

DATED this 12th day of December 2014

SOLENT ROAD NOMINEES LIMITED

(1)

and

THE COUNCIL OF THE BOROUGH OF HAVANT

(2)

and

HAMPSHIRE COUNTY COUNCIL

(3)

DEED OF VARIATION AND AGREEMENT

Pursuant to (inter alia)

Section 106 and Section 106A of the Town and Country Planning Act 1990
Relating to land bounded by Solent Road, Brockhampton Lane and Selbourne
Road Havant in Hampshire

Mrs J Barden-Hernandez
Solicitor to the Council
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant, Hampshire
PO9 2AX

THIS DEED is made the 12th day of December 2014
BETWEEN

- (1) SOLENT ROAD NOMINEES LIMITED a company registered in England and Wales with company registration number 04041484 whose registered office is situated at Brookfield, Lyminster Road, Lyminster, Littlehampton, BN17 7QN (The Developer)
- (2) THE COUNCIL OF THE BOROUGH OF HAVANT of Civic Offices, Public Service Plaza, Civic Centre Road, Havant PO9 2AX (the Council)
- (3) HAMPSHIRE COUNTY COUNCIL of the Castle, Winchester, SO23 8UJ (the County Council)

WHEREAS

- (A) The Council is the local planning authority for the purposes of Section 106 of the Act for the area in which the Land is situated
- (B) The County Council is the highway authority for the area in which the Land is situated
- (C) The Developer is the sole registered proprietor of land bounded by Solent Road, Brockhampton Lane and Selbourne Road, Havant Hampshire ("the Land") under Title number SH39933 edged red on the plan attached hereto
- (D) The Land is subject to a Section 106 agreement made on the 19th day of June 2013 between the Developer, Roy Malcolm Barker, Brigitte Barker, Cornet Estate Limited, the County Council and the Council ("the 2013 Section 106 Agreement")
- (E) On the 20th day of June 2013 the Council granted planning permission for Demolition of existing buildings on site and erection of a single structure (for class A1 use) extending to 4289 sq.m (GEA) at ground floor and up to 3328 sq.m (GEA) at first floor, with associated access, parking and servicing on the Land under reference number APP/12/00852 ("the Original Planning Permission")
- (F) By a written application pursuant to section 73 of the Town and Country Planning Act 1990 registered on the 22nd day of August 2014 and

- bearing the reference APP/14/00862 the Developer applied to the Council for a variation of condition 29 of the Original Planning Permission (Demolition of existing buildings on site and erection of a single structure for class A1 use extending to 4289 sq.m (GEA) at ground floor and up to 3328 sq.m (GEA) at first floor, with associated access, parking and servicing) to vary the approved plans in relation to reducing the building height to similar height of existing Phase I building; alterations to the external design; revisions to car and cycle parking layout; and associated landscaping amendments ("the New Application")
- (G) Having regard to the local plan and all other material considerations the Council has resolved to grant planning permission ("the New Permission") pursuant to the New Application in the form attached to this Deed and subject to the Developer entering into this Deed
- (H) In relation to any development to be carried out pursuant to the New Permission the parties have agreed to be bound by the obligations contained in the 2013 Section 106 Agreement as varied in this Deed of Variation

NOW THIS DEED WITNESSETH as follows:

1. CONSTRUCTION OF THIS DEED

- 1.1 Unless otherwise stated or defined herein terms used in this Deed shall have the meanings given to them in the 2013 Section 106 Agreement and the terms of the 2013 Section 106 Agreement as amended by this Deed shall apply to this Deed as if the same were set out in this Deed in full.

2. LEGAL BASIS

- 2.1 This Deed is made pursuant to Section 106 and 106A of the Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.
- 2.2 The covenants, restrictions and requirements imposed upon the Developer under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council or County

Council (as appropriate) as local planning authority against the Developer and his successors in title and assigns

- 2.3 The District Council the County Council and the Developer consider that the matters contained in this Deed are:

- (a) necessary to make the Development acceptable
- (b) directly related to the Development; and
- (c) fairly related in scale and kind to the Development

3. LEGAL EFFECT

This Deed shall take effect from the date hereof.

