

Mr G Beck
Luken Beck MDP Ltd
30 Carlton Crescent
Southampton

For: Mr Hooper
Havant Property Investment LLP

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

Application Number: APP/21/00200

Site Address: 32 New Lane, Havant, PO9 2NG

Proposal: Demolition of existing buildings and redevelopment of site comprising erection of distribution warehouse (class B8) with ancillary offices and related facilities, vehicle storage deck, new access, landscaping and associated infrastructure.

Further to your application received on 23 February 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:

Plans:

Proposed Warehouse Elevations Drawing Number 2101-S4-P6
Proposed Warehouse Floor Plan Drawing Number 2102-S4-P6
Proposed Van Parking Deck Plan - Levels 0 & 1 Drawing Number 2103-S4-P4
Proposed Van Parking Deck Plan - Levels 2 & 3 Drawing Number 2104-S4-P4
Proposed Warehouse Roof Plan Drawing Number 2109-S4-P3
Site Location Plan Drawing Number 2001-S4-P3

Proposed Site Plan Drawing Number 2003-S4-P7
 Proposed Site Plan Grade Level Drawing Number 2003A-S4-P3
 Proposed Building Overlay Drawing Number 2004-S4-P3
 Proposed Parking and Vehicular Movements Drawing Number 2005-S4-P5
 Existing and Proposed Site Section Drawing Number 2006-S4-P7
 Proposed Boundary Treatments Plan Drawing Number 2008-S4-P3
 Proposed Guard Hut & Guard Cabin Details Drawing Number 2009-S4-P3
 Proposed Cycle and Smoking Shelter Details Drawing Number 2010-S4-P3
 Proposed Height Restrictor & Vehicle Barrier Details Drawing Number 2011-S4-P3
 Landscape Masterplan Strategy Drawing Number LLD2077-LAN-DWG-010 Rev 03
 Tree Constraints Plan Drawing Number LLD2177-ARB-DRG-001 Rev 03
 Tree Retention and Protection Plan Drawing Number LLD2177-ARB-DWG-002 Rev 04
 Bulk Earthworks Analysis 15.5m FFL Drawing Number C200810-PIN-XX-XX-DR-C-220 Rev P02
 Levels Strategy 15.5m FFL Drawing Number C200810-PIN-XX-XX-DR-C-206 Rev P05
 External Lighting Lux Level Plot Drawing Number 10290-PL-100 Rev B
 External Lighting Intrusive Lighting Renders & Calculation Points Drawing Number 10290-PL-101 Rev B
 Access Road General Arrangement Drawing - Drawing Number LLD2177-LAN-DWG-150 Rev 03
 Proposed Junction Layout with Landscaping Overlay Drawing Number 205452/PD14

Documents:

Planning Statement Luken Beck February 2021
 Design and Access Statement SMR Architects 7379/DAS/V3 February 2021
 Transport Statement - Vectos February 2021
 Supplementary Transport Assessment - Vectos July 2021
 Transport Assessment Addendum - Vectos - Bus Services 205452/N09
 Daily Trip Generation Note - Vectos - 205452/N10
 Highways Response Note - Vectos 205452/N13
 Travel Plan - Vectos June 2021
 Non-Motorised User Context Assessment -Vectos February 2021
 Air Quality Assessment Delta-Simons Project No. 20-1275.01 Issue 2 January 2021
 Air Quality - Response to Havant Borough Council Environmental Health Comments Delta-Simons Project Number 20-1275.03 24th May 2021
 Air Quality - Response to Havant Borough Council Environmental Health Additional Comments - Delta-Simons 20-1275.03 18th August 2021
 Noise Constraints Assessment Tetra Tech A118298 Rev 3 February 2021
 External Artificial Lighting Assessment Report KTA Report Number IDS/JG/10290/PL1/R1 February 2021
 Pfizer Biotech Incumbent Lighting Survey KTA 10290-ELR-100 8 December 2020
 Existing Tree Schedule Lizard Landscape Design and Ecology Project Reference LLD2177 Rev 02 February 2021
 Arboricultural Impact Assessment and Method Statement Lizard Landscape Design and Ecology Project Reference LLD2177 Rev 02 8 February 2021
 Flood Risk Assessment Pinnacle Consulting Engineers Flood Risk Assessment C200810-PIN-XX-XX-RP-C-01 Version 4.0 9 February 2021
 Drainage Strategy Report Pinnacle Consulting Engineers C200810-PIN-XX-XX-RP-C-02 Version 8.0
 BREEAM Pre-assessment Yonder Job Nr. 2225 Rev A 29 January 2021
 Phase 1 Environmental Assessment EPS UK20.5052 Issue 4 25 January 2021
 Construction Management Plan TSL Issue No.3 12th January 2021
 Landscape and Visual Impact Assessment Lizard Landscape Design and Ecology Project Reference LLD2177-LPL-REP-001 Rev 01 9 February 2021
 Landscape and Visual Impact Assessment Lizard Landscape Design and Ecology Project Reference LLD2177-LPL-REP-001 Rev 01 Appendix E
 Landscape Design Strategy Lizard Landscape Design and Ecology Project Reference LLD2177-LAN-REP-001 Rev 2 30th June 2021

