Havant BOROUGH COUNCIL

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Mr J Bonner
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For: Mr J Bonner

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

Application Number: APP/11/00893
Site Address: 158 Hart Plain Avenue, Waterlooville, PO8 8QP
Proposal: Proposed mixed use development to comprise 11No. residential units and 1No. A1 retail unit with associated parking / refuse stores.

Further to your application received on 31 March 2011, which was valid from 07 May 2011, 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 Construction of the buildings 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 and DM9 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 1.

3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework, and Planning Policy Statement 1.

4 No development hereby permitted shall be commenced until a detailed Soft Landscaping Scheme for all open parts of the site not proposed to be hard surfaced, including the layout of all external amenity spaces, 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 and CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statements 1 and 9.

5 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 hard surfaced 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 hard surfacing 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 CS11, CS16, and DM8 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statements 1 and 25.

6 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 means of enclosure, including screen walls, fences, hedges and other means of enclosure. This shall include the boundary treatment to be erected between the North East corner of the residential block and the adjacent boundary and between the western wall of the cycle store and the wall of the adjoining yard to the rear of the retail premises, 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 occupied until the installation of all approved means of enclosure has been completed. At all times thereafter, all means of enclosure shall be retained in a wholly sound and effective condition.
Reason: To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

7 No development hereby permitted 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/or other vegetation at and in the vicinity of the site, and having due regard to policies CS11 and CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

8 No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.
Reason: To protect the health of trees to be retained in the interests of amenity and having due regard to policies CS11.4 and CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 1.

9 The retail use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.
Reason: In the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 1.

10 The soil levels within the root spread of the trees/hedgerows to be retained shall not be raised or lowered without prior written approval of the Local Planning Authority.
Reason: To avoid damage to the health of existing trees and hedgerows and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

11 The development of the retail premises hereby permitted shall not be occupied until details of all external lighting of the site and details of any internal lighting of the approved retail premises that can be seen from outside the premises, have been submitted to and approved in writing by the Local Planning Authority. These details shall be adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.
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 Core Strategy 2011 which form part of the Local Development Framework.

12 No equipment, raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas approved in writing by the Local Planning Authority for that express purpose.
Reason: In the interest of the appearance of the site and the visual amenities of the surrounding area and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Guidance 23.

13 The retail premises hereby permitted shall not open to the public before 07:00 hours or remain so open after 23:00 hours on Mondays to Sundays.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Guidance 23.

14 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. The approved compound shall be available prior to the commencement of any building works and throughout the contract period and no materials shall be stored anywhere else on the site.
Reason: To safeguard the amenities of the locality and/or in the interests of traffic safety and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

15 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 Core Strategy 2011 which form part of the Local Development Framework.

16 (i). The residential development shall not be brought into use until a minimum of 10No. parking spaces (including the provision of 1No. disabled parking space) have been provided for the residential development within the curtilage of the site and thereafter all of those spaces kept available for such purposes.

(ii). The retail development shall not be brought into use until a minimum of 10No. spaces (including the provision of 1No. disabled parking space) have been provided for the retail development within the curtilage of the site and thereafter all of those spaces kept available for such purposes.
Reason: In the interests of highway safety and having due regard to policies DM13 and DM14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Guidance 13.

17 (i). The residential development shall not be commenced until the access to the public highway has been provided and thereafter shall be kept available for purposes of access to the residential development.

(ii). The retail development shall not be commenced until the access to the public highway has been provided and thereafter shall be kept available for purposes of access to the residential development.
Reason: In the interests of highway safety and having due regard to policies DM13 and DM14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Guidance 13.

18 Prior to the occupation of the development a Code for Sustainable Homes Post Construction Certificate shall state that the residential 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 Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 22.

19 The windows at or above 1st floor level in the east facing (side) elevation of the building shall:-

i. at all times be and remain glazed entirely with obscure glass, the particular type of which glass shall provide a degree of obscuration no less obscure than that which is provided by Pilkington's Texture Glass Obscuration Level 4 and;
ii. fixed shut or fitted with restricted openings in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

20 No sound amplifying equipment which is audible outside the premises shall be installed in the premises without the consent, in writing, of the Local Planning Authority.
Reason: To protect the amenity of adjoining residents and having due regard to policy CS16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework.

21 The open areas of the site shall be kept free from outside display of goods, obstructions, erections or structures, and no trading shall take place from them without the prior written consent of the Local Planning Authority.
Reason: To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework.

22 The open areas at the rear of the retail unit (outside of the yard) shall be kept free of stored items, refuse and crates or any other storage whatsoever at all times.
Reason: To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework.

23 The retail premises shall be used only for A1 Retail and for no other purpose whatsoever including any other purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To safeguard the amenities of the locality and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 and saved policy TC1 of the Havant Borough District Wide Local Plan 1996-2011, which form part of the Local Development Framework.

24 The development shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement, received on 28 June 2011, including the tree protection measures such protective fencing to be erected and Council supervision to be employed during the demolition and construction period.
Reason: To protect the onsite trees and having due regard to Policies CS11 and DM8 of the Core Strategy 2011 which forms part of the Havant Borough Local Development Framework.

25 Any excavation work, including foundations, within the existing crown spread of the trees covered by TPO's on the site shall be carried out only by hand and under supervision of a representative of the Local Planning Authority. Any roots over 25mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.
Reason: To ensure that the trees on site are not adversely affected by the construction of the development and having due regard to Policies CS11 and DM8 of the Core Strategy 2011 which form part of the Havant Borough Local Development Framework.