4. VARIATION OF THE 2013 SECTION 106 AGREEMENT

- 4.1 It is agreed by all parties that on and from the date of this Deed of Variation the 2013 Section 106 Agreement shall be amended so that;
- 4.2 The definition of the Planning Permission as referred to in the agreed terms of definition of the 2013 Section 106 Agreement shall read:
- ‘means the planning permission granted on the on the 20th day of June 2013 under reference number APP/12/00852 and the planning permission to be granted pursuant to the application registered on the 22nd of August under reference number APP/14/00862’
- 4.3 The definition of the Highway Contribution as referred to in the agreed terms of definition of the 2013 Section 106 Agreement shall read:
- ‘means the sum of ninety-six thousand and six hundred pounds (£96,600.00) being a contribution to the West Street/Park Road North/South public realm, traffic management, cycle and pedestrian improvements Phase 2 to mitigate the anticipated increase in traffic caused by the Development’

5. MISCELLANEOUS

- 5.1 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 5.2 This Deed is a local land charge and shall be registered as such by the Council.

- 5.3 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 5.4 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the New Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owners) it is modified by any statutory procedure or expires prior to the Implementation of Development.
- 5.5 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after he shall have parted with his entire interest in the Land or such part of the Land in respect of which the breach occurs but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 5.6 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission other than the New Permission.
- 5.7 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council and/or County Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 5.8 The Developer agrees to pay the Council's and the County Council's legal costs on completion of this Deed.

6. COUNTERPART

It is hereby agreed by the parties that this Deed may be executed in any number of counterparts each of which shall be an original but such counterparts shall together constitute one and the same Deed

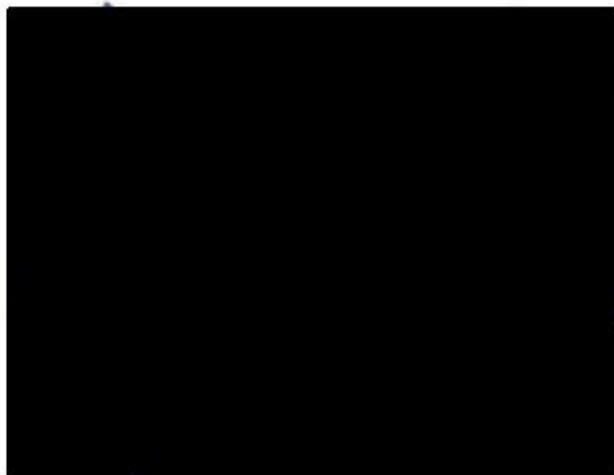
7. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and the parties submit to the non-exclusive jurisdiction of the courts of England.

IN WITNESS whereof this Deed has been executed as a Deed by the parties
hereto the day and year first before written

Signed as a DEED by)

SOLENT ROAD NOMINEES LIMITED)
acting by two directors or by one director)
and the company secretary)



EXECUTED as a DEED by affixing)
THE COMMON SEAL of)
THE COUNCIL OF THE BOROUGH)
OF HAVANT)
in the presence of:)



13001



Authorised signatory

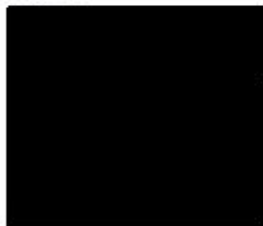
EXECUTED as a DEED by affixing)

THE COMMON SEAL of)

HAMPSHIRE COUNTY COUNCIL)

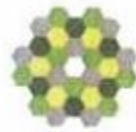
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in the presence of:)