Ecological Impact Assessment Lizard Landscape Design and Ecology Project
 Reference LLD2177 Rev 03 26th May 2021
 Statement of Community Involvement Luken Beck January 2021
 Construction Employment and Skills Framework Plan Fellows Planning uploaded
 26th August 2021
 Employment and Skills Note uploaded 26th August 2021
 Outline Remedial Strategy & Implementation Plan EPS Project Reference
 UK20.5052D Issue 2.1 24th May 2021
 Dialux External Lighting Assessment Report Thorux Lighting Report Number
 JW/LW/540939/DLX
 Framework Operational Management Plan -Vectos July 2021
 Framework Delivery and Servicing Management Plan - Vectos July 2021
 Framework Car Park Management Plan - Vectos July 2021

Reason: To ensure provision of a satisfactory development.

- 3 The construction phase of the development shall be carried out in accordance with the approved Construction Management Plan (produced by TSL) Issue No.3, unless otherwise agreed in writing by the Local Planning Authority. This includes construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision for addressing any abnormal wear and tear to the highway, and a programme for construction.

Reason: In the interest of highway safety having due regard to policies CS20 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Prior to the occupation of any relevant part of the permitted development, a Full Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be based upon the principles outlined within the Vectos Ltd. Framework Management Plan document dated July 2021, be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: To ensure any future occupier abides by the assumptions within the Transport Assessments agreed at planning having due regard to policies DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.

- 5 Prior to occupation of the development hereby permitted a Full Car Parking Management Plan (building on the Vectos Framework Car Parking Management Plan July 2021) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: To ensure any future occupier abides by the measures agreed at planning having due regard to policies CS20, DM11, DM12 and DM14 of Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Council Parking SPD and the Planning Policy Framework.

- 6 Prior to occupation of the development hereby permitted, a Full Delivery Servicing Management Plan (building on the Vectos Framework Delivery Servicing Management Plan July 2021) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved plan shall be implemented as approved, and be observed throughout the period that the lawfulness of activity at the development land relies upon this Planning Permission.

No significant deviation from the provisions of the approved plan shall be permitted, without the express written consent of the Local Planning Authority.

Reason: To ensure any future occupier abides by the measures agreed at planning having due regard to policies CS20, DM11 and DM12 of Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy Framework.

- 7 The development hereby permitted shall not be brought into use unless and until the Cycle Parking shown on drawing No. 2010-S4-P3 has been provided. The cycle storage facilities shall thereafter be maintained and retained in accordance with these details.

Reason: To ensure that adequate provision is made for sustainable transport options having due regard to policy DM14 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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

Photovoltaic panels as shown on drawing reference 2109-S4-P3

Electric Vehicle charging provision for 20% of all car and van parking spaces provided on site. In addition the remaining 80% of van parking spaces shall be provided with passive infrastructure to allow for further charging points to be easily installed.

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

Reason: To accord with the details of the submitted Transport Assessment, to reduce pollution and to help to ensure sustainable development having due regard to policies CS14 and DM10 of the Havant Borough Local Plan, emerging policy IN3 of the Havant Borough Local Plan Submission Version and the National Planning Policy Framework.

- 9 All delivery vans operating from the site shall be liveried and branded in a manner to allow for easy identification to ensure that the operation is in line with the operational management plan.

