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BOROUGH COUNCIL

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Mr J Heppell
The Loft
St Clair's Farm
Wickham Road
Droxford
SO32 3PW

For: Linden Ltd

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

Application Number: APP/14/00724

Site Address: Former site of Havant Retail Park, Portsdown Hill Road, Havant

Proposal: Variation of condition No. 23 of Planning Permission APP/13/00266 relating to minor changes to the layout and appearance of the scheme (Plots 30-41 - changes to siting and size of units; Plots 50-83 - minor changes to floor plans and elevations and revised parking configuration).

Further to your application received on 10 July 2014, which was valid from 24 July 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 11 February 2014, the date on which planning permission APP/13/00266 was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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 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 CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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- 3 Construction of the building(s) hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be 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 CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 No development hereby permitted 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 the National Planning Policy Framework 2012.
- 5 No development hereby permitted shall be commenced until the timing provisions for completion of the landscaping scheme hereby approved have been submitted to and approved in writing by the Local Planning Authority. 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 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 6 The proposed works must be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy dated 24 July 2013 Ref 13042-AIA2-PB and the Tree Protection Plan Ref: 13042-BT2.
Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 7 No development hereby permitted 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 including the acoustic fence adjacent to the A3(M) and catch fences where required adjacent to the chalk faces within the site 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.

- 8 Unless the development is implemented in accordance with the details approved under Discharge of Conditions Approval APP/14/00465 no development hereby permitted nor any related site clearance shall commence until a plan and particulars specifying the provision to be made within the site and/or on other land nearby for the parking (throughout the clearance and construction period) of construction vehicles and of other vehicles delivering/removing materials and other items to/from the development site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout such site clearance and implementation of the development hereby permitted, all such temporary parking provision shall be provided 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 2012.
- 9 Unless the development is implemented in accordance with the details approved under Discharge of Conditions Approval APP/14/00465 no development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the provision to be made for a material storage compound within the site have been submitted to and approved in writing by the Local Planning Authority and no materials shall be stored anywhere else on the site throughout the contract period.
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 2012.
- 10 Unless the development is implemented in accordance with the details approved under Discharge of Conditions Approval APP/14/00465 no development hereby permitted nor any related site clearance shall commence until a specification of measures to be undertaken to prevent deposition on nearby roads of mud and spoil from vehicles leaving the site throughout the 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 when such implementation is in progress.
Reason: In the interests of traffic safety and having due regard to policies CS16, CS20 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 11 The development hereby permitted shall not 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 having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 12 Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme 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
 - A conceptual model of the site indicating sources, pathways and receptors of 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 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.
- Any changes to these components shall be submitted to and approved in writing by Local planning Authority. The scheme shall be implemented as approved.
- Reason:** In order to (i) protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and (ii) to prevent future site users, buildings & key services being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land, soil gas & vapours and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation 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 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:** In order to protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.

- 14 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: In order to (i) protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and (ii) to prevent future site users, buildings & key services being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land, soil gas & vapours having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework March 2012.
- 15 Piling using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: In order to protect water sources as the site is located on the Portsdown Chalk that is designated as a Principal Aquifer and the north west of the site is located in the Source Protection Zone for the public water supply abstraction at Havant and Bedhampton Springs and having due regard to policies CS19 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework March 2012.
- 16 The development hereby permitted shall not commence until a scheme for protecting the proposed dwellings from traffic noise from the A3(M) has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought into use until the implementation of all works forming part of such approved noise protection scheme has been completed in full accordance with all detailed components of such scheme.
N.B. The configuration of double glazed window units shall not contain panes of equal thickness and the maximum noise level (predicted 15 years from completion of dwellings) in habitable rooms, with windows closed and other means of ventilation provided should not exceed the following:
Daytime 35 dB LAeq,16h
Night time 30 dB LAeq,8h
Reason: To safeguard the amenities of occupiers of those dwellings and having due regard to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.
- 17 i) No development hereby permitted shall commence (other than demolition and site preparation) until a detailed design & specification for a fresh air ventilation system has been submitted to, and approved in writing by the Local Planning Authority (the 'approved mitigation works'). The systems shall be applicable to all floors of 'Apartment A', no.'s 50-83.

The ventilation system shall be of sufficient capacity to provide adequate ventilation with all openings (windows & doors) closed.

The submitted specification shall include:

- a) the position of the fan box and / or air intake duct, to be located either at roof level or at the Eastern Façade, and;
- b) the ventilation standards to be achieved (i.e. as m³/min or air changes per hour (% total volume/hr)), with reference to CIBSE & HVCA recommendations.

ii) All measures forming part of the approved mitigation works for the site shall be undertaken and fully adhered to, prior to occupation of the units.

