



To:
Ms M Barber
Woodfield Builders
13 Windsor Road
Waterlooville
Hants, PO7 6BA

THE TOWN AND COUNTRY PLANNING ACT 1990
Discharge of Conditions Application

Application Number: APP/10/00363

Site Address: Commercial Garage and Development Site, New Road, Havant

Proposal: Application for written approval that the developments has been carried out in accordance with approved details relating to Planning Permission 06/66809/001.

This decision relates to your application received on 08 July 2010, and in particular the plans and other documents submitted with your application.

The conditions in respect of which information has been submitted are:

- 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 and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 of the Havant Borough District Wide Local Plan 1996-2011.
- 3 No development shall commence on the site until details of the design and external materials of all stores hereby permitted have been submitted to and approved by the Local Planning Authority. The development hereby permitted shall not be brought into use until the implementation of the stores has been completed in full accordance with such details.
Reason: To ensure adequate storage, cycle and refuse provision and in the interests of the amenities of the locality and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1, PC1 and T9 of the Havant Borough District Wide Local Plan 1996-2011.

- 4 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 and proposals T5 of the Hampshire County Structure Plan 1996-2011 (Review) and D1, T9 and PC1 of the Havant Borough District Wide Local Plan 1996-2011.
- 5 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 in the interests of traffic safety and having due regard to policies and proposals T5 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011.
- 6 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 policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 and L7 of the Havant Borough District Wide Local Plan 1996-2011.
- 7 No development hereby permitted 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 and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 and L7 of the Havant Borough District Wide Local Plan 1996-2011.

- 8 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 and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011.
- 9 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 in the interests of traffic safety and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011.
- 10 The premises shall not be occupied until the access with visibility splays as shown on the approved plan have been provided.
Reason: In the interests of highway safety and having due regard to policies and proposals T6 of the Hampshire County Structure Plan 1996-2011 (Review), and D1 and T7 of the Havant Borough District Wide Local Plan 1996-2011.
- 11 The development shall not be brought into use until space for the loading, unloading and parking of vehicles including cycles has been provided within the site, surfaced and marked out in accordance with the approved details. The spaces and garages shall be allocated to the dwellings in accordance with the details shown. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety and having due regard to policies and proposals T5 of the Hampshire County Structure Plan 1996-2011 (Review) and T9 of the Havant Borough District Wide Local Plan 1996-2011.
- 12 Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of all walls and fences hereby approved. At all times thereafter all of such walls and fences 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 policies T9 of the Havant Borough District Wide Local Plan 1996-2011.
- 13 Notwithstanding the details approved no development shall commence on site until details of further short stay cycle parking have been submitted to and approved by the Local Planning Authority. The development shall not be brought into use until such provision has been provided. Such areas shall thereafter be retained.
Reason: In the interests of providing adequate cycle provision and having due regard to policy T9 of the Havant Borough District Wide Local Plan 1996-2011.

- 14 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A and E of the 1995 Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of the locality in view of the limited nature of the garden curtilages and having due regard to policies UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 of the Havant Borough District Wide Local Plan 1996-2011.
- 15 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no alteration to the roof of the dwellings hereby approved including the addition of windows permitted by Part 1, Classes B and C of the 1995 Order, shall be constructed without the prior written approval of the Local Planning Authority.
Reason: In the interests of occupiers of nearby properties and to ensure regard is taken of the design of the dwellings and having due regard to policies UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 of the Havant Borough District Wide Local Plan 1996-2011.
- 16 The garages hereby permitted shall be retained and kept available for the parking of cars at all times.
Reason: To ensure the retention of adequate on-site car parking and to discourage parking on the adjoining highway in the interests of highway safety / local amenity and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review), and D1 of the Havant Borough District Wide Local Plan 1996-2011.
- 17 The balustrade panel at first floor on the rear of dwelling units H3 to H10 hereby approved shall at all times remain as an opaque or obscure glazed panel to provide a degree of obscurity no less obscure than that which is provided by Pilkington's Texture Glass Obscurity Level 4.
Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review), and D1 of the Havant Borough District Wide Local Plan 1996-2011.
- 18 Prior to the commencement of development (including any site clearance) approved by this Planning Permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority:
1. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - 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 an assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report on completion of the works set out in (3) by a competent consultant, independent of the company which has undertaken the approved remediation works, confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To protect future site users and the minor aquifer beneath the site and the surface waters to the west of the site. The site is likely to be affected by contamination due to its previous use as a petrol filling station which may pose a risk to controlled waters. Risk to groundwater and surface water has not yet been fully established at the site and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review) and PC3 of the Havant Borough District Wide Local Plan 1996-2011.

- 19 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 and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect future site users and the minor aquifer beneath the site or the surface waters to the west of the site. There may be areas of the site, which cannot be fully characterised by a site investigation and unexpected contamination may be identified and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review) and PC3 of the Havant Borough District Wide Local Plan 1996-2011.

- 20 No infiltration of surface water drainage into the ground is 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 controlled waters.

Reason: To protect the minor aquifer beneath the site as SUDS and soakaways can increase the potential for pollution if located in contaminated ground causing infiltration of contaminated water to groundwater beneath the site and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review) and PC3 of the Havant Borough District Wide Local Plan 1996-2011.

- 21 Piling or any other foundation designs using penetrative methods will 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.

Reasons: To protect the minor aquifer beneath the site as, if used, piling may provide direct pathways for contaminants to groundwater and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review) and PC3 of the Havant Borough District Wide Local Plan 1996-2011.

- 22 No development approved by this Planning Permission shall be commenced until a scheme for the method of work and construction has been submitted and approved in writing by the Local Planning Authority.

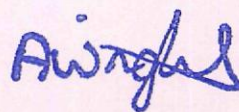
Reason: To prevent water pollution and having due regard to policies and proposals E2 of the Hampshire County Structure Plan 1996-2011 (Review) and PC3 of the Havant Borough District Wide Local Plan 1996-2011 as already identified by the Desk Study carried out by Dig-Geotech Limited, there are several on site ground contamination issues. To further this the Hermitage stream (A Controlled Water) is in close vicinity and runs along the Western Boundary of the site. This presents an environmental risk, which must be mitigated against. The Desk Study has already identified several pollution sources, pathways and receptors that exist on site. The method statement must expand on this by identifying potential pollution sources arising from activities during the construction phase. Pollution prevention methods employed to mitigate against any environmental risks must also be included.

- 23 The development, hereby permitted, shall be carried out and completed 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 is in accordance with conditions 2 to 22 above.

Havant Borough Council as Local Planning Authority hereby **REFUSES** the application for the following reasons:

- (i) Conditions 2, 3, 6, 7, 8, 9 and 13 have not been complied with insofar as not all the agreed details were submitted and/or approved in writing before development had commenced. Had the information been provided prior to commencement, it would have been considered acceptable in meeting the requirements of the conditions.
 - (ii) Condition 18 has not been complied with in that no details have been formally submitted to and/or approved by the Local Planning Authority in respect of parts 2, 3 and 4.
 - (iii) Condition 22 has not been complied with in that no details have been formally submitted to and/or approved by the Local Planning Authority.
 - (iv) The development is not in accordance with Conditions 7 and 23 in that planting bed I, (to the front of Plot H3 and adjacent to the rear access drive), as approved under 08/66809/002 on 02/07/2008 has not been provided in accordance with the approved scheme but has been hard surfaced.
- (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/pes.
- (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) You are advised to submit a planning application to formally discharge parts 2, 3 and 4 of condition 18. You may wish to instruct your consultant in regards to this matter.



Julia Potter
Executive Head of Planning and Built
Environment

09 November 2010