

SECTION 78 APPEAL BY
McCARTHY & STONE RETIREMENT LIFESTYLES LIMITED

STATEMENT OF COMMON GROUND

25 JULY 2016

SITE:

LAND AT, 38-44 LONDON ROAD
PURBROOK
WATERLOOVILLE
PO7 5LJ

THE PLANNING BUREAU LTD
TOWN & COUNTRY PLANNING ACT 1990

STATEMENT OF COMMON GROUND

**APPEAL BY McCARTHY & STONE RETIREMENT LIFESTYLES LTD
AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE PLANNING
PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO
FORM 42 NO RETIREMENT APARTMENTS FOR OLDER PERSONS INCLUDING COMMUNAL
FACILITIES, PARKING PROVISION AND ASSOCIATED LANDSCAPING; AND 2NO.
COMMERCIAL/RETAIL UNITS.**

SITE:

**LAND AT, 38-44 LONDON ROAD
PURBROOK
WATERLOOVILLE
PO7 5LJ**

**LOCAL PLANNING AUTHORITY REFERENCE: APP/15/00896
PLANNING INSPECTORATE REFERENCE: APP/X1735/W/16/3145929**

APPEAL HEARING

1.0 INTRODUCTION

- 1.1 The Statement of Common Ground has been prepared jointly by the Appellant and Havant Borough Council. The purpose of this Statement is to set out as much of the agreed factual information about the proposal as is possible.

2.0 AREAS OF COMMON GROUND

DESCRIPTION OF DEVELOPMENT AND OF THE SITE SURROUNDINGS

- 2.1 The planning application subject of this Appeal is for the demolition of existing buildings and redevelopment to form 42 retirement apartments for older persons including communal facilities, parking provision and associated landscaping; and 2No. commercial/retail units.

RELEVANT SITE HISTORY

- 2.2 The site has been the subject of a number of applications which are detailed in the Planning Officer's Report.
- 2.3 There are a 5no. Businesses which occupy the site address, all of which are currently in operation. It is accepted by both parties that car sales are a sui generis use and that the MOT garage, tyre fitting businesses and specialised motorbike repair centre fall within Class B2 of the Use Classes Order. The area of disagreement between the parties is in respect of the builder's merchant which the LPA deem to fall within Class B8 of the Use Classes Order whereas the appellant considers that such is a sui generis use.

- 2.4 As far as is relevant to this appeal, the site has an extensive planning history, parts of which maybe considered relevant to the appeal process for both parties.
- 2.5 The respective parties will comment on the reliance of the above as they may deem appropriate in their respective cases.

THE APPLICATION SUBJECT OF THIS APPEAL

- 2.6 The application subject of this Appeal (LPA Ref: APP/15/00896) was submitted to the LPA in August 2015. No pre application discussions took place between the parties for this specific scheme. However there were a number of errors in the originally submitted application and the application was not validated by the LPA until these were rectified.
- 2.7 The application was validated on the 11th September 2015. The planning application and this appeal therefore refer to those drawings and documents which composed the validated application.
- 2.8 Post submission there was an exchange of correspondence and ultimately the application was refused under Delegated Powers for the followings reasons:
- 1. The proposed development would lead to the loss of existing employment uses on the site including Class B uses. These uses make a valuable contribution to the local economy providing employment and services to the community. In the Local Planning Authorities opinion it has not been satisfactorily demonstrated that the site is not fit for purpose or financially unviable for B use class employment, or other types of economic development, in particular it is not satisfied that a suitable comprehensive marketing exercise has been carried out. Therefore the proposal is contrary to policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.**
 - 2. In the absence of binding arrangements for the provision of on-site affordable housing or alternatively an acceptable contribution in lieu of on-site provision the proposal fails to make adequate provision for affordable housing in the interest of creating mixed communities and responding to housing need. Furthermore the financial contribution offered does not meet the assessed contribution requirement and in the absence of independent third-party review and viability testing is**

considered unacceptable. As such the proposed development is contrary to policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Council Housing SPD July 2011 and the National Planning Policy Framework 2012.

- 3. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.**
- 4. On the basis of the information provided and the absence of binding arrangements necessary to secure the alterations the surrounding highway network as anticipated in the submitted Transport Assessment and shown on the proposed plans, it has not been adequately demonstrated that the access and highway works associated with the London Road access and the parking spaces on Stakes Road would not result in harm to the amenity and safety of road users of the highway. The proposal is therefore contrary to the policies CS16, CS20 and DM11 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework 2012.**

RELEVANT POLICY GUIDANCE

- 2.9 It is agreed that the following are the relevant policy/guidance considerations in respect of this Appeal, albeit that the Appellant and the Council may disagree as to the weight, if at all, that should be placed on particular documents.