Reason: To allow for monitoring of the site operation in order to ensure that routes to and from the site utilise main routes in the interests of residential amenity and to avoid congestion having due regard to policies CS16, CS20 and DM10 together with the National Planning Policy Framework.

- 10 Prior to the occupation of the development hereby permitted to install and maintain permanent traffic counters and monitor traffic levels across the 3 site accesses in accordance with the figures agreed at planning, as reflected in Appendix A of the Operational Management Plan. The monitored details shall be fed into Hampshire County Council's permanent traffic count database and available to view as required by the Local Planning Authority and County Highway Authority.

Reason: To confirm that the traffic levels presented in the Operational Management Plan at planning are reflective of the on-site operation in the interests of amenity and the efficient operation of the Highway Network having due regard to policies CS20 and DM12 together with the National Planning Policy Framework.

- 11 Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any 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 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) Further intrusive site investigation & monitoring based on the proposals given within the EPS Ltd. Phase II Environmental Assessment Report Ref: UK20.5052D iss.2.1 (24/05/2021); 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;

- 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 in the Remediation Strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: Prior assessment has indicated the likely presence of contaminants within areas of the development land that have not previously been investigated. The site is above the secondary superficial aquifer which would be considered a moderately sensitive controlled water receptor. The chalk principal aquifer and associated SPZ1c occurs at depth beneath the site under a layer of London clay. The chalk would be considered a highly sensitive controlled water receptor. Alongside the health of future occupants of the development land, and the health of occupiers of adjacent land, these receptors could potentially be impacted by contamination present on this site. 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.

- 12 Prior to occupation of any part of the site, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and confirmed 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 to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is 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.

- 13 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy 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.

- 14 Construction of the development (except for demolition and preparation works) shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that drainage of the site is acceptable to prevent flood and pollution risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan 2011 and the National Planning Policy Framework.

- 15 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior the development being brought into use. The submitted details shall include;

- a Maintenance schedules for each drainage feature type and ownership.
- b Details of protection measures.

Reason: To ensure suitable drainage and to avoid flood risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The drainage system shall be constructed in accordance with the Drainage Strategy Report; ref: C200810-PIN-XX-XX-RP-C-02. Surface water discharge to the public sewer network shall be limited to 174 l/s (1 in 1 year), 395 l/s (1 in 30 year) and 395 l/s (1 in 100 year). Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.

Reason: To ensure suitable drainage and to avoid flood risk having due regard to policies CS15 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 17 No piling or other deep foundation using penetrative methods shall take place unless and until details of the piling proposals are submitted to and approved in writing by the Local Planning Authority. If the piles/foundations are proposed to penetrate the full depth of the Clay cover at the site a piling risk assessment and method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including pollution prevention measures shall be submitted. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways for contaminants and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 Prior to use of the site commencing, an assessment of noise of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, to be installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The noise emitted from the use of this plant, machinery or equipment shall not exceed the noise criteria provided in Tetra Tech's Noise Constraints Assessment A118298 rev 3 dated 09/02/21. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound.

Reason: In order to safeguard the amenities of adjoining residential occupiers having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework. The details are needed prior to the use of the site commencing so that any additional mitigation measures can be incorporated.

- 19 The development including any demolition shall not commence unless and until a pre-commencement site meeting with the site agent, the applicants Arboricultural Consultant and a Havant Borough Council Arboricultural representative has taken place to ensure that all tree protection is correctly in place. The tree protection shall thereafter be retained and maintained as approved for the duration of the demolition works.

