

Mr Pearce
Harris Lamb Planning Consultancy
75-76 Francis Road
Edgbaston
Birmingham
B16 8SP

For: Hargreaves

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Grant of Planning Permission**

Application Number: APP/21/00399

Site Address: Land at Waterloo Park, Elettra Avenue, Waterloo

Proposal: Full application for erection of discount foodstore, drive through coffee shop and drive-through restaurant with associated car parking, service yard, landscaping, means of access and associated infrastructure.

Further to your application received on 01 April 2021, which was valid from 24 May 2021 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 must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Proposed Site Plan 21A77-HNW-ZZ-ZZ-DR-A-2100_P14
Detailed Planting Plan 836 - PP-P-01 Rev J
Hard and Soft Landscape Plan 836 - LA -P-01 Rev G
EX1 Site Plan Flood lighting Layout - P4
EX2 Site Plan Flood lighting Levels - P4

Our Ref: APP/21/00399

1618_PL001_P2 Site Location Plan
 1618_PL002_P2 Block Plan
 1618_PL005_P2
 1618_PL006_P2 Unit B Proposed Site Plan
 1618_PL100_P2 Unit A Proposed Floor Plan
 1618_PL101_P2 Unit B Proposed Floor Plan
 1618_PL102_P2 Unit B Proposed Roof Plan
 1618_PL103_P2 Unit C Proposed Floor Plan
 1618_PL104_P1 Proposed Unit C Costa Coffee Roof Plan
 1618_PL105_P1 Proposed Unit A Aldi Roof Plan
 1618_PL200_P3 Unit A Elevations
 1618_PL201_P2 Unit B Proposed Elevations
 1618_PL202_P2 Unit C Proposed Elevations
 Landscape Management Plan REV A
 Landscape Specification
 Tree Protection Plan 15217-3
 Air Quality Assessment Dated February 2021
 Arboricultural Assessment dated 26 January 2021
 Travel Plan 19235-14- Rev C dated March 2021
 Transport Assessment dated March 2021
 Design and Access Statement 20.01.2021
 Planning Statement dated 11 March 2021
 Retail Impact Assessment
 Sequential Test Report
 Preliminary Ecological Assessment dated 26 February 2021
 Preliminary Risk Assessment dated January 2021

Reason: To ensure provision of a satisfactory development.

- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development shall take place until a Construction Traffic Management Plan specifying the following matters has been submitted to and approved in writing by the Local Planning Authority:

The provision to be made within the site for:

- (i) construction traffic access routes;
- (ii) the turning of delivery vehicles;
- (iii) provisions for removing mud from vehicles;
- (iv) the contractors' vehicle parking during site clearance and construction of the development;
- (v) a material storage compound during site clearance and construction of the development;
- (vi) adequate provision for addressing any abnormal wear and tear to the highway.

Thereafter, throughout such site clearance and implementation of the development, the approved construction traffic access, turning arrangements, mud removal provisions, parking provision and storage compound shall be kept available and used

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.

- 5 The visibility splays hereby approved shall be maintained free of any obstruction at all times throughout the lifetime of the development and any walls, fences and vegetation shall not exceed 1m above the level of the carriageway.

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.

- 6 Prior to commencement of the development hereby approved, the final details of the cycle improvement scheme to the south of McDonalds as shown indicatively in drawing number 19325-08-GA3- Rev P shall be submitted to and approved in writing by the Local Planning Authority. The Units shall not be occupied until the agreed cycle improvement scheme has been implemented in accordance with the approved details.

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.

- 7 Prior to the occupation of development, the offsite pedestrian and cycle improvements located outside of the highway boundary as indicatively shown in drawing number 19325-08-GA Rev P shall be implemented and operational at all times unless otherwise first agreed by 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 Prior to the occupation of Unit A, a Delivery and Servicing Management Plan relevant to Unit A shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be managed and operated only in accordance with the approved details.

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.

- 9 Prior to the occupation of Unit B, a Delivery and Servicing Management Plan relevant to Unit B shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be managed and operated only in accordance with the approved details.

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.

- 10 Prior to the occupation of Unit C a Delivery and Servicing Management Plan relevant to Unit C shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be managed and operated only in accordance with the approved details.

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.

- 11 Prior to commencement of development, details of a surface water management plan and the site levels, to ensure that no surface water flooding of the Highway result from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Any mitigation measures shall be implemented as approved, unless otherwise agreed in writing by 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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 No development shall commence on site until such time as a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall explicitly include the mitigation options presented in section 6.1 of the Stantech Air Quality Assessment Report Ref: 50641/3001 where these are proposed to be implemented. Where not otherwise covered by those proposals, the plan shall also include:

a) Procedures & logistics for managing deliveries or at or collections from the site, including the timing of haulage trips, the parking & loading of vehicles, provisions for materials handover and transport to secure storage areas, and the means of minimising the risk of release of fuel & other materials capable of causing harm to health or the environment

b) Provisions for the segregation & storage of wastes destined for both disposal & for recycling, and details on the procedures and logistics for collection and transport from the site.

c) Measures to ensure safe pedestrian movement on the public highway & footpaths

d) The means of minimising dust, smoke and fume emissions from the site during construction works, including minimising dust emissions from vehicles transporting materials or waste within the curtilage of the site, or from the site.

e) The means of preventing track-out of mud & spoil on to the highway, and preventing runoff from the site adversely impacting the local surface water drainage network, or local surface waters.

f) The means of minimising noise and vibration arising from construction processes, and/or mitigating the impact of noise & vibration on the occupiers of neighbouring land

g) Details of the training of site operatives to follow the Construction Management Plan requirements