NATIONAL PLANNING POLICY

- 2.10 The National Planning Policy Framework (NPPF) was published on the 27th March 2012. This document sets out the Government's objectives for the planning system. The following chapters are considered relevant although other parts of the NPPF may also be relevant and referred to by the appellant or Havant Borough Council:

- Chapter 1 - Building a strong competitive economy.
- Chapter 4 - Promoting sustainable transport.
- Chapter 6 - Delivering a wide choice of high quality homes.
- Chapter 7 - Requiring good design.
- Chapter 8 - Promoting healthy communities.
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change.

- Chapter 11 - Conserving and enhancing the natural environment.

NATIONAL PLANNING POLICY GUIDANCE

- 2.11 The National Planning Policy Guidance (NPPG) was adopted as an online document on the 6th March 2014 and was accompanied by a written ministerial statement that revoked a number of previous planning policy guidance documents.
- 2.12 It is considered that the following sections of the NPPG are relevant to the Appeal scheme:
- (i) Housing and Economic Development Needs Assessment
 - (ii) Viability
 - (iii) Design
 - (iv) Planning Obligations
 - (v) Use of Planning Conditions

THE COMMUNITY INFRASTRUCTURE LEVY REGULATION 2010

- 2.13 Particular reference to Regulation 122 setting out the legal tests for Planning Obligations

THE DEVELOPMENT PLAN

- 2.14 The Development Plan comprises of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Local Plan (Allocations) 2014.

Havant Borough Local Plan (Core Strategy) 2011

CS2 Employment
 CS4 Town, District and Local Centres
 CS9 Housing
 CS11 Protecting and Enhancing the Special Environment and Heritage
 CS14 Efficient Use of Resources
 CS16 High Quality Design
 CS17 Concentration and Distribution of Development in Urban Areas

CS20 Transport and Access Strategy
CS21 Developer Requirements
DM3 Protection of Existing Employment and Tourism Sites
DM7 Elderly and Specialist Housing Provision
DM10 Pollution
DM11 Planning for More Sustainable Travel
DM13 Car and Cycle Parking on Residential Development
DM 14 Car and Cycle Parking on Non Residential Development
Havant Borough Local Plan (Allocations) 2014.

DM17 Contaminated Land
DM20 Historic Assets
DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
AL1 Presumption in Favour Sustainable Development
AL3 Town, District and Local Centres

Non Development Plan Documents

Solent Recreation Mitigation Project Interim Mitigation Strategy
(<https://www.portsmouth.gov.uk/ext/documents-external/env-srmp-interim-mitigation-strategy.pdf>) (2014)
Havant Borough Council Housing SPD 2011
Havant Borough Council Developer Contributions Guide 2015

Other Documents

Other relevant documents that may be put forward on behalf of the Appellant or Havant Borough Council.

ISSUES TO BE ADDRESSED

2.15 It is agreed that the main issues to be addressed are as follows:-

- (i) The proposal results in the loss of existing employment uses on the site including Class B uses. These uses are considered by the Local Planning Authority to make a valuable contribution to the local economy providing employment and services to the community. These issues will be addressed and the development will be assessed against the Policy requirements of Policies CS2 and DM3 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF. If the development is contrary to these policies, whether in accordance with Section 38 (6) of the Act, there could be other material

considerations which the Inspector concludes warrant a deviation from the adopted development plan.

- (ii) In relation to Affordable Housing, whether the proposed development makes adequate provision for affordable housing in the interests of creating mixed communities and responding to housing need. These matters to be reviewed against the requirements of Policy CS9 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Havant Borough Council Housing SPD 2011 and the NPPF. If the development does not meet these policy requirements, whether in accordance with Section 38 (6) of the Act, there could be other material considerations, which the Inspector concludes warrant a deviation from the adopted development plan.

