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure adequate amenity space around the building and a compatible relationship to the adjacent farm use having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/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.
- (1) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit.
- (2) The applicant is advised in relation to conditions 1 and 2 to discuss the scope of the required works with the Council's Environmental Control Officer:
Email: jonathan.driver@havant.gov.uk
Tel (Direct Dial): 023 9244 6677
 - (3) Informative regarding Hours of Work:
You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday: 8.00 – 18.00 and Saturday: 8.00 – 13.00.
This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance.
 - (4) Informative regarding Bonfires:
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.

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- (5) Informative regarding Dust Control:
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.
- (6) Informative regarding light pollution:
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.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

31 May 2016