

To:
Mr J Littman
Littman & Robeson
14 Buckingham Street
London
WC2N6DF

For: Seaward Properties Ltd

THE TOWN AND COUNTRY PLANNING ACT 1990
Grant of Outline Planning Permission

Application Number: 04/59412/002

Site Address: Land and premises north and south of Parkway, Havant (including Potash Terrace and Havant Day Hospital).

Proposal: Outline application for the demolition of existing buildings and construction of 7,793 square metres gross of A1 Retail units and 258 square metres gross of A3/A1 drive through restaurant/ retail unit with car parking and service facilities associated highway works and revisions to the road layout.

Further to your application received on 16 June 2004 Havant Borough Council, as Local Planning Authority, **Grants Outline 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 your application, as amended by plans and documents received on 18 February 2005 and as supplemented by additional information letters and plans received on 11 February 2005, 18 February 2005 and 04 March 2005 and;
- (ii) The following conditions:

Conditions:

- 1 The development hereby permitted shall be begun either before expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with Section 92 of the Town & Country Planning Act 1990.

- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.

Reason: To comply with Section 92 of the Town & Country Planning Act 1990.

- 3 No development hereby permitted shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same have been submitted to and approved in writing by the Local Planning Authority.

(i) The reserved matters:

- (a) The design and external appearance of all buildings (including details of the colour and texture of external materials to be used);
- (b) Landscaping including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(ii) Other matters:

- (c) The layout of the development including the positions and widths of roads and footpaths;
- (d) The finished levels (above ordnance datum) of both the ground floor of the proposed buildings(s) and the surrounding ground levels;
- (e) Access facilities for the disabled;
- (f) Landscaping including the arrangements to be made for the future maintenance of landscaped and other open areas;
- (g) The alignment, height and materials of all walls and fences and other means of enclosure;
- (h) Hardsurfacing proposals including surfacing materials;
- (i) The provision to be made for the parking, turning, loading and unloading of vehicles;
- (j) The provision to be made for the storage and removal of refuse from the premises;
- (k) The provision to be made and management measures for the floodlighting of external areas including the external lighting of the building, to also include hours of illumination. Such lighting shall be designed to minimise the effects on adjacent residential properties;
- (l) The measures to be taken to prevent damage to existing trees (and hedgerows) throughout implementation of the development;

- (m) The areas to be used for contractors' vehicle parking and materials storage during (site clearance and) construction of the development;
- (n) A phased programme for implementation of the development;
- (o) The provision to be made for secure staff cycle lockers and visitors cycle racks,
- (p) The provision to be made for the parking of trolleys,
- (q) The provision to be made for CCTV,
- (r) The provision to be made for a household recycling facility.

Reason: To secure orderly development.

- 4 No development shall commence until binding arrangements have been made with Southern Water Services Ltd to secure the diversion of existing sewers on the site required to be diverted to accommodate the development proposed and associated removal of redundant pipework prior to the construction of any building.

Reason: To ensure adequate means of sewage disposal for the development and having due regard to policy UB3 of the Hampshire County Structure Plan 1996-2011 (Review).

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that the opportunity should be afforded to excavate the site before development commences, and having due regard to policies and proposals E14 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 7 (Part 7) of the Havant Town Centre Action Area Local Plan 1980.

- 6 No development hereby permitted shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a specialist report of the survey of the site to assess the degree of contamination of the site and determine its water pollution potential, and details of appropriate measures to prevent pollution of groundwater and surface water specified, including provisions for monitoring. All measures forming part of such approved report shall be undertaken and fully adhered to.

Reason: To prevent pollution of the water environment and having due regard to policies and proposals E1 and UB3 of the Hampshire County Structure Plan 1996-2011 (Review).

- 7 No part of the development shall be occupied or used for the purposes approved until such time as the works at the junction of Solent Road/Park Road South, as shown in principle on drawing SP HAVANT 1/01, and the works at the proposed traffic signal junction as shown in principle on Mayer Brown figure 1, have been constructed.

Reason: In the interests of highway safety and having due regard to policies and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review).

No development hereby permitted shall commence until plans and particulars specifying the alignment, width, gradient and type of construction proposed for all footways, roads and individual accesses thereto (including all relevant horizontal cross and longitudinal sections) and the related provision to be made for street lighting and 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 a satisfactory standard and, where appropriate, a standard which will enable them to be taken over as publicly maintained highways, and having due regard to policies and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review).

- 9 Construction of the buildings hereby permitted shall not commence until samples and details of all external facing and roofing materials shall 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 and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.