AGREED DRAWING NUMBERS

- 2.16 The following drawings are those which were considered by the Council now the subject of Appeal (Ref: TBC):-

<u>Drawing No</u>	<u>Description</u>
SE – 2168–03 – AC– 001	Site Location Plan
SE – 2168–03 – AC– 002D	Proposed Site Plan Site Layout Plan
SE – 2168–03 – AC– 003D	Ground Floor Plan
SE – 2168–03 – AC– 004B	First Floor Plan
SE – 2168–03 – AC– 005B	Second Floor Plan
SE – 2168–03 – AC– 006D	London and Stakes Road Elevations
SE – 2168–03 – AC– 007B	East and South Sectional Elevations
SE – 2168–03 – AC– 008 A	South Courtyard and South Elevation
SE – 2168–03 – AC– 009 A	West Courtyard Elevation
SE – 2168–03 – AC– 010D	Street Elevations
SE – 2168–03 – AC– 011 A	Artist Impression 1 of 3
SE – 2168–03 – AC– 012 A	Artist Impression 2 of 3
SE – 2168–03 – AC– 013 B	Artist Impression 3 of 3
SE – 2168–03 – AC– LA-001B	Landscape Plan

2.17 In addition, the following documents were also submitted in support of the application:

- Acoustic Report
- Arboricultural Report
- Phase 1 Habitat assessment
- Planning Biodiversity Checklist –
- Bat Absence/Presence Update Letter August 2015
- Bat Absence/Presence Report September 2015
- Archaeological Desk Based Assessment
- Energy Statement
- FRA Summary
- Japanese Knotweed Report
- Planning Statement
- Construction Method Statement
- Heritage Statement
- Initial Drainage Assessment
- Landscape Rationale by Outer Space.
- Site Investigation Report
- Statement of Community Involvement.
- 121 Meeting Notes

- Community Feedback Analysis Notes
- Transport Statement
- Vendors Asbestos Survey

- Financial Viability Appraisal
- DAS.
- CIL Planning Application Additional information
- Utility Record Search

AGREED ISSUES

2.18 The issues set out below are those put forward by the Appellant. However, where the Council objects to the proposed wording these are shown in **bold underlined type**:

1. It is agreed that the site is within a recognised settlement/built up area.
2. It is recognised that the site is in a relatively sustainable location.
3. It is recognised there is a need for retirement living accommodation for older persons within the Borough
4. It is accepted that the proposed design is acceptable in design/townscape terms and there is no in principle objection to the proposed palette of materials subject to a planning condition in relation to samples for approval.
5. It is accepted that the proposed development would not give rise to any unacceptable neighbour relationships.
6. It is accepted that the proposal would not adversely affect the character and appearance of the adjoining Conservation Area or the setting of nearby Listed Buildings.
7. It is agreed that the level of car parking provision being proposed is sufficient to meet the needs of the proposed development and did not form a reason for refusal.
8. There is no in principle highway objection to the proposals subject to the resolution of Refusal Reason 4 and the necessary binding agreements. IN THIS RESPECT:

- IT IS AGREED THAT DRAWINGS SE 2168 03 AC REV F GROUND FLOOR PLAN AND SE 2168 03 AC 025 LAYOUT & TOPOGRAPHICAL PLAN ADDRESS THE OPERATIONAL/FUNCTIONAL ISSUES RAISED IN REFUSAL REASON 4.
- IT IS AGREED THAT SUBJECT TO THE APPELLANT ENTERING A BINDING AGREEMENT UNDER SECTION 106 OF THE ACT TO SECURE 2 x £3000 CONTRIBUTIONS FOR A TRAFFIC REGULATION ORDER ON STAKES ROAD AND LONDON ROAD THAT REFUSAL REASON 4 WOULD BE OVERCOME.

9. There is no in principle objection to the proposed development identified in subject to the submission of a satisfactory UU/Sec 106 Agreement for an appropriately scaled mitigation package to remove the significant effect which would otherwise be likely on the Solent SPAs. This would be in the form of a payment of £7,673.40¹. It is considered that should a sufficiently scaled mitigation package be secured, this would remove Reason for Refusal 3.
10. It is accepted that in principle should the development be financially viable that a contribution towards affordable housing could be by way of a commuted sum, in lieu of an on site provision. If agreement were to be reached regarding this issue and the quantum of appropriate financial contribution, Refusal Reason 2 would be overcome.
11. The proposed development would lead to the loss of existing employment uses on the site including Class B uses.
12. THE LPA CONSIDERS THAT THERE IS A 5 YEAR HOUSING LAND SUPPLY AS REQUIRED BY THE NPPF. THE APPELLANT IN CONTRAST CONSIDERS THAT THE COUNCIL CANNOT DEMONSTRATE AN OBJECTIVELY ASSESSED NEED AS

¹ SRMP mitigation package (at the time of the application being determined in 2015) - £174 per net additional dwelling. Havant Borough Council set out in para 5.31 of the Developer Contributions Guide that a monitoring fee of £8.70 per dwelling is also required. Hence the scale of the mitigation package can be calculated as £7673.40

REQUIRED BY THE NPPF AND ACCORDINGLY PARAPGRAPH 14 OF THE NPPF IS FULLY ENGAGED.

