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THE TOWN AND COUNTRY PLANNING ACT 1990
Discharge of Conditions Application

Application Number: APP/10/00354
Site Address: Development at Chester Close, Emsworth

Proposal: Application for written approval that the development has been carried out in accordance with approved details, comprising Conditions 1 to 19 of 97/54314/5 and 1 to 19 of 00/54314/010.

This decision relates to your application received on 05 July 2010 which was valid from 15 July 2010, and in particular the plans and other documents submitted with your application.

Havant Borough Council as Local Planning Authority hereby REFUSES the submitted application.

The conditions in respect of which the application has been submitted are:

Planning Permission 97/54314/005

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

3 Prior to any development works, including site clearance, commencing within the land outlined in red on the approved drawings, full details of proposed works to trees covered by Tree Preservation Orders shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the continuity of amenity value afforded by the trees in question.

4 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same **[herein called "the reserved matters"]** have been submitted to and approved in writing by the Local Planning Authority:

(a) The design and external appearance of all buildings (including details of the colour and texture of external materials to be used).

(b) The finished levels (above ordnance datum) of both the ground floor of the proposed building(s) and the surround ground levels.

(c) Alterations to the external appearance of the existing building(s).

(d) The layout of foul sewers and surface drains and all other underground services.

(e) Landscaping including an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the tree(s) to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree.

(f) 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.

(g) Landscaping including the arrangements to be made for the future maintenance of landscaped and other open areas.

(h) The alignment, height and materials of all walls and fences and other means of enclosure.

(i) Hardsurfacing proposals including surfacing materials.

(j) The provision to be made for the parking of vehicles.

(k) The provision to be made for the parking, turning, loading and unloading of vehicles.

(l) The provision to be made for the storage and removal of refuse from the premises.

(m) The provision to be made for street lighting.

(n) The measures to be taken to prevent damage to existing trees (and hedgerows) throughout implementation of the development.

(o) The areas to be used for contractors' vehicle parking and materials storage during (site clearance and) construction of the development.

(p) A phased programme for implementation of the development.

Reason: To secure orderly development.

5 The development hereby permitted shall not be occupied until all hard and soft landscape works approved pursuant to Conditions 4 (e) and (f) above has been completed in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice, unless otherwise in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced before the end of the next planting season with others of species, size and number as originally approved, unless agreed otherwise by the Local Planning Authority in writing.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6 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 drainage and other underground services proposed to serve that development and in particular, full details of the thrust boring method of installing conduits for underground services in the vicinity of TPO trees 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.

7 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.

8 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 south and east elevations of plot 4, west elevation at first floor on plot 2 and east elevation at first floor on plot 3, without the prior written approval of the Local Planning Authority.
Reason: To safeguard the amenities of nearby residents.

9 Prior to any development works, including site clearance commencing within the land outlined in red on the approved drawings, the private drive hereby approved shall be constructed strictly in accordance with details contained on Drawing Nos 94 P20 23B and 94 P20 25 and additional information received 1st October 1997 and during the development works, the drive shall be protected from becoming compacted by the passage of heavy contractor's plant movements by the introduction of railway sleepers or temporary sheet roading adjacent to the protected areas since hatched green on the plan hereby approved. The temporary sheet roading or railway sleepers shall be laid and maintained in that position throughout the complete construction period of the site.
Reason: To safeguard the protected trees.

10 The private drive hereby permitted shall be constructed only between the months of May and October and during no other months whatsoever unless agreed in writing by the Local Planning Authority.
Reason: To safeguard the protected trees.

11 No development including site clearance shall commence on the site until all trees, shrubs and other natural features, not previously agreed with the Local Planning Authority for removal, shall have been protected by fencing along a line to be agreed in writing with the Local Planning Authority. Such fencing shall conform to the following specification:

1.2 m minimum height chestnut paling to BS 1722 Part 4 standard, securely mounted on 1.2 m minimum height scaffold poles.