Reason: To protect future occupants from the effects of locally elevated concentrations of Nitrogen Dioxide (NO₂), and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.

Note : It is suggested that documentary evidence including receipts, invoices &/or guarantees (if applicable) in connection with the purchase & installation of the extraction system are submitted to the Local Planning Authority in order to facilitate confirmation of compliance with this condition.

- 18 No development hereby permitted shall be occupied prior to the completion of the roadworks substantially in accordance with the details shown indicatively on Bellamey Roberts' drawings 4186/001 for the alterations to Portsdown Hill Road adjacent to the entrance and on 4186/005 for alterations to the Belmont Roundabout.

Reason: In the interests of highway safety and having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.

- 19 Immediately prior to the commencement of site clearance works , an updating badger survey shall be undertaken and the results submitted in writing to the Local Planning Authority. The applicant will undertake any necessary mitigation, compensation or enhancement measures resulting from the updating survey in accordance with an agreed timescale.

Reason: In order to provide appropriate protection and mitigation and having due regard to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework 2012.

Note: Under the Protection of Badgers Act 1992, it is an offence to willfully kill or injure a badger or to intentionally or recklessly interfere with a sett. Any works which will interfere with a sett will need to be carried out under licence.

- 20 Demolition, clearance, excavation, road or construction works and deliveries during the development phase shall take place only between the hours of 0800 hours and 1800 hours on Mondays to Saturdays and not all on Sundays and all recognised public holidays.

Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework March 2012.

- 21 No dwelling shall be occupied until space for the loading, unloading and parking of vehicles and cycles and has been provided within the site, surfaced and marked out in accordance with the approved plans. 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 the National Planning Policy Framework 2012.

- 22 Prior to the occupation of the development a Post Construction Certificate shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of Level 3 of the Code, unless otherwise agreed in writing by the Local Planning Authority.

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 2012.

