

would be retained to the perimeter of the site.

The site is not level and therefore there would need to be ramps and stairs to the site frontage with the existing McDonalds access route.

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS3	(Skills and Employability)
CS6	(Regeneration of the Borough)
CS8	(Community Safety)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM17	(Contaminated Land)
AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

Havant Borough Council Borough Design Guide SPD 2011

Havant Borough Council Parking SPD 2016

5 Statutory and Non Statutory Consultations

Economic Development - Commercial and Housing

No comments received.

Hampshire Highways

I can confirm that the Highways Authority's comments on this application should be made by the District Council's own engineers, due to the size of the application being below that of the Agency threshold and agreement.

Further Comments:

I believe the internal issues within the Asda site are a seasonal peak issue brought

on by increased demand and are not present in all peak periods. HCC have met with Asda and agreed the measures that we believe are reasonable for us to deliver in order to relieve the seasonal peak issue within the development. This is the introduction of the loops previously explained. We have funding for this and are in the process of securing access rights from Asda to deliver the works. Adjustments to the signal timings have already taken place which has relieved internal congestion over the Christmas period. We do not believe there is an ongoing problem on the highway and have done all within our gift to relieve internal traffic issues. Further solutions to relieve any internal congestion as a result of additional demand on the site would be the responsibility of the landowner.

Traffic Management, HBC

No adverse comment to make on this application.

Development Engineer Highways

Final Comment:

No adverse comment to this application.

Further Comments:

My previous comments on behalf of the Highway Authority only made reference to the effect of the development on the adopted Highway Network.

I would like to add the following additional advice to the Developer and Asda with regard to their own internal non adopted highway system.

There are serious queuing problems due to customers not being able to exit onto the new large Asda Roundabout. The Highway Authority suggest that additional traffic detector loops are cut into their internal private access road in order for the traffic signals on the roundabout to determine the length of the queue and take this into account in the phasing of the traffic signals.

Earlier Comments:

The Developers "Response to Havant Highways - October 2016' indicates that the internal queue length would not effect the operation of the enlarged ASDA Roundabout. The Highway Authority has no adverse comment on this application.

Earlier Comments:

The Highway Authority could not refuse this application given the guidance in the National Planning Policy Framework. However I support the comments made by HBC Landscape Architect with regard to pedestrian trips from vehicles already parked at ASDA.

Officer Comment:

Whilst issues in relation to highway loops in Larchwood Avenue have been explored with the agent the Development Engineer has confirmed that there are no objections to the application as submitted. Further comments are within part 7 of this report.

Arboriculturalist

The supporting arboricultural evidence is comprehensive (although largely generic) and outlined in the following points:

Minimal tree removal is required to facilitate development as well as a requirement for some tree pruning works to facilitate works.

The trees proposed for removal are all of low value and grading (Cat C) and most could have been removed for sound arboricultural reasons regardless of any redevelopment proposals.

As part of a Landscape Master Plan I would like to see a good level of appropriate tree planting to enhance this site and adequately mitigate for the loss of any current trees from this site.

Provided that the methodology prescribed in the AMS & TPP report is strictly adhered to and a pre commencement exercise is undertaken (to be conditioned) I would expect the retained trees to survive the development unscathed and to continue to grow on in the future.

Therefore I have no objections to this scheme in arboricultural terms.

Environmental Health

Contamination/Air Quality:

Transport & Air Quality Impact

The Transport Assessment does not quantify an expected daily increase in traffic levels, but does confirm a negligible-to-low peak flow impact amounting to 27/1400 approx. during network peak hour at the adjacent junction (<+2%).

The report did not specifically estimate daily average production / attraction (number of 2-way car journeys), 2015 survey data (available elsewhere) suggests an average PM peak flow : daily flow ratio of around 1:11.63, indicating a daily trip rate of approx. 849 (424 2-way trips). It is accepted that a proportion of new trips will represent a fraction of the daily figure, with the remainder consisting of linked, diverted, pass-by & transferred trips. The proportional estimates are considered to be broadly reasonable on aggregate.

