



Havant
BOROUGH COUNCIL

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Mrs Williams
Savills
12 Windsor Place
Cardiff
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For: Mr Proffitt
Kentucky Fried Chicken (Great Britain) Limited

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

Application Number: APP/16/00875

Site Address: Land at Larchwood Avenue, Havant

Proposal: The erection of a drive-thru restaurant (Use Class A3/A5), car parking, access, servicing, landscaping, engineering works and ancillary works.

Further to your application received on 18 August 2016, which was valid from 19 August 2016, 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 No development shall take place until details of existing and finished floor and site levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The levels shall include sections across the site and relationship to existing soft landscaping. The development shall be undertaken in accordance with the approved details.
Reason: To ensure that the development has an acceptable visual impact in the interests of the amenities of the area and provides acceptable pedestrian and cycle access having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 No development shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period

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of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period. All works shall be carried out in accordance with the Arboricultural Method Statement and Pre-Development Arboricultural Survey and Impact Assessment hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality 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 plans and particulars specifying the following matters have been submitted to and approved in writing by the Local Planning Authority:

(i) The provision to be made within the site for contractors' vehicle parking during site clearance and construction of the development;

(ii) The provision to be made within the site for a material storage compound during site clearance and construction of the development.

(iii) The provision to be made for wheel washing and the prevention of transfer of mud onto the surrounding roads.

Thereafter, throughout such site clearance and implementation of the development, the approved parking provision and storage compound shall be kept available and used only as such.

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 Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. 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 the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

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.

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and a full specification of the materials to be used externally on the building 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.

- 7 The development hereby permitted shall be carried out in accordance with the recommended Remedial Works, Dust Control Provisions, and Construction Watching Brief outlined within sections 7.4 & 7.3.1 of the Crossfield Consulting Site Investigation Report Ref: CCL02834.CA31 March 2016, unless otherwise agreed in

Prior to the occupation/use of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate the quality of imported soils, the depth of cover achieved, and that any other relevant site remediation criteria have been met.

Reason: A degree of contamination has been identified as being present at the site as a result of both previous and current land uses and or activities that could pose a risk to future site occupiers and 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 and the National Planning Policy Framework.

- 8 The Mechanical Ventilation and Environmental Control Equipment shall be provided prior to the use commencing in accordance with the approved report listed below and drawing number 0000/2011/G212/14-0062 and thereafter operated and maintained in accordance with the report by Ashworth Project Ref. 80722 dated 12th May 2016. No additional such equipment shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality and/or occupiers of nearby property 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 Within 1 month of the first operation of the Restaurant hereby approved a post installation acoustic report shall be submitted to demonstrate that all noise mitigation is working and within the limits specified in the Environmental Noise Assessment by Sharps Redmore Project No. 1616156. Should the noise mitigation not be meeting predicted levels additional mitigation works shall be submitted to and approved in writing by the Local Planning authority. Any such additional works shall be carried out within 1 month of approval and thereafter maintained in accordance with the approved details.

Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property 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 Notwithstanding the details submitted no above ground construction works shall take place until further details of the soft landscaping scheme for all open parts of the site not to be hardsurfaced have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify the proposed finished ground levels in relation to 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 provided (including compensatory tree planting) and timing provisions for 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 trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The premises shall only be open for trade or business between the hours of 06.00 hours and 23.00 hours on any day.

Reason: To protect the amenities of nearby residential properties and having due

- 12 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 13 No article of any description shall be stored outside the building(s) hereby approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenity of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 14 Notwithstanding the details submitted no development shall be commenced above ground level 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 details shall also show cross section details through proposed ramps and steps. 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 policy CS16 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.
- 15 Prior to the occupation/use of any relevant part of the permitted development a landscape management plan shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall include long term design objectives, management responsibilities and implementation and maintenance schedules for all landscape areas. Landscaping shall thereafter be maintained in accordance with the approved landscape management plan.
Reason: To ensure that due regard is paid to the continuing enhancement, management and maintenance of landscaping at the site in the interests of the character and visual amenities of the area and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 16 The lighting at the site shall conform to the details shown on the Proposed Lighting Layout Rev 02 and Installation Exterior Lighting document dated 10th August 2016 unless otherwise agreed in writing by the Local Planning Authority. There shall be no other external lighting at the site other than as hereby approved.
Reason: In the interests of amenity and ecology having due regard to policies CS11, CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 17 The development hereby permitted shall not be brought into use unless and until the staff and customer cycle parking hereby approved has been provided on site. The cycle parking shall thereafter be retained and maintained as approved.
Reason: To encourage the use of non-car based travel options in the interests of the sustainability of the development having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 18 The development hereby permitted shall not be brought into use unless and until the provisions of the Measures only Travel Plan have been fully implemented. The Travel Plan shall thereafter be maintained as hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To encourage the use of non-car based travel options in the interests of the sustainability of the development and to reduce traffic entering and leaving the site having due regard to policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 19 The development hereby permitted shall be carried out in accordance with the ecological mitigation and enhancement measures detailed within the Preliminary Ecological Appraisal (Middlemarch, June 2016) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with the Conservation regulations 2010, Wildlife and Countryside Act 1981, NERC Act 2006, policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 20 Notwithstanding the details provided the development hereby permitted shall not be brought into use unless and until a scheme of litter control/picking in relation to takeaway and drive-through litter emanating from the restaurant has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the areas subject to litter control/picking, the nature and frequency of the operation and the means of litter disposal. The approved scheme shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control litter emanating from the development in the interests of the character and amenity of the area having due regard to policies CS16 and DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.

