



**Havant**  
BOROUGH COUNCIL

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Winchester  
SO51 9BD

HAVANT BOROUGH  
COUNCIL

23 MAR 2017

RECEIVED

Our Ref: APP/17/00061  
Direct Line: (023) 9244 6546  
Ask For: Mrs R McMurray  
Email: [planning.development@havant.gov.uk](mailto:planning.development@havant.gov.uk)  
Date: 08 March 2017

Dear Sir/Madam

**The Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) (England) Order 2010**

**Site Address:** 5-7 East Street, Havant, PO9 1AA

**Proposed Development:** Demolition of existing retail units and erection of part 4-storey, part 5-storey building with 9no. flats (3no. 1-bed and 6no. 2-bed); cycle and refuse store.

**PLEASE ACTION THIS CORRESPONDENCE BEFORE: 20/03/2017**

The 'Habitats Regulations' set out how Local Planning Authorities must deal with planning applications that have potential to impact on Special Protection Areas and other European protected sites. The legislation says that local planning authorities must not grant consent for a development that would, either alone or in-combination with other developments, have a likely significant effect on a European protected site, unless full mitigation is provided.

The Council is seeking seeking a financial contribution towards the Solent Recreation Mitigation Partnership. Natural England has advised that a contribution of £176 per dwelling (updated 1 April 2016) will be required to mitigate against the effects of recreational disturbance on the Solent Special Protection Area (SPA).

Whilst we cannot guarantee that planning permission will be granted, the financial contribution requirement needs to be addressed prior to the granting of any possible planning permission.

The proposal would result in a new dwelling/s and in accordance with the adopted Havant Borough Council Local Plan (Core Strategy) Policies CS11 and CS21 together with Havant Borough Local Plan (Allocations) Policy DM24 provision should be made for the mitigation of the development impact on the Special Protection Area (SPA). Given the scale of the proposal, the Council (in consultation with Natural England) is prepared to accept a financial contribution toward the cost of mitigation of the development's impact on the SPA.

The financial contribution is £176 per dwelling.

You have two options for securing payment of the contributions, as follows:

1. Upfront payment prior to a decision. This can be done by sending a cheque made payable to Havant Borough Council, along with a signed copy of the Payment Form/Deed (pages 3 and 4 of this document).

If you choose option 1, there will also be an administration fee of £20 and a monitoring fee of £8.80 per dwelling. The total amount payable is shown on the attached Payment Form/Deed. **NB: Failure to return the Payment Form/Deed will result in a delay in determining the planning application.**

2. Section 106 Legal Obligation: either legal agreement or unilateral undertaking. You have the option of entering into a legal obligation to pay the contributions upon commencement of the development. If

this is your preferred option, please contact the Case Officer as soon as possible to discuss the procedure. Please also be aware that a legal fee of £250 will be required, in addition to a monitoring fee of £8.80 per dwelling.

**We must stress that even by agreeing to make a financial contribution there is no guarantee that your application will necessarily be considered acceptable but by making a financial contribution you will overcome an immediate issue.** In the event of permission being refused monies paid can be refunded after the expiration of the six month Appeal 'window'.

The need to address the issue of the financial contributions is also subject to a time constraint. The Government requires standards of performance on local councils to determine various types of planning applications within strict timescales. The determination of planning applications cannot be delayed whilst you consider options on how to make the necessary financial contribution. If no financial contribution has been made or legal obligation completed by the date stated earlier in this letter, we will refuse planning permission or seek your formal agreement to a further extension of time to determine the application.

We hope this letter is self explanatory. We would emphasise that it does not constitute the grant of planning permission and no formal planning decision has been made. If you have any queries about this letter and the financial contribution please contact the Case officer.

Further information on financial contributions can be found in the document 'Developer Contributions Guide' which can be found on our website [www.havant.gov.uk](http://www.havant.gov.uk). Further information is also available on the Solent Recreation Mitigation Partnership Financial Contribution.