CONDITIONS

2.19 Should the Inspector be minded to allow this Appeal- the appellants suggest that the following conditions, supplied by the Appellant, be attached to any decision:-

- 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 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 and notwithstanding any assessment provided with the planning application), 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) A site walk-over survey &/or sufficient desk-based research to identify;
 - All relevant previous uses of the site
 - Potentially significant contaminants associated with those uses
 - Uncertainties relating to previous use or associated potential contaminants
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;
 - A summary of potentially unacceptable risks arising from contamination at the site.
- 2) Site investigation based on (1), 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 receptors that may be affected, including those off site.
- 3) The results of an appropriate risk assessment based upon (1) & (2), 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.

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 (3) are complete, 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: 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 & current land uses that could pose a risk to future occupants of the site, the occupants or users of neighbouring properties, or controlled waters.

The appellant has no in principle objection to the condition but would advise that a full site investigation may not be possible until the buildings are removed. The condition as drafted would preclude this occurring

- 3 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 2 above shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: 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 & current land uses that could pose a risk to future occupants of the site, the occupants or users of neighbouring properties, or controlled waters.

- 4 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Unless agreed otherwise in writing by the Local Planning

Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development shall take place until plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

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 and the National Planning Policy Framework.

- 6 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the character and amenities of the area, and having due regard to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 011 and the National Planning Policy Framework.

- 7 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.

- 8 No above ground construction works shall take place until a more 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 CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The appellant does not have an in principle objection to the condition but would advise that this could unnecessarily delay works proceeding even though a landscaping scheme could not be implemented until the development is virtually complete some 12 months after commencement. It is suggested that the condition be rewarded to preclude occupation until a landscaping scheme is agreed.

- 12 No above ground construction works shall take place 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 policies CS16, and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The appellant does not have an in principle objection to the condition but would advise that this could unnecessarily delay works proceeding even though a hard landscaping scheme could not be implemented until the development is close to completion some 12 months after commencement. It is suggested that the condition be rewarded to preclude occupation until a hard landscaping scheme is agreed.

- 13 No above ground construction works shall take place 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 the National Planning Policy Framework 2012.

The appellant does not have in principle objection to the condition but would advise that this could unnecessarily delay works proceeding even though boundary treatments could not be implemented until the development is virtually complete some 12 months after commencement. It is suggested that the condition be rewarded to preclude occupation until a landscaping scheme is agreed.

- 14 With the exception of any site manager/warden's accommodation, at no time shall the sheltered apartments development hereby approved be occupied by persons under the age of 60, unless in the case of a couple where one person is over the age of 60, the second person shall not be under the age of 55.
Reason: In order that the occupancy of the development is compatible with the limited amount of on-site car parking provision, and having due regard to Policies CS20 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 16 The mitigation measures included in the Bat Presence / Absence Survey dated 23rd September 2015 must be complied with in full, unless otherwise agreed in writing by the LPA. Thereafter, the mitigation, compensation and enhancement measures shall be permanently maintained and retained in accordance with the approved details. If bats, or evidence of bats droppings (e.g. droppings, bat

carcasses and insect remains) are encountered at any point during this development, all work shall stop immediately and further advice sought from Natural England and/or a professional ecologist.

Reason: to ensure the favourable conservation status of protected species and having due regard to the National Planning Policy Framework 2012 and the provisions of the Wildlife and Countryside Act 1981 (as amended by Countryside and Rights of Way Act 2000).

- 17 The development shall be carried out in strict accordance with the agreed acoustic report prepared by Parsons Brinkerhoff dated May 2015.

Reason: In the interests of the amenity of the nearby locality and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 18 Prior to commencement of the development approved by this Planning Permission (inclusive of demolition & site clearance), a scheme to address the risks posed by the potential presence of asbestos containing materials (ACM's) within the existing structures 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. A physical site survey, of sufficient scope to provide to enable an indicative description of the nature & location of all potential ACM present; including that enclosed by finished surfaces (i.e. within the sub-structure).
2. Collection of physical samples from suspected ACM for laboratory analysis by Polarised Light Microscopy, to confirm
 - Asbestos presence (or absence), and
 - Where present, Asbestos type, and
 - Where possible, approximate proportion, as a percentage.
3. Where ACM is identified, clearly defined proposals for removal of the identified material (a method statement), to include a description of risk management measures to be observed during removal works, monitoring to be undertaken, and contingency measures.
4. A verification survey & any associated air monitoring results, to confirm that removal has been undertaken in accordance with the method statement (3).