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

Plans:

Existing Site Location Plan Drawing No. 0000/2011/B124/14-0062 Rev B

Existing Site Plan (Topographical Survey) Drawing No. 0000/2011/B120/14-0062

Proposed Site Plan for Planning (Signage) Drawing No. 0000/2011/B121/14-0062 Rev M

Proposed Site Plan for Planning (Fixtures & Fittings and Trees and Shrubs) Drawing No. 0000/2011/B122/14-0062 Rev N

Proposed Site Plan Site Details for Planning (Ramps/Walkways etc) Drawing No. 0000/2011/B129/14-0062 Rev A

Proposed Site Plan with new Pedestrian Access Drawing No. 0000/2011/B126/14-0062 Rev D

Proposed Landscape Plan Drawing No. 0000/2011/B215/14-0062 Rev B

Site Plan and External elevations with Signage Drawing No. 0000/2011/B211/14-0062 Rev J

Proposed Section A-A KFC-McDonald's Drawing No. 0000/2011/B214/14-0062 Rev B

Proposed General Arrangement Plan (Floor Plan) Drawing No. 0000/2011/G212/14-0062

Proposed Secure Cycle Stand Drawing No. 0000/2011/B127/14-0062 Rev A

Proposed Lighting Layout Rev 02

Existing Drainage Drawing No. 1536-4

Trial Hole Locations Adjacent to Existing Retaining Wall Drawing No. 1536-4/1

Documents:

Planning Statement August 2016
Design and Access Statement Ref: 14-0062 July 2016
Travel Assessment August 2016
Measures Only Travel Plan August 2016
Mechanical Ventilation & Environmental Control Equipment Project Ref: 80722 12th May 2016
Site Investigation Report No. CCL02834.CA81 March 2016
Pre-Development Arboricultural Survey and Impact Assessment Ref No. RT-MME-122638-02 Rev A Revised October 2016
Arboricultural Method statement Report No. RT-MME-122638-03 Rev A Revised October 2016
Drainage Statement Ref. 1536-4/GS/AJR May 2016
Environmental Noise Assessment Project No. 1616156 20th June 2016
Preliminary Ecological Appraisal Report No. RT-MME-122638-01 June 2016
Letter Savills dated 24th October 2016
Installation: Exterior Lighting Dated 10th August 2016
Response to Havant Highways - Peter Evans Partnership October 2016
CNSB Bypass Separator Commissioning and Maintenance Guide
Conder CNSB Bypass Separator Ref UTG9503
Details of AquaCell Prime Attenuation and Infiltration System
Statement of Community Involvement June 2016

Reason: - To ensure provision of a satisfactory development.

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.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 Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 186 and 187 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 sought and were provided with pre-application advice,

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- You were updated about issues after the initial site visit.
- (5) You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00.
This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance
- (6) You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.
This is in order to protect the occupants of nearby residential properties from dust pollution.
- (7) The applicant is advised that the following advice has been provided by the Environment Agency:

Pollution Prevention

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 - General guide to the prevention of pollution', which is available on our website at <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.

- (8) The applicants attention is drawn to the comments from Hampshire Fire and Rescue received in relation to the development dated 1st September 2016. These can be viewed on the Councils Website:
https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_238868
- (9) The applicants attention is drawn to the contents of Southern Water's letter dated 19th September 2016 which can be viewed on the Councils Website at:
https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_238868
- (10) Please note that this planning permission does not grant consent for Advertisements which are subject to a separate application for advertisement consent.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

17 February 2017