Reason: To ensure that the construction process is carried out in a manner which will minimise disturbance, pollution & nuisance to neighbouring properties and the public realm more generally, and prevent pollution of nearby surface waters. To avoid inappropriate parking practices, and turning and manoeuvring of construction vehicles which adversely impact either the use - or safety - of the public highway. This condition is imposed having due regard to policies DM10 & CS15 of the Havant

- 13 In the event that soil or groundwater is encountered during groundwork that is suspected of being contaminated (including discolouration, oils, sheens that are oily, metallic or brightly coloured, foul or solvent odours, or deposits & inclusions comprising obvious waste materials), or if groundwork staff report acute symptoms (skin, eye or respiratory) suspected of being related to soil quality; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) A site investigation in the vicinity of the suspected contamination, of a scale sufficient to characterise its nature, and likely origin, extent & mobility

2) An appropriate assessment of the risks to all receptors that may be affected, including those off site.

3) Where the Risk Assessment (2) identifies potentially unacceptable risks, a Remediation Strategy that includes;

- appropriately considered remedial objectives, and;
- clearly defined proposals for the remediation &/or mitigation of identified risks, having due regard to sustainability

4) Where a remediation strategy (3) identifies actions required to remediate contamination or mitigate risks associated with the presence of contamination, a Verification Report that includes;

- Photographic documentation of any relevant physical works, sampling/monitoring results, and any other technical or statistical information as may be required to demonstrate that Remediation Strategy objectives have been met, and where necessary;

- Further plans for monitoring, provision for maintenance of barriers or other structures required for remediation or risk mitigation, and any relevant trigger values and contingency actions as may be required to address the identified risks (a “long-term monitoring and maintenance plan”).

All assessments, works, monitoring & other actions required by (1)-(4) above shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and DM17 of the Havant Borough Local Plan (Allocations) 2014; there is a low probability of the presence of Contamination associated with previous R&D activities at the site that could, if present, pose a significant risk to surface waters.

- 14 Prior to Unit A being first brought into use, full details of any extraction equipment to be installed relevant to Unit A shall be submitted to, and approved in writing, by the Local Planning Authority. The ventilation equipment shall be installed and operated in accordance with the approved details and shall thereafter be retained and maintained for the lifetime of the development.
- Reason:** To safeguard the amenities of the locality having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework
- 15 Prior to Unit B being first brought into use, full details of any extraction equipment to be installed relevant to Unit B shall be submitted to, and approved in writing, by the Local Planning Authority. The ventilation equipment shall be installed and operated in accordance with the approved details and shall thereafter be retained and maintained for the lifetime of the development.
- Reason:** To safeguard the amenities of the locality having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework
- 16 Prior to Unit C being first brought into use, full details of any extraction equipment to be installed relevant to Unit C shall be submitted to, and approved in writing, by the Local Planning Authority. The ventilation equipment shall be installed and operated in accordance with the approved details and shall thereafter be retained and maintained for the lifetime of the development.
- Reason:** To safeguard the amenities of the locality having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework
- 17 The extraction equipment installed in pursuance to Conditions 14, 15 and 16 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.
- Reason:** To ensure the amenities of the locality are not impacted having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.
- 18 The drainage system shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy ref: D1934/FRA1.0. Surface water discharge to the public sewer network shall be limited to a discharge rate agreed with Southern Water and not greater than 100.0 l/s. Any changes to the approved documentation must be submitted to and approved in writing by Local Planning Authority in consultation with the Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
- Reason:** To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 19 Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units. The submitted details shall include;
- a) Maintenance schedules for each drainage feature type and ownership
 - b) Details of protection measures.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 20 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 21 If any of the piles penetrate the full depth of the Clay cover, a piling risk assessment and method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) shall be submitted to and approved in writing by the Local Planning Authority. Any piling shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.

- 22 The hard and soft landscaping scheme shall be carried out in accordance with the approved details Detailed Planting Plan 836 - PP-P-01 Rev J Hard and Soft Landscape Plan 836 - LA -P-01 Rev G. 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, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

- 23 Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 'Very Good' against the BREEAM Standard, in the form of a design stage assessment, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 24 Within 6 months of Unit A first becoming occupied, written documentary evidence

proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 25 Within 6 months of Unit B first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

- 26 Within 6 months of Unit C first becoming occupied, written documentary evidence proving that the development has achieved at minimum Very Good against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development contributes to sustainable construction in accordance with Policy CS4 of the Havant Borough Local Plan (Core Strategy) 2011.

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 6571.
- (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.co.uk
- (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 Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 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 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 18th September 2024 which requires:
- (i) Payment of Travel Plan approval and monitoring fees, and Travel Plan Cash Security
 - (ii) Prior to commencement of development to enter into a Highways agreement for the access works and offsite pedestrian and cycle improvement works located within the adopted highway;
 - (iii) To implement the works to the satisfaction of the Highway Authority prior to occupation;
 - (iv) Payment of the £150,000 Toucan Crossing Contribution;
 - (v) Payment of the £60,000 Roundabout Improvement Contribution; and
 - (vi) Payment of the Borough Council's monitoring fees.

Alex Robinson

Alex Robinson
Executive Head of Place

04 October 2024

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL
PLANNING AUTHORITY REFUSE PLANNING PERMISSION
OR GRANT IT SUBJECT TO CONDITIONS**

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at:** <https://www.gov.uk/appeal-householder-planning-decision> for householder applications; <https://www.gov.uk/appeal-planning-decision> for full applications; <https://www.gov.uk/planning-inspectorate> for anything else.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Southern Gas advisory note

In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
<https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here
<https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.