- 10 Not more than 2,647 sq m (gross) of the retail development hereby permitted shall be used without the prior written approval of the Local Planning Authority for the sale of non-bulky comparison goods i.e. clothing, footwear, fashion accessories (including handbags, luggage, watches and jewellery), books, stationery, perfumery and toiletries, music, records, CDs, DVDs, audio and video tapes (including hire), china, glass goods and kitchenware, unless any of the above are ancillary to or related to the main ranges of bulky goods to be sold.

Reason: 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 policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 3 of the Havant Town Centre Action Area Local Plan 1980.

- 11 Not more than 1,300sq.m (gross) of the unrestricted floorspace (i.e not subject to Condition 10) hereby permitted shall be used for the sale of convenience goods without the prior written approval of the Local Planning Authority.

Reason: 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 policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 3 of the Havant Town Centre Action Area Local Plan 1980.

- 12 For those buildings defined as Units 2, 3 4, 5 and 6 on Drg No. 00.036.22. no separate or self-contained unit or franchised area of floor space of less than 650 sq m (gross) shall be created by the division or sub-division of the floor space hereby permitted without the prior written approval of the Local Planning Authority.

Reason: 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 policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 3 of the Havant Town Centre Action Area Local Plan 1980.

- 13 Not more than 7793sq m of gross retail floor space shall be created within the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: To prevent over-intensive use of the site and having due regard to policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 3 of the Havant Town Centre Action Area Local Plan 1980.

- 14 Notwithstanding the provisions of any Town and Country Planning General Development or Use Classes Order the building defined as drive-thru restaurant on the approved plan shall be used only for a restaurant, cafe or hot food takeaway falling wholly within Class A3 or Class A5 of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 without the prior written approval of the Local Planning Authority.

Reason: In order to ensure that the vitality and viability of Havant Town Centre is not undermined by the nature of the retail uses permitted on the site and to ensure that the retail floorspace capacity for the Eastern Catchment Area is not exceeded and having due regard to policies and proposals S1 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 3 of the Havant Town Centre Action Area Local Plan 1980.

- 15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the programme for the phasing of such provision to serve the development approved pursuant to condition 3, and any trees or plants which within a period of 5 years from the completion of the development due, are removed or seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the landscape scheme is completed in the interests of the appearance of development and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.

- 16 The access roads, footpaths and footways, turning and servicing areas, parking spaces and motorcycle/cycle provision shall be provided in accordance with the programme for the phasing of such provision approved pursuant to condition 3 and shall thereafter be retained at all times to serve the development.

Reason: In the interests of highway safety and having due regard to policies and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review).

- 17 The means of enclosure approved pursuant to condition 3 along the western boundary of the site, between the points since marked X-X on the approved site layout plan, shall be provided prior to the opening of any retail floor space to the public, and shall be retained and maintained at all times thereafter.

Reason: In the interests of the amenities of adjoining residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.

- 18 No deliveries or collections shall be made to the premises in the area to the rear of the retail units (north and west elevations) except between the hours of 0700-2100 on Monday to Saturday and 1000-1700 hours on Sundays and recognised Public Holidays.
Reason: To minimise the disturbance to neighbouring residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1995.
- 19 The retail premises (as defined by Part A of the Town and Country Planning (Use Classes) Order 1987) hereby permitted shall not open to the public before 0700 hours or remain so open after 2100 hours on Monday to Saturday and 1000 hours to 1700 hours on Sundays.
Reason: In the interests of the amenities of adjoining residential properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.
- 20 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.
- 21 If at any time a cooking process, other than the preparation of hot beverages or the heating of food in a microwave oven, is undertaken on the premises, an extraction and ventilation system shall be installed and maintained in full working order including suitable and sufficient grease filters and odour neutralising plant. The details of the equipment shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of such cooking processes.
Reason: To protect the amenities of occupiers in adjoining properties from undue fumes and smells, and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.
- 22 Notwithstanding the details shown on the approved site layout plan, the landscaping scheme to be submitted pursuant to condition 3 shall make provision for landscaped areas within the main body of the car park serving the retail units.
Reason: To ensure that the appearance of the development is satisfactory and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policy 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.
- 23 No article of any description shall be stored outside the storage compound, garden centre or retail units or displayed for sale outside the garden centre or retail units unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of highway safety (by preventing display on parking/circulation areas), the visual amenity of the locality and in order to control the level of retail sales area, and having due regard to policies and proposals S1 and UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and policies 3 and 7 (Part 2) of the Havant Town Centre Action Area Local Plan 1980.

- 24 The development shall not be occupied until such time as a Site Travel Plan has been submitted to and approved by the Local Planning Authority.

Reason: In order to encourage the use of alternative modes of transport and reduce the dependency on car use and having due regard to policies and proposals T2 of the Hampshire County Structure Plan 1996-2011 (Review).

- 25 No development shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. Such a scheme shall be implemented to the reasonable satisfaction of the Authority supported by detailed calculations if required.