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

Plans

LANDSCAPE PROPOSALS LIN1918711A-14A

TREE PROTECTION PLAN 13042-BT2

LOCATION PLAN PP1169 100-00 P1

EXTERNAL WORKS 4982-40F

BLOCK A PLANS PP1169 120-00 P4

BLOCK A ELEVATIONS PP1169 120-10 P3

BLOCK B PLANS PP1169 121-00 P1

BLOCK B ELEVATIONS PP1169 121-10 P1

BLOCK C PLANS ELEVATIONS PP1169 122-00 P1

BLOCK D PLANS PP1169 123-00 P3

BLOCK D ELEVATIONS PP1169 123-10 P2

BLOCK D ELEVATIONS PP1169 123-11 P2

BLOCK E PLANS PP1169 124-00 P3

BLOCK E ELEVATIONS PP1169 124-10 P3

BLOCK F PLANS PP1169 125-00 P1

BLOCK F ELEVATIONS PP1169 125-10 P1

BLOCK G PLANS PP1169 126-00 P4

BLOCK G ELEVATIONS PP1169 126-10 P3

BLOCK H PLANS

PLOTS 30-34 GROUND FLOOR PLAN 3030-00-SK01

PLOTS 30-34 FIRST FLOOR PLAN 3030-01-SK01

PLOTS 30-34 SECOND FLOOR PLAN 3030-02-SK01

PLOTS 30-34 ROOF PLAN 3030-03-SK01

BLOCK H ELEVATIONS

PLOTS 30-34 SOUTH & SIDE ELEVS 5030-00-SK03

PLOTS 30-34 NORTH & SIDE ELEVS 5030-01-SK03

BLOCK J PLANS

PLOTS 35-38 GROUND FLOOR PLAN 3035-00-SK01

PLOTS 35-38 FIRST FLOOR PLAN 3035-01-SK01

PLOTS 35-38 SECOND FLOOR PLAN 3035-02-SK01

PLOTS 35-38 ROOF PLAN 3035-03-SK01

BLOCK J ELEVATIONS

PLOTS 35-38 FRONT & REAR ELEVS 5035-00-SK01

PLOTS 35-38 SIDE ELEVATIONS 5035-01-SK01

BLOCK K PLANS

PLOTS 39-41 GROUND FLOOR PLAN 3039-00-SK04

PLOTS 39-41 FIRST FLOOR PLAN 3039-01-SK04

PLOTS 39-41 SECOND FLOOR PLAN 3039-02-SK04

PLOTS 39-41 ROOF PLAN 3039-03-SK01

BLOCK K ELEVATIONS

PLOTS 39-41 ELEVATIONS 39 & 40 5039 -00-SK03

PLOTS 39-41 ELEVATIONS PLOT 41 5039-01-SK03

BLOCK L PLANS PP1169 130-00 P1

BLOCK L ELEVATIONS PP1169 130-10 P1

BLOCK M PLANS PP1169 131-00 P3

BLOCK M ELEVATIONS PP1169 131-10 P3

APARTMENT A PLANS

PLOTS 50-61 GROUND FLOOR PLAN 3050-00-SK04

PLOTS 62-71 GROUND FLOOR PLAN 3062-00-SK03

PLOTS 72-78 GROUND FLOOR PLAN 3072-00-SK03

PLOTS 79-83 GROUND FLOOR PLAN 3079-00-SK03

PLOTS 50-61 FIRST FLOOR PLAN 3050-01-SK04

PLOTS 62-71 FIRST FLOOR PLAN 3062-01-SK04

PLOTS 72-78 FIRST FLOOR PLAN 3072-01-SK04

PLOTS 79-83 FIRST FLOOR PLAN 3079-01-SK04

PLOTS 50-61 SECOND FLOOR PLAN 3050-02-SK02

PLOTS 62-71 SECOND FLOOR PLAN 3062-02-SK02

PLOTS 72-78 SECOND FLOOR PLAN 3072-02-SK02

PLOTS 79-83 SECOND FLOOR PLAN 3079-02-SK02

PLOTS 50-61 THIRD FLOOR PLAN 3050-03-SK02

PLOTS 62-71 THIRD FLOOR PLAN 3062-03-SK02

PLOTS 50-61 FOURTH FLOOR PLAN 3050-04-SK03

PLOTS 50-61 ROOF PLAN 3050-05-SK01

PLOTS 62-71 ROOF PLAN 3062-04-SK01

PLOTS 72-78 ROOF PLAN 3072-03-SK02

PLOTS 79-83 ROOF PLAN 3079-03-SK01

APARTMENT A ELEVATIONS

PLOTS 50-61 EAST ELEVATION 5050-00-SK03

PLOTS 62-71 EAST ELEVATION 5062-00-SK02

PLOTS 72-78 EAST ELEVATION 5072-00-SK02

PLOTS 79-83 EAST ELEVATION 5079-00-SK03

PLOTS 50-61 WEST ELEVATION 5050-01-SK04

PLOTS 62-71 WEST ELEVATION 5062-01-SK03

PLOTS 72-78 WEST ELEVATION 5072-01-SK03

PLOTS 79-83 WEST ELEVATION 5079-01-SK02

PLOTS 50-61 NORTH ELEV/SECT 1-1 5050-02-SK03

PLOTS 62-71 SECTIONS 2-2 AND 9-9 5062-02-SK02

PLOTS 72-78 SECTIONS 3-3 AND 4-4 5072-02-SK02

PLOTS 79-83 SOUTH ELEV/SECT 5-5 5079-02-SK02

PLOTS 79-83 SECTIONS 6-6 AND 7-7 5079-03-SK02

PLOTS 72-78 SECTION 8-8 5072-03-SK02

PLOTS 62-71 SECTION 10-10 5062-03-SK02

PLOTS 50-61 SECTION 11-11 5050-03-SK02

APARTMENT B PLANS SECTION PP1169 142-00 P3

APARTMENT B ELEVATIONS PP1169 142-10 P3

APARTMENT B STREET ELEVS PP1169 142-20 P3

STREET ELEVATIONS PP1169 150-00 P2

Documents:

<i>Title:</i>	<i>Dated:</i>
Design and access statement	March 2013
Planning and housing statement	March 2013
Statement of community involvement	March 2013
Marketing report	March 2013
Flood risk assessment	February 2013
Ground investigation report	August 2012
Noise exposure assessment report	February 2013
Noise intrusion via chimney stack	July 2013
Air quality assessment	March 2013
Air quality assessment response	June 2013
Transport assessment	March 2013
Residential travel plan framework	March 2013
Extended phase 1 habitat survey	February 2013
Badger survey	July 2013
Arboricultural impact appraisal and method statement	July 2013
Landscape maintenance plan	February 2013
Space About Dwellings Audit Notes	
Southern Water Foul Drainage Options	March 2013
WYG Letter	16 October 2013
WYG Letter	22 October 2013

Accommodation/Parking Schedule PP1169 2 July 2014

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 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.

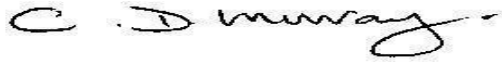
- (4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- 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 updated about issues after the initial site visit,

- (5) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 28 October 2014 which links the permission to the S106 dated 3 February 2014.
- (6) The Community Infrastructure Levy (CIL) is not payable on this development as CIL was paid on planning permission APP/13/00266.



Mr Chris Murray
Service Manager (Planning Development)

30 October 2014