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

Reason: Asbestos containing materials are suspected to be present within the buildings at the site that could, if not managed during demolition, be released in to the environment (air, soils). Uncontrolled release of Asbestos fibres could pose a risk to

future occupants of the site, the occupants of- or those present on- adjacent land and having due regard to policies DM10 of the Havant Borough Local Plan Core Strategy) 2011 and the National Planning Policy Framework 2012.

The appellant does not have an in principle objection to the condition but would advise that other legislation controls the removal of asbestos.

- 19 No gates to be installed on the London Road access to the site without prior written approval of the Local Planning Authority.
Reason: In the interests of highway safety and having due regard to policy DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 20 Prior to occupation details of the final parking layout are to be submitted and agreed by the LPA . The parking layout approved shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and local amenity and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The appellant considers that the condition ought to be reworded to refer to the approved layout plan SE 2168 03 AC 025 LAYOUT & TOPOGRAPHICAL PLAN

- 21 No development shall commence until a scheme for the eradication and / or control of Japanese Knotweed shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented prior to the commencement of the use of the building.
Reason: in the interests of the amenity of the locality and having due regard to Policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 22 No development shall commence until details relating to the following have been submitted to and agreed by the Local Planning Authority:
- i. Confirmation of the existing drainage system
 - ii. Infiltration tests should be carried out to discover if this method of surface water disposal is appropriate and the results provided
 - iii. Evidence of the appropriate number of treatment stages in the surface water management train as stated in CIRIA C69.
 - iv. Calculations comparing the existing surface water run off rate, in l/s for a 1 in 100 year flood event +30% for climate change,

- with the proposed development's surface water run off rate for the same event
- v. Calculations to demonstrate the existing run off volume for a 1 in 100 year, 6 hour flood event and evidence showing that there will be adequate storage for the attenuation of this volume on site, and allowing discharge without increasing the run off rate or volume off site.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 23 A sample panel of insert of brick and flintwork shall be constructed on site to accurately reflect the brick bond, finish, mortar type, finish and capping detail with accompanying specification for approval by the local planning authority in writing before any above ground construction shall take place. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approval granted.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.4, CS16 and DM9 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and the National Planning Policy Framework.
- 24 Before any above ground construction takes place large scale (1:20) details of the proposed shop fronts (elevation and vertical cross-sections including the stall riser and fascia) shall be submitted to, and approved in writing by the local planning authority cross sections. All work shall be carried out in full accordance with such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11.4, CS16 and DM9 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statements 1
- 25 Details of the siting and design of any proposed external meter boxes/metal ducting/flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved details.
Reason: To protect the character and appearance of the conservation area having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 26 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan - DN: SE-2168-03-AC-001

Proposed site layout plans - DN: SE-2168-03-AC-002D
Ground Floor Plan - DN: SE-2168-03-AC-003D
First Floor Plan - DN: SE-2168-03-AC-004B
Second Floor Plan - DN: SE-2168-03-AC-005B
London and Stakes Road Elevations - DN: SE-2168-03-AC-006D
East and South Sectional Elevations - DN: SE-2168-03-AC-007B
South Courtyard and South Elevations - DN: SE-2168-03-AC-008A
West Courtyard Elevations - DN: SE-2168-03-AC-009A
Street Elevations - DN: SE-2168-03-AC-010D
Artistic Impression 1 of 3 - DN: SE-2168-03-AC-011A
Artistic Impression 2 of 3 - DN: SE-2168-03-AC-012A
Artistic Impression 3 of 3 - DN: SE-2168-03-AC-013B
Landscape Plan - DN: SE-2168-03-AC-LA-001B
Topographical Survey – PP/3066/M&S/Purbrook
Tree Constraints Plan – 8817-01

Reason: - To ensure provision of a satisfactory development.

If acceptable to the Inspector, the following drawing numbers should be added to this condition:

- **SE 2168 03 AC REV F GROUND FLOOR PLAN**
- **SE 2168 03 AC 025 LAYOUT & TOPOGRAPHICAL PLAN**