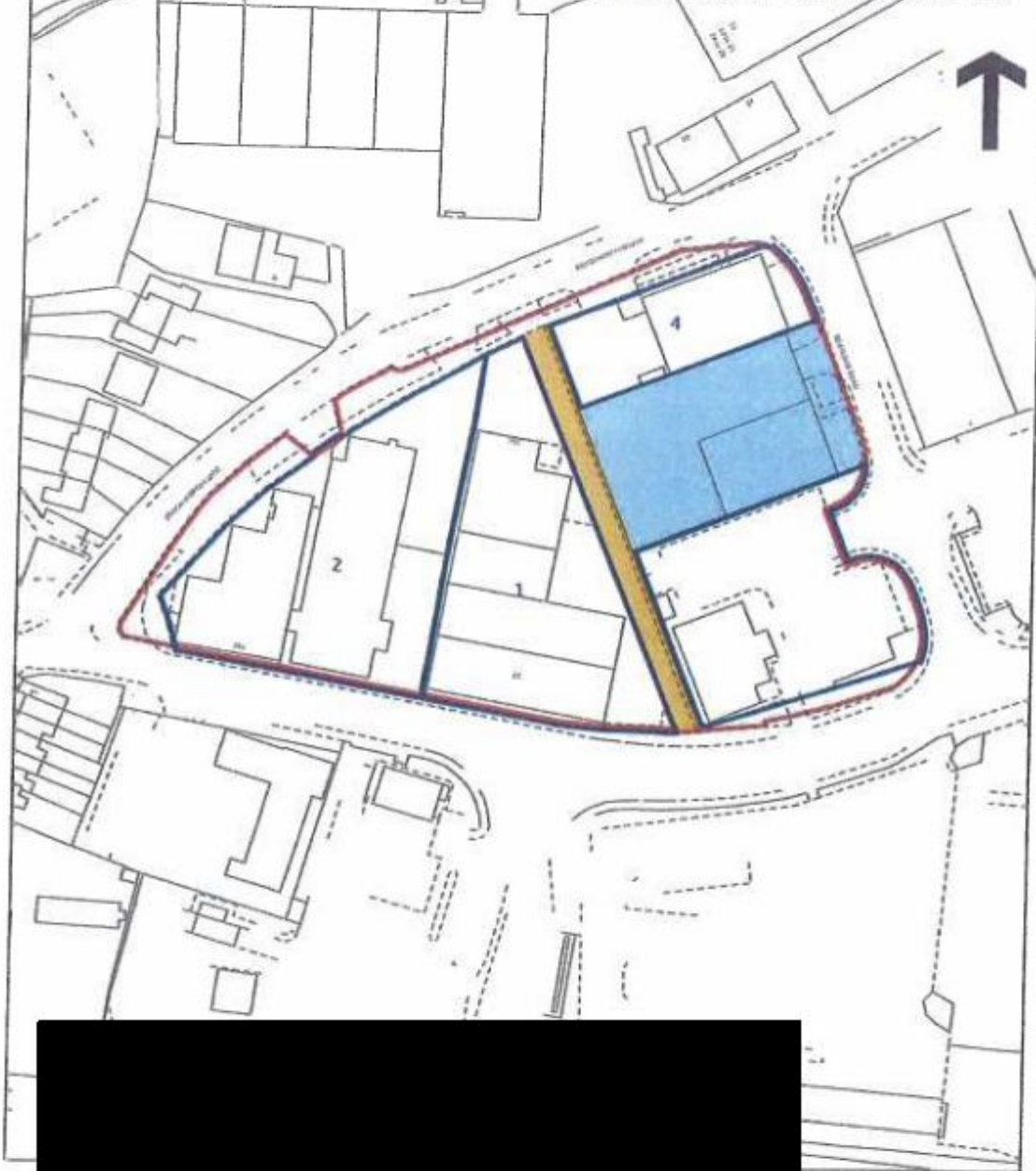


3613887

Authorised signatory



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DRAFT DECISION

DRAFT DECISION ONLY



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263
DX 50005 Havant
www.havant.gov.uk

Mr Belbin
Hargreaves
Rustington House
Worthing Road
Littlehampton
West Sussex
BN16 2UP

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

Application Number: APP/14/00862

Site Address: Land bounded by Solent Road, Brockhampton Lane & Selbourne Road, Havant

Proposal: Application for Variation of Condition 29 of Planning Permission APP/12/00852 (Demolition of existing buildings on site and erection of a single structure for class A1 use extending to 4289 sq.m (GEA) at ground floor and up to 3328 sq.m (GEA) at first floor, with associated access, parking and servicing) to vary the approved plans in relation to reducing the building height to similar height of existing Phase I building; alterations to the external design; revisions to car and cycle parking layout; and associated landscaping amendments.