Reason: In the interest of the character and appearance of the area and to ensure the retention of important trees and hedges having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 20 The development including demolition shall take place in full accordance with the Arboricultural Impact Assessment and Method Statement Rev 02 Lizard Landscape Design and Ecology and Tree Retention and Protection Plan Drawing No. LLD2177-ARB-DWG-002 Rev 04. In addition all works within the Root Protection Areas of retained trees shall be supervised by the Applicants Arboricultural Consultants.
- Reason:** In the interest of the character and appearance of the area and to ensure the retention of important trees and hedges having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 21 The landscaping works shown on the approved plans Drawing No. LLD2077-LAN-DRG-010 Rev 3 and detailed in Landscape Design Strategy Lizard Design and Ecology LLD2177-LAN-REP-001 Rev 02 shall be carried out in accordance with the approved details and in accordance with any timing / phasing arrangements approved or within the first planting season following final occupation of the development hereby permitted, whichever is the sooner. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
- Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 22 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 'Excellent' 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 policy E12 of the Havant Borough Local Plan Submission Version.
- 23 Within 6 months of any phase of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 'Excellent' 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 CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and policy E12 of the Havant Borough Local Plan Submission Version.
- 24 The development hereby permitted shall proceed in strict accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Impact Assessment (Lizard, May 2021 Rev 03) and as shown in the Landscape Masterplan Strategy (Drawing No. LD2177-LAN-DWG-010 Rev 03, Lizard, February 2021) unless otherwise agreed in writing by the Local Planning Authority. All ecological measures shall be implemented and installed in accordance with ecologists instructions and retained in a location and condition suited to their intended function.
- Reason:** To protect and enhance biodiversity in accordance with the NERC Act 2006, the National Planning Policy Framework and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011.

- 25 No part of the development shall be first brought into use 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 and acoustic fences 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.

- 26 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings 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.

- 27 Notwithstanding any description of materials in the application no above ground construction 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 details shall include:

Fully annotated plans at sufficient scale that comprise a range of coloured and textured surfacing treatments, which identify:

- finished levels
- hard surfacing material type / product reference and colour
- laying bond
- edging or kerb detail / type
- retaining structures or steps

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 policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 28 The construction and occupation stage of the development hereby permitted shall be carried out in accordance with the Employment and Skills Framework Plan and in particular meet the following requirements:

Construction phase

- Deliver on all KPI's as per the submitted Employment and Skills Framework ensuring these opportunities are provided to Havant residents with particular focus on 16-24yr olds in Leigh Park
- Provide named person who has responsibility for recruitment and training of onsite personnel in the construction phase.
- Six weeks from agreement of Planning Permission Contractor/Council initial E & S Plan meeting.

- Monitoring meetings to be scheduled with Contractor and the council on a quarterly basis to review progress.
- Contractor to submit evidence to the council proving Havant residents have benefited from the construction phase of the development.
- Provide press/photo opportunities/case studies involving Havant residents before the end of the construction phase.
- Contractor to provide report to the council at the end of construction phase with details of the job, apprenticeship, training, and site visits provided and who benefited.

Occupation phase

- Provide end user HR contact for recruitment.
- Continue quarterly monitoring meetings into recruitment phase to ensure opportunities are provided for Havant residents.
- Ensure active marketing campaigns target the recruitment of permanent jobs for Havant residents with particular focus on 16-24yr olds in Leigh Park and the immediate area.
- This includes working with agencies / contractors which provide flexible work and driver opportunities, with best endeavours given to prioritise or attract residents of Havant Borough.
- Provide two press/photo opportunity/case study involving Havant residents.

Reason: In the interests of providing employment opportunities at the site in accordance with policy CS3 of 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.

- (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 following comments from Network Rail:

Asset Protection Informatives for works in close proximity to Network Rail's infrastructure:

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. Our Asset Protection will review the details of the proposal to ensure that the proposed development can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

*More information can also be obtained from our website
<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>.*

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the attached Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

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

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul and surface sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. - The plan can be viewed on the Councils Website:

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_250192

Please note:

- The 225 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.

The 600 mm public surface water sewer requires a clearance of 3.5 metres on either side of the public sewer to protect it from construction works and to allow for future access for maintenance.

- No development or tree planting should be carried out within 3 and 3.5 metres of the external edge of the public sewers without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/connection-charging-arrangements

- (7) The applicant is advised of the comments received from Hampshire Fire and Rescue Service which can be viewed on the Councils Website https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_250192

In particular the following comments are highlighted:

Early Engagement:

The proposal is of great interest to this fire authority due to the size and risks identified. We would like to engage early with the stakeholders on this project, please could early contact be made with the fire engineering & consultation team if the proposal progresses.

- (8) It is requested that consideration be given to the establishment of a liaison board by the operators of the site to work with local residents and businesses should they need to address any conflicts arising from the operation of the site. This shall include an invitation to local Havant Borough Ward Councillors representing the Bondfields and St Faiths wards.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place
22 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.](#)

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