Air Quality at the principal junction connecting the site to the strategic road Network (Purbrook Way / B2150 Hulbert Road / ASDA) has been previously assessed, identifying no existing breaches of air quality limit values, nor any concentrations within 90% of any relevant limit or objective (assessment undertaken prior to recently completed junction improvements). The Residential receptors closest to Larchwood Avenue are located some 35m from the kerbside. Over this distance, traffic related pollutants will be subject to significant dilution / dispersal, and as a result a significant increase in emissions would need to be associated with the Larchwood road link in order to represent either an acute exposure risk or a material adverse change. The level of additional daily traffic (conservatively taken as 30% of the 849 estimated total average, around 254) is considered unlikely to be of sufficient magnitude as to represent a material adverse impact upon air quality.

It is agreed that the site benefits from a excellent pedestrian & cycle links, adequate bus service provision, and is extremely well situated to maximise opportunities for linked, pass-by (diverted), and transfer trips (i.e. those already on the road network). In this way, it is considered that the travel plan measures have a reasonable chance of having a positive impact, and that a good number of customers will choose sustainable travel choices, or make efficient use of trips taken. No Adverse Comment.

Drainage Strategy

I note that the Drainage Strategy does not propose a scheme of SUDS disposal for SW runoff, due largely to unfavourable local geology.

Below ground attenuation tanks are proposed, discharging to existing SW network via vortex flow control / hydrobrake limiting outflow to 15 l/s, or approx. 60% assumed existing runoff rate under 1 in 100 yr. conditions. I note that no allowance is stated as having been made for climate change, and the specific control structure not specified.

Submitted information indicates that the collection points are to be trapped, and that an oil interceptor unit is to be installed. Neither the type/class, manufacturer / model / spec, or location of interceptor is specified, and it is not stated whether roof water will be separated from surface water runoff (i.e. excluded from the interceptor). Similarly, the report does not address the provision for preventative or reactive maintenance provision, whether or not the unit will be fitted with high level alarms, or whether the party responsible (for maintenance) will be KFC, or a third party maintenance contractor (etc.). No calculations are presented in respect of the attenuation tank volume required to achieve the stated rate, and indeed the volume proposed is not stated. Similarly, no scheme layout is provided within the drainage strategy, and the services layout does not appear to have been submitted on any other plan.

It is recognised that the proposed discharge is to public system, with the final discharge to watercourse at considerable distance (980m East), and thus accepted that there will be a reasonable degree of dilution en-route prior to release into the environment. In this way, inputs are less critical than they might otherwise be, and it may therefore be overzealous to require these details be secured by means of a prior to occupation condition in the interests of pollution prevention. The form of the drainage strategy clearly follows sustainable principles, and includes appropriate control structures. A bypass interceptor would be appropriate at this location / for this purpose, and it is arguably safe to assume that the selected unit would be appropriately sized for the area being drained.

The level of detail included in the drainage strategy is poor, however if consent for these proposals is granted contingent on development proceeding in accordance with the *principles outlined within* the submitted documents (including the drainage strategy), I would be satisfied that the site would be unlikely to represent a pollution risk with respect to controlled waters.

Environmental Desk Study & Site Investigation

In line with comments previously made by Environmental Health, the desk study did not identify any significant sources as being likely to be present.

The Site Investigation did however identify some non-construction related made ground (containing waste materials), characterised by elevated concentrations of various PAH's, (potentially associated with macadam fragments). Concentrations identified were within the range of S4UL's for commercial premises, though for some fractions, by the slightest margin. All of the carcinogenic PAH congeners were represented as elevated above typical background levels, with the exception of Naphthalene. Petroleum hydrocarbons were elevated in the Diesel & Mineral Oil ranges. No light (petroleum spirit) fraction identified, indicating that there is a low vapour risk; however the lab schedule did not include quantification of the aliphatic / aromatic split, leaving the possibility of a non-inhalation (contact, ingestion, and particle inhalation) risk if the 660mg/kg DRO group were represented predominantly by mid fraction Aliphatics (C10-C12).

In addition, both Amosite & Chrysotile asbestos were found to be present in all samples scheduled for screening, in both free fibres and as fragments of asbestos containing materials. Quantifiable volumes of free fibres were identified in at least two samples (up to 0.004%). For context, waste is deemed to be hazardous where asbestos fibres exceed >0.1%. It is nonetheless considered that the proposed precautionary mitigation is appropriate, and that a robust discovery strategy / watching brief and construction dust controls should be employed during construction

works.