Further to your application received on 19 August 2014 (which was valid from 22 August 2014) Havant Borough Council, as Local Planning Authority, **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 No development approved by this planning permission (other than demolition of buildings) shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

Our Ref: APP/14/00862

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action (if applicable).

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

- 3 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in any approved remediation strategy required pursuant to Condition 2(3) above, and the effectiveness of that remediation has been submitted to and approved, in writing, by the local planning authority. Should such a report be required it shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

- 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: The site lies above a Secondary A Aquifer, and the Lewes nodular chalk formation (a principal aquifer) and in the vicinity of the groundwater Source Protection Zone 1 for the Bedhampton and Havant Springs water supply. Contamination may be present at the site as a result of its historical use(s). Any contamination present may pose a risk groundwater underlying the site and potable

supplies. This condition is in line with paragraphs 109 and 121 of the NPPF and Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 5 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA), ref.no. 1456-R2 and dated August 2012, approved under Planning Permission APP/12/00852 hereby varied, and the following mitigation measures detailed within the FRA:

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

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 6 No development (other than demolition of buildings) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the run-off from the existing site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site. This condition is in line with paragraph 103 of the National Planning Policy Framework (NPPF) and Policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011.

- 7 Construction of the development shall not take place until a programme for the suppression of dust during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 8 No development hereby permitted (other than demolition of buildings) shall commence until plans showing, in relation to the existing trees and other vegetation proposed to be retained, the layout of all foul and surface water drainage and other underground services proposed to serve that development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard against undue damage to existing trees and other vegetation at and in the vicinity of the site and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 Construction of the building hereby approved shall not commence until plans and particulars specifying the finished levels (above ordnance datum) of ground levels surrounding the building in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having

due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 10 No development hereby permitted (other than demolition of buildings) shall commence until plans and particulars specifying the final alignment, width, gradient and type of construction proposed for all new and altered accesses to serve the retail unit (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for surface water disposal and a programme for the implementation and making up of the same have been submitted to and approved in writing by the Local Planning Authority. The implementation and making up of the same shall be completed in full accordance with such plans, particulars and programme as are thus approved by the Authority.
Reason: To ensure that they are constructed to satisfactory standard and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.
- 11 No development hereby permitted (other than demolition of buildings) shall commence until a specification of measures to be undertaken to prevent damage to the existing maple tree shown for retention on the northern boundary of the site throughout implementation of the same has been submitted to and approved in writing by the Local Planning Authority. All measures forming part of such approved specification shall be undertaken and fully adhered to at all times which such implementation is in progress. Any such tree which is nevertheless seriously damaged during that implementation shall be replaced within 6 months of the occurrence of such damage by another of the same species in the same position and of not less than 3 metres height when planted.
Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS11.2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 12 Construction of the building hereby permitted shall not commence until samples and details of all external facing and roofing materials have been submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 13 No development hereby permitted (other than demolition of buildings) shall commence until a specification of the materials to be used for the surfacing of all open parts of the site proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of all such hardsurfacing has been completed in full accordance with that specification.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 14 No development hereby permitted (other than demolition of buildings) shall commence until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to

the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

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

Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 16 No development hereby permitted (other than demolition of buildings) shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 17 The construction of the retail unit hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority in respect of the relevant unit. Unless otherwise agreed in writing with the Local Planning Authority the assessment shall demonstrate that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment.

Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 18 A waste management policy for the retail unit shall be submitted to and approved in writing by Local Planning Authority prior to its occupation. Such policy shall provide a clear statement explaining the method of waste management which will be used throughout the site activities i.e. Disposal of trade waste, disposal of office waste, location of waste storage facilities.

Reason: To prevent contamination to land and watercourses, and to minimise odour nuisance and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 19 No works or ancillary operations associated with the construction of the development which is audible at the site boundary or at such other place as may be

agreed with the Local Planning Authority, shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times

Monday to Friday – 0800 hours - 1800 hours.