Reason: To prevent flooding and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review).

- 26 All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

- 27 Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage shall be passed through an oil bypass interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

- 28 No soakaway shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

- 29 The method of piling foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the planning Authority prior to any development commencing.

Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of the drinking water supplies the working methods will need to be carefully considered, and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

- 30 The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority prior to any development commencing.

Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered, and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

- 31 The development hereby permitted shall be carried out, completed and operated strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To ensure that the development is completed satisfactorily in all respects and in accordance with conditions 3 to 27 above, and having due regard to policies and proposals E1 of the Hampshire County Structure Plan 1996-2011 (Review).

Other Important Information:

In reaching its decision the Council has had regard to the policies and proposals :-

Hampshire County Structure Plan 1996-2011 (Review)

S1	Town Centres and Shopping
S2	Town Centres and Shopping
S3	Town Centres and Shopping
S4	Town Centres and Shopping
T12	Transport
T2	Transport
T4	Transport
T5	Transport
T6	Transport
UB2	Urban Regeneration
UB3	Urban Regeneration
UB3	Urban Regeneration

Havant Town Centre Action Area Local Plan 1980

17	Widening Of Park Road North And South
3	Shopping
36	New Car Park- Northern Part Of Former Depot Site Off Potash Terrace
52	Social And Community Services- Health
7 (Part 2)	Conservation And Townscape- New Development
7 (Part 7)	Conservation And Townscape- Archaeology

The Council considers, having regard to the objectives of these policies and proposals, that the principle of the development is acceptable in this case, and also that the impact of the development is acceptable in terms of planning history, town centre and retail considerations, highway considerations and effect on neighbouring properties. Having taken into account the requirements of Section 54a of the Town and Country Planning Act 1990 and all other material considerations, the Council has determined that planning permission should be granted for the development.

- (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 6573.

- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Department for Transport Local Government and the Regions, 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.
- (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 Civic Offices or by telephoning 023 9244 6015.
- (4) Your attention is drawn to the provisions of Section 12 of the Hampshire Act 1983, relating to access for the Fire Brigade. A copy of the Act may be inspected at the Planning and Development Reception at the Civic Offices.
- (5) Before undertaking any work which affects a public highway (including a footpath) you must obtain specific written approval from the Head of Technical Services, Havant Borough Council, Civic Offices, Civic Centre Road, Havant PO9 2AX (tel. no (023)9244 6428/9). This requirement applies not only to the creation of new vehicle accesses involving excavation within a footway, verge or carriageway but also to the stopping of existing access(es) or the construction of new boundary walls and foundations immediately alongside the public highway.
- (6) You are advised that consent may be required from Southern Water Services Ltd to build in the vicinity of public sewer. You can inspect a copy of the Southern Water Services Maps of public sewers, which are held by Technical Services at the Civic Offices to determine the proximity of any public sewer to the proposed development. If you are in any doubt or need information regarding the procedure for obtaining consent from Southern Water Services Ltd, you should seek further advice from the Development Control Manager, Southern Water Services Ltd (01962 714585).
- (7) Under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for discharging dewatering water from any excavation or development to a surface water course.
- (8) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 17 June 2005 which requires:
- (i) The provision and completion of the following highway works prior to occupation of the development:-
- implementation of signalling of the Elm Lane / Park Road North / realigned Parkway junction;
 - realignment of Parkway;
 - implementation of minor improvements to Solent Road at the junction with Park Road South, to provide a staggered pedestrian crossing facility;
 - implementation of a puffin pedestrian crossing facility on Park Road North;
 - implementation of an associated road signing package;
 - implementation of alterations to street lighting in Park Road North and South and in Elm Lane.

- (ii) Provision of a financial contribution of £118,000 if required by the Highway Authority, for the improvement of Langstone Roundabout within 5 years of the date of the planning permission, following implementation of the permission;
- (iii) Not to commence the highway works prior to the entering of agreement(s) under Sections 278 and 38 of the Highways Act 1980 and, if required, has paid the costs for the promotion of any related Traffic Regulation Order(s),
- (iv) The reimbursement of the Council's cost, in connection with the extinguishment of highway rights over part of Parkway.
- (v) The payment of £20,375 towards improvement measures within Havant Park.
- (vi) The payment of £11,643 towards the enhancement of Havant Bus Station.
- (vii) Not to allow the initial letting of any unit for unrestricted retail uses (i.e. 2647 sq.m gross) to retailers within existing retail premises within the primary frontages in Havant Town Centre as defined within the Havant Borough District Wide Local Plan.
- (viii) Not to commence development before a Section 106 Obligation containing planning obligations of like effect to those set out above has been entered into for the Council land.



Mrs J A Batchelor
Head of Planning and Development

21 June 2005