I agree that there are no specific or significant groundwater or other controlled water concerns, related to the contaminants identified in soils, and that note that the cover system specified for the purpose of mitigating exposures to Asbestos fibres (& containing materials) should be adequate to address the risks posed by Polyaromatic Hydrocarbon (PAH) species.

It is considered to be appropriate to require that the mitigation works are undertaken as proposed, and that a verification report be submitted. I have no objection to the granting of consent for the proposed scheme, subject to the following condition;

Implementation of Remedial Measures, and Verification Reporting (Bespoke)

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 writing by the Local Planning Authority.

Prior to the occupation 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: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], A degree of contamination has been identified as being present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers.*

Additional Comments

A number of the issues I touched on in my consultation response are really for the LLFA to address, falling outside the remit of environmental health. I've taken a look over the installation & maintenance guidelines for the Conder CNSB Concrete Surround Bypass Separator, and I would interpret the "take-away" messages to be:

- The party responsible for maintenance (& any related environmental release) will be the owner of the land served,
- Maintenance will comprise physical inspections at a minimum frequency of 6 monthly intervals, and required works (emptying, filter inspection replacement etc.) undertaken as necessary. It is assumed that an alarm will not be installed,
- Installation & commissioning of this system will be in accordance with the manufacturers recommendations.
- The attenuation tanks will be sized in accordance with the general 'area drained' guidelines provided, to include the roof area, as appropriate.

The submitted information does not specifically address the flow control structure, permissible out flow calculations, or allowance for climate change. These are flood mitigation matters on which the LLFA should be able to provide authoritative comment. It is assumed that the applicant will specify a model of interceptor of the above-referenced type appropriate for the area to be drained, if unavoidable and where appropriate, including the drained roof area. As previously indicated, the risk level of a commercial premises car park & access road is such that a bypass interceptor is appropriate (and therefore acceptable).

I do not require sight of the specifications / details described in the paragraph above; I am satisfied that the applicant intends on installing, commissioning and maintaining an appropriate (and appropriately sized) interceptor in accordance with the manufacturers guidance.

Environmental Health (Pollution)

I have read the noise and ventilation reports and they appear adequate.

However, I would like with permission (if granted) the preventative maintenance of the filtration system found in 2.14 of the report produced by Ashworth to be embedded.

Officer Comment: 2.04 is the relevant paragraph

I would also require that a post installation acoustic report be produced to show that all mitigations are working and within the limits as discussed in the report produced by Sharps Redmore.

Informatives requested:

Dust control during ground work/construction

Permitted noisy hours be inserted within the consent.

Building Control, Havant Borough Council

No adverse comments

Environment Agency

We can confirm that the EA has no objection in principle to the proposed development as submitted.

Advice to LPA/Applicant:

The site lies within the groundwater Source Protection Zone 1 for the Bedhampton and Havant Springs. As such the LPA and the applicant is advised to contact Portsmouth Water to discuss the development and any comments they may have with them.

Pollution Prevention guidance provided.

Officer Comment - Informative added.

Hampshire Fire & Rescue

Building Regulations: Access for Firefighting

Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations.

Hampshire Act 1983 Section 12 – Access for Fire Service

Access to the proposed site should be in accordance with Hampshire Act 1983 Sect, 12 (Access to buildings within the site will be dealt with as part of the building regulations application at a later stage). Access roads to the site should be in accordance with Approved Document B5 of the current Building Regulations.

Fire and Rescue Services Act 2004

The following recommendations are advisory only and do not form part of any current legal requirement of this Authority.

Advice provided in relation to:

- Access for High Reach Appliances

- Water Supplies
- Sprinklers
- Fire Fighting and the Environment
- Timber Framed Buildings

Officer Comment: *An Informative is recommended in relation to these matters.*

Waste Services

I have no concerns over waste collection regarding this planning application.

Crime Prevention -Major Apps

The plan shows four external cycle anchor points, this is not suitable for staff usage. Staff cycle storage should be within a secure store, fitted with lockable robust doors, internal and external lighting and containing cycle anchor points.

Officer Comment: *The agent has clarified that the cycle storage is in a secure area.*

Planning Policy

Policy Status

The adopted Local Plan (Core Strategy), the Local Plan (Allocations) and the Hants Waste and Minerals Plan provide the development plan for the borough.

Principle of development

The site lies outside the town centre. Policy AL3 of the Havant Borough Local Plan (Allocations) directs main town centre uses to town, district and local centres as shown on the policies map.