Saturday – 1000 hours - 1600 hours

Unless in association with an emergency, or in connection with a continuous construction procedure that cannot be interrupted, or with the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise disturbance, and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

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

N.B. Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

Reason: In the interests of protecting local residents from unreasonable noise levels which would be detrimental to the residential character of the area, and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

- 21 Any proposal relating to the installation and usage of odour causing processes and / or odour suppression equipment (e.g. extract ventilation equipment) related to processes shall be agreed and approved in writing by the Local Planning Authority prior to any such installation taking place

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance and having due regard to Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

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

- 23 The retail unit shall not be occupied until the related space for the loading, unloading and parking of cars, motorcycles and cycles has been provided within the relevant site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

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

- 24 Construction of the covered cycle parking areas hereby approved shall not commence until details of the final design, appearance and materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to secure adequate cycle parking provision at the site, and having due regard to policies CS16, DM10 and

- 25 Notwithstanding the provisions of any Town and Country Planning Use Classes Order, the total amount of gross floorspace used for the sale of convenience goods in the retail unit hereby approved shall not exceed 1,486 sqm without the prior written approval of the Local Planning Authority.

Reason: To accord with the terms of the application approved under Planning Permission APP/12/00852 hereby varied, to safeguard the vitality and viability of the town centre, and to secure the adequacy of the associated vehicular parking provision and having due regard to the National Planning Policy Framework and policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011.

- 26 No separate or self contained unit or franchised area of floorspace of less than 465sq.m. (5,000sq ft) shall be created by the division or sub-division of the floorspace.

Reason: To accord with the terms of the application approved under Planning Permission APP/12/00852 hereby varied, and in order to ensure the vitality and viability of the existing Havant Town Centre is not undermined by the nature of retail uses permitted on this site and having due regard to the National Planning Policy Framework 2012.

- 27 Construction of the development shall not commence until such time as details of the access works on Solent Road and Selbourne Road as indicated in principle on drawing '14080-24 Rev C' and the works on Solent Road and Brockhampton Lane as indicated in principle on drawing '1209-PL12 Rev I' have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the site for the purposes of the planning permission until the approved details have been constructed to the written satisfaction of the Local Planning Authority.

Reason: To ensure safe and suitable access to the site and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

- 28 A Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in writing before construction commences. This should include; lorry routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before the development is commenced.

Reason: In the interests of highway safety and having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework, March 2012.

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

List of approved plans

Reason: - To ensure provision of a satisfactory development.

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

Our Ref: APP/14/00862

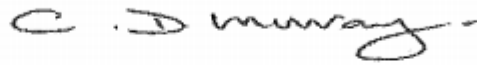
application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.

- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.
- (3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Development Control Service at the Plaza or by telephoning 023 9244 6015.
- (4) This permission was granted subject to a Deed of Variation dated to the original planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 19 June 2013 which secured the following:
 - (i) a signage strategy for both the application site and the adjoining Solent Retail Park, including provisions for implementation of the agreed signage;
 - (ii) prevent the letting of the retail unit in the first instance to any of the existing retailers in the town centre;
 - (iii) an Employment and Skills Plan for the construction and occupation phases of the development.
 - (iv) a financial contribution of £96,600 towards the adopted Hampshire County Council Transportation Contributions Policy; and
 - (v) the provision of a Full Travel Plan together with Hampshire County Council's monitoring and approval fees.
- (5) A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk.
- (6) It is a legal requirement under the provisions of the Site Waste Management Plans Regulations 2008 to have a site waste management plan (SWMP) before construction begins on all new construction projects worth more than £300, 000. The level of detail the SWMP should contain depends on the estimated build cost, excluding VAT. Further information can be found at www.netregs-swmp.co.uk
- (7) 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 sought and were provided with pre-application advice,
- You were given the opportunity to provide amended plans in the course of the application



Mr Chris Murray
Service Manager (Planning Development)

xxxxxxxxxxxxxxxxxxxx