Such fencing shall be maintained throughout the course of the works on the site, during which period no access, placement of materials, fuels or chemicals, soil or other materials shall take place inside the fenced off area.
Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

12 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.

13 Any excavation work within the existing crown spread of the trees covered by Tree Preservation Orders 1421, 1572 and 1653 shall be carried out only by hand and under the supervision of a representative of the Local Planning Authority. Any roots over 40mm in diameter and 25mm in diameter in the case of TPO 1653 shall not be severed without the prior agreement of the Local Planning Authority.
Reason: To ensure the tree is not adversely affected by the construction of the development.

14 Demolition, clearance, excavation, road or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Fridays, 0900 and 1300 hours on Saturdays and not at all on Sundays and all recognised public holidays.
Reason: To protect the amenity of adjoining residents.

15 The development shall not be brought into use until space of the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with details to be agreed in writing with the Local Planning Authority. Such areas shall thereafter be retained and used solely for those purposes.
Reason: In the interests of highway safety.

16 No works or development shall take place on the site until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority.

These details shall include:

(a) Proposed finished levels or contours
(b) Means of enclosure
(c) Car parking layouts
(d) Other vehicle and pedestrian access and circulation areas
(e) Hard surfacing materials
(f) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc indicating lines, manholes supports etc).
(g) Schedules of plants, noting species planting sizes and proposed numbers / densities where appropriate.
(h) Implementation timetables.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

17 The development hereby permitted shall not be occupied until all hard and soft landscape works approved pursuant to Condition 16 above has been completed in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice, unless otherwise in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced before the end of the next planting season with others of species, size and number as originally approved, unless agreed otherwise by the Local Planning Authority in writing.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

18 The existing access to No 103 Havant Road shall be stopped up and abandoned and any footway/verge crossings shall be reinstated on completion of the new access.
Reason: In the interests of highway safety.

19 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.

Reasons for Refusal

1. The development is not in accordance with Conditions 5, 17 and 19 ion that not all the landscaping has been completed.

2. The development is not in accordance with Condition 19 in that the boundary fencing in respect to Plots 3 and 4 has not been fully provided.

It is confirmed that all the reserved matters have now been approved, and that the development commenced within 2 years of the date of the last of the reserved matter to be approved.

Planning Permission 00/54314/010

1 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 any elevations of the four dwellinghouses without the prior written approval of the Local Planning Authority.
Reason: To protect the privacy of neighbouring residential properties.

2 The rooflight windows in the south and west elevations of Plot 1 since marked with an 'X' on the plans hereby approved shall at all times be fixed shut and 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 Pikington Textured Glass Obscuration Level 4.
Reason: To protect the privacy of neighbouring residential properties.

3 Notwithstanding the details shown on the plans submitted the the first floor window in the east elevation of the building on plot 4 since marked 'x' on the plans hereby approved shall:-

(i) consist of at least two lights divided horizontally with only the top light capable of being opened, and shall be maintained in that condition at all times; and

(ii) 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.

Reason: In the interests of the amenities of the occupiers of nearby properties.

4 The rooflight window in the south elevation of the building on Plot 4 since marked with an 'X' on the plans hereby permitted shall at all times be fixed shut and shall 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 provided by Pilkington Texture glass obscuration level 4.
Reason: To protect the privacy of neighbouring residential properties.

5 None of the dwellinghouses hereby permitted shall be occupied before the boundary treatments and enclosures shown on the approved plans have been provided on site. Thereafter such treatments and enclosures shall be retained and maintained in a wholly sound condition.
Reason: In the interests of the amenities of the area and occupiers of neighbouring residential properties.

6 The services to the 4 no dwellinghouses hereby permitted shall be thrust bored in the vicinity of the TPO trees within and adjacent to the site in accordance with the Method Statement prepared by the Arboricultural Advisory and Information (received 1 November 2002). No thrust boring shall commence on site before details of the pits to be excavated have been submitted to and approved by the Local Planning Authority. The thrust boring shall not be undertaken other than under the supervision of a representative of the Local Planning Authority unless any variation is first agreed in writing.
Reason: To protect the TPO trees.