26 Any proposal relating to the installation of noise making equipment (i.e. refrigeration units, air conditioning, extraction ventilation equipment's) scheme shall be first submitted to and approved in writing by the Local Planning Authority prior to any developments taking place.
Reason: To protect the occupants of nearby residential properties from noise, vibration and/or dour nuisance having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

27 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 the local residents from unreasonable noise levels which would be detrimental to the residential character of the area having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

28 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows/doors or other openings shall be constructed within the residential unit without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

29 Deliveries (including waste collections) shall only be taken and/or dispatched from the site between the hours 07.00 to 21.00 Monday to Saturday and 09.00 to 16.00 hours on Sundays or recognised public holidays.
Reason: In the interests of residential amenity and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

30 Construction, clearance or demolition work of any sort within the area covered by the application shall only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays. No work at all shall take place on Sundays and Bank or Statutory Holidays.
Reason: In the interests of neighbouring residential amenity and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

31 (i). The residential development shall not be commenced until a traffic management plan for the period of development works must be submitted to and approved in writing by the Local Planning Authority and subsequently implemented. The approved traffic management plan must be adhered to at all times.
(ii). The retail development shall not be commenced until a traffic management plan for the period of development works must be submitted to and approved in writing by the Local Planning Authority and subsequently implemented. The approved traffic management plan must be adhered to at all times.
Reason: In the interests of highway safety and having due regard to policies DM13 and DM14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Guidance 13.

32 (i). Prior to occupation of the residential development a green travel plan must be submitted to and approved in writing by the Local Planning Authority and fully implemented. The green travel plan must be adhered to at all times.
(ii) Prior to commencement of the use of the retail development a green travel plan, including arrangements for staff and customers, must be submitted to and approved in writing by the Local Planning Authority and fully implemented. The green travel plan must be adhered to at all times.
Reason: In the interests of highway safety and having due regard to policies DM13 and DM14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Guidance 13.

33 Prior to the commencement of the use of the retail unit hereby approved, a Post Construction Assessment shall be submitted to the Local Planning Authority. The Certificate shall state that the development has attained a minimum standard of 'very good' BREEAM rating, 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 Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statement 22.

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

Application form received on 31/3/11
Design and Access Statement received on 31/3/11
Marketing History Statement received on 31/3/11
Arboricultural Report and Method Statement (as amended)
Amended Tree Protection Plan (as amended)
Transport Statement received on 31/3/11
Sequential Test Assessment received on 31/3/11
Parking Survey received on 28/6/11
Parking survey received on 19/7/11
DN – 09-1682-116 (P5) - Perspective Views
DN – 09-1682-114 (P9) – Contextual Elevations
DN – 09-1682-111 (P11) – Site Plan
DN – 09-1682-113 (P10) – Block A Floor Plans and Elevations and Bin Store Elevations
DN – 09-1682-112 (P8) - Block B Floor Plans and Elevations

Reason: - To ensure provision of a satisfactory development.

35 If provision is to be made for an outdoor drying area, details must be provided and agreed in writing by the Local Planning Authority before implementation. Implementation of the outdoor drying area shall only be in accordance with the details thus approved,
Reason: In the interests of the amenities of the locality and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

36 The car parking area comprising 10 no. spaces to the north of the residential block hereby approved, shall be used only for parking purposes ancillary to the use of the flats. This car park shall not be used for parking or loading purposes ancillary to the use of the retail premises hereby approved.
Reason: In the interests of clarity, to ensure that availability parking and to safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 and DM13 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

37 The development hereby permitted shall not be occupied until details of the location, size, design and content of signage to be erected close to the entrance of the parking areas has been submitted to and approved in writing by the Local Planning Authority. This signage shall be designed to prevent users of the retail premises, from parking in the car park to the north of the flats hereby approved
Reason: To safeguard the amenities of the locality and in the interests of traffic safety and having due regard to policies CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework.

Other Important Information:

In reaching its decision the Council has had regard to policies of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework: and Planning Policy Statements/Guidance -

Havant Borough District Wide Local Plan 1996-2011

CS2	(Community Health Facilities)
TC1	(Hierachy of Centres)

Havant Borough Core Strategy 2011

CS11	Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS13	Green Infrastructure
CS14	Efficient Use of Resources
CS16	High Quality Design
CS17	Concentration and Distribution of Development within the Urban Areas
CS19	Effective Provision of Infrastructure
CS20	Transport and Access Strategy
CS21	Developer Requirements
CS6	Regeneration of the Borough
CS8	Community Safety
CS9	Housing
DM10	Pollution
DM11	Planning for More Sustainable Travel
DM13	Car and Cycle Parking on Residential Development
DM14	Car and Cycle Parking on Development (excluding residential)
DM2	Protection of Existing Community Facilities and Shops

National Policies

PPG13	(Transport)
PPS 1	(Delivering Sustainable Development)
PPS 3	(Housing)
PPS 4	(Planning for Sustainable Economic Growth)
PPS22	(Renewable Energy)
PPS23	(Planning and Pollution Control)

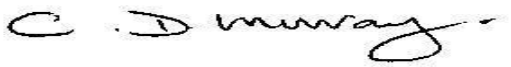
The Council considers, having regard to the objectives of these policies and proposals, that the principle of the development is acceptable in this case, and also that the impact of the development is acceptable in terms of residential amenity, highway and parking implications and impact on trees. Having taken into account the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

(3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Civic Offices or by telephoning 023 9244 6015.

(4) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 14 March 2012 which requires a contribution towards transport and play space and provision of affordable housing.



Mr Chris Murray
Service Manager (Planning Development)

15 March 2012