Yours faithfully

Planning Services

**In order that we may deal with this matter as quickly and efficiently as possible please send back the completed Payment Form and tear off slip with the payment.**

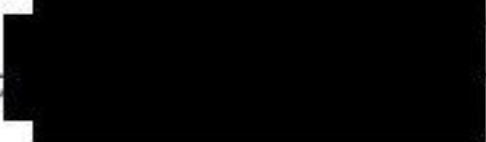
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Developers Contribution - 5-7 East Street, Havant, PO9 1AA  
Case No: -. APP/17/00061  
Return to:

Planning Services  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hants  
PO9 2AX

Contact Name: Mrs R McMurray

Email: [rachael.mcmurray@havant.gov.uk](mailto:rachael.mcmurray@havant.gov.uk)

Signed: 

Date: 21/3/2017

# ENVIRONMENTAL MITIGATION SPECIAL PROTECTION AREA PAYMENT FORM/DEED

## (FOR UP FRONT PAYMENT OF DEVELOPERS CONTRIBUTIONS BY CHEQUE/CASH\*)

Dated: 08 March 2017

Full Name of Owner(s): Mr Thomas

Boulevard Property Holdings Limited

Address of Owner(s): c / o Agent

Application Number: APP/17/00061 ('the Application')

Application Site Address 5-7 East Street, Havant, PO9 1AA, ('the Land')

Name of Ward: St Faiths

The Special Protection Area Contribution: 1584 (£) calculated from a sum of £176 per dwelling

Administration fee: Twenty Pounds (£20)

Monitoring fee: 79.2 (£) calculated from a fixed rate of £8.80 per dwelling

Total Payable ('the Sum'): 1683.20 (£)

'the Special Protection Area Contribution' being a contribution to be applied by the Council in respect of the Special Protection Area avoidance and mitigation measures delivered through the Solent Interim Planning Framework in accordance with Policy DM24 of the Havant Borough Local Plan (Allocations).

This Deed and undertaking is made by the above named Owner ('the Owner') and is given to Havant Borough Council of Public Service Plaza, Civic Centre Road, Havant PO9 2AX ('the Council')

### WHEREAS

- (1) The Owner is the owner/lessee/occupier/licensee/prospective purchaser\* of the land comprised in the Application as shown edged red on the plans submitted with the Application ('the Land')
- (2) The Council is the Local Planning Authority for the purpose of the Town and Country Planning Act 1990 ('the Act') for the area within which the Land is situated
- (3) The Owner has applied to the Council for planning permission for the development specified in the Application
- (4) The Land lies within the Havant Borough Council Local Plan (Core Strategy) area and within the Natural England Consultation Zone which requires that all new dwellings built therein must be assessed and make appropriate provision for the development's impact on the Special Protection Area
- (5) Where developers do not or are unable to provide on site mitigation or appropriate off site mitigation provision they are required to make a payment to meet the cost of providing or improving warden provision to better manage and mitigate visitor pressure on the Special Protection Area
- (6) This Deed is a Planning Obligation made pursuant to Section 106 of the Act and all other powers enabling the parties hereto

### NOW THIS DEED WITNESSETH as follows:

1. The Owner hereby covenants to pay the Special Protection Area Contribution, plus the administration fee to the Council (the total of the contributions and the administration fee being referred to as 'the Sum') on or before the date of this Agreement
2. The Council shall pay the Contribution when received into a ring-fenced fund which shall be used exclusively to implement the proposals set out in the Strategy or any amendment or revision thereof
3. The Council shall refund the Sum to the Owner on written demand in the event that the Application is refused, after the period for an appeal to be lodged has expired
4. The Owner hereby acknowledges that the Special Protection Area Contribution and

the administration and monitoring fees are lawfully due to the Council

IN WITNESS whereof the Owner has executed this Agreement as a Deed the day and year first before written

SIGNED as a DEED by <sup>2</sup>

[Redacted Signature]

signed in the presence of:

Witness Signature: [Redacted]  
Occupation: OPERATIONS MANAGER

Address: [Redacted]

SIGNED as a DEED by <sup>3</sup>

)  
)  
)  
)

signed in the presence of:

Witness Signature: .....  
Occupation: .....

Address: .....

\*Executed as a DEED by )  
Affixing the COMMON SEAL of )

in the presence of: )

Director  
Director/Secretary

\*Signed as a DEED by )  
)  
)

acting by  
a director and its secretary /

two Directors Director  
Director/Secretary

\* Delete whichever does not apply  
<sup>2</sup> Applicant should insert their full name and sign as indicated.

<sup>3</sup> Second Applicant (if appropriate) should insert their full name and sign as indicated

**WHEN COMPLETED, PLEASE ENSURE ALL PAGES OF THIS FORM/DEED ARE  
RETURNED TO HAVANT BOROUGH COUNCIL**