7 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (1989).
Reason: In the interests of tree health and safety.

8 The tree works for which consent is hereby granted shall not be carried out otherwise than under the supervision of a nominated representative of the Local Planning Authority and at a time agreed beforehand with that representative.
Reason: To safeguard the health and well being of the tree(s).

9 The street lights hereby permitted shall not exceed a height above existing ground level of 4 metres and the level of illumination provided shall not exceed 50 watts.
Reason: To protect the amenities of the area and occupiers of neighbouring residential properties.

10 Any trees, shrubs or hedgerows shown on the landscaping plan hereby approved to be retained which are nevertheless removed, or damaged during the course of development shall be replaced in accordance with planting details (including timing provisions) submitted to and approved by the Local Planning Authority.
Reason: To protect the amenities of the area and occupiers of neighbouring residential properties.

11 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/or in the interests of traffic safety.

12 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.

13 Notwithstanding the lands information provided on the site plan hereby permitted, no development shall commence on site before details specifying the finished levels (above ordnance datum) of both the floor levels of the proposed buildings and the surrounding ground levels in relation to existing ground levels and full details of the means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory form of development.

14 The footprint of the dwelling on Plot 1 shall be built in accordance with the figured metric dimensions shown on the floor plan received 28 January 2003 (scale 1:100) and no work shall commence in relation to Plot 1 before the dimensions for the distances between the finished floor level (ground level) of the dwelling and the ridges of the roofs of the building have been submitted to and approved by the Local Planning Authority.
Reason: To secure a satisfactory form of development.

15 No work except for site clearance shall commence before full details of a scheme to crown raise Oak tree (T1) of TPO 1764 has been submitted to and approved by the Local Planning Authority. No work shall be carried in relation to the erection of the dwelling of Plot 1 (except for site clearance) before the crown of the Oak tree has been raised in accordance with the approved details.
Reason: To protect the TPO tree.

16 No development shall commence before details of a system at the site to hold floodwater generated by the 1% probability storm have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied before this system has been provided in accordance with the approved details and thereafter, the system shall be maintained in a wholly sound and effective condition.
Reason: To ensure the site is adequately drained.

17 The roofs of the dwellinghouses hereby permitted shall be finished using Redland "Rustic Red" plain tiles unless otherwise agreed in writing by the Local Planning Authority. The joinery of the dwellinghouses shall be stained in a light brown colour externally, the precise type of which shall be submitted to and approved by the Local Planning Authority before development commences on site.
Reason: In the interests of protecting the amenities of the area.

18 Notwithstanding the details shown on the site plan regarding the type of protective fencing to be used with regard to the trees to be retained, the 2 Lime trees subject of TPO 1575 and the Oak subject of TPO 1764 shall be protected by means of fencing at least 2.4m in height comprising a scaffolding framework as in 8.2.2 of BS 5837 supporting a minimum of 20mm exterior grade ply or other robust man-made boards as shown in figure 5 of that standard. No development shall commence on site, including site clearance, until this fencing has been provided along the line shown on the approved site plan. Such fencing shall be maintained throughout the course of the works on the site during which period no access (unless otherwise agreed in writing the Local Planning Authority), placement of materials, fuels, or chemicals, soils or other materials shall take place within the fenced off area.
Reason: To protect the TPO trees from damage during the course of development.

19 The area hatched in black on the site plan along the north boundary of the site shall form part of the garden of the dwelling on Plot 3 following the completion of the development.
Reason: To secure a satisfactory form of development.

Reasons for Refusal:

1. The development is not in accordance with Condition 3 of 00/54314/010 as the first floor window has not been divided horizontally with only the top light capable of being opened.

2. The development is not in accordance with Condition 4 of 00/54314/010 as the rooflight is not fixed shut and obscure glazed.

(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.

Julia Potter
Executive Head of Planning and Built Environment

05 October 2010

Our Ref: APP/10/00354