Notwithstanding this, there are various considerations in respect of this proposal. The application is supported by a sequential test, which sets out reasons why there are no preferable sites in the town centre. The assessment considers a number of town and edge of centre sites and concludes that while three of these sites are suitable, they are not available. As the sequential test has been carried out and determined that there are no suitable alternatives, it is considered that the proposal complies with the sequential requirements of the NPPF.

The proposal will generate jobs in an area where unemployment is high. Policy CS2 of the Havant Borough Local Plan (Core Strategy) states that planning permission will be granted for development which prioritises the use of previously developed land for the provision of new employment floor space. While the proposal is not specifically for employment purposes, it will help contribute to the wider objectives set out in policy CS2.

The site is located adjacent to an existing McDonalds drive thru restaurant and in an area characterised by retail and industrial uses. It is sited away from residential properties. The McDonalds has already set a precedent for this type of use in this location and amenity issues will be limited given the absence of residential properties nearby.

Community Infrastructure Levy

CIL will not be required, and contributions in relation to the Solent Recreation Mitigation Project (SRMP) do not apply.

Conclusion

While the proposal is contrary to policy AL3 of the HBLP (Core Strategy) it is considered that the other considerations outlined above are sufficient to justify

support for the proposal in this location.

County Ecologist

Final Comments

I'm happy to agree that the light levels at the 'Environmental Zone' are now significantly reduced, down to acceptable levels. My latest comments were in part highlighting that the information is not particularly obvious.

Previous comments:

The application is accompanied by a Preliminary Ecological Appraisal (Middlemarch, June 2016) which provides a useful assessment of the site's current ecological features. Essentially this site is generally unconstrained and comprises predominantly hardstanding with associated ruderal vegetation and scrub.

There are records of hazel dormouse from scrub habitat situated only a few hundred metres to the north-east but I am content to agree that the on-site habitat is very limited in extent and effectively isolated from other suitable habitat. Similarly, other species which may occur – such as nesting birds and common reptile species – are not likely to inhabit such small areas situated within an essentially developed site.

I do however have concerns in respect to the proposed lighting levels around the site and in particular at the southern and western boundaries. The predicted levels here are well over 25 lux which would render any vegetation within the spoilage zone entirely unsuitable for supporting e.g. foraging bats. The ecological appraisal recommends limiting light spillage in line with current industry guidance yet I can see no attempt to do so within the submitted lighting plans. Further information is required on this issue.

Following the submission of a satisfactory, non-intrusive lighting strategy and if you are minded to grant permission, can I suggest that all ecological mitigation and enhancement measures are secured by condition.

Development shall proceed 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 & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Engineering/Drainage

No comments received.

Property Management (formerly County Estates Department) Hampshire County Council

No comments received.

Department of Transport, Highways Agency

No comments received.

Mott Macdonald (Department of Transport)

No comments received.

Highways England

In the case of this development proposal, our interest is in the A3.

Having examined the above application, we do not offer any objections to this proposal.

Southern Gas Networks

No comments received.

Health and Safety Executive

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Landscape Team

Final Comments:

I confirm there is no landscape objection to the application.

I recommend the following landscape conditions would be an appropriate means to resolve any remaining issues of concern:

- Standard soft landscape condition
- Standard hard landscape condition (with cross-section details through proposed ramps and steps)
- Landscape management plan (to include areas of existing landscape)
- Finalised proposed levels relative to existing levels and gradients of soft landscape slopes

Portsmouth Water Company

Further Comments:

As per our previous comments, we have no concerns regarding this application and have no further comments to add.

Previous comments:

We have no concerns regarding this development.

Southern Water

Further Comments

Original response remains unchanged.

Original comments:

Plan of sewer records showing approximate position of a public sewer within site provided. Exact position of public sewers must be determined on site by applicant before the layout of the development is finalised. No development or new tree planting should be located within 3 meters either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

It is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation would be required before further works commence on site.

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal (for attenuated flow discharge rate of 15 l/s) to service the proposed development. SW requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Informative requested (connection to public sewerage system).

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regs prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

SW supports this stance and seeks through appropriate planning conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer prior approval of SW is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Condition requested (foul and surface water sewerage disposal).

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 26

Number of site notices: 6

Statutory advertisement: Not applicable.

Number of representations received: 17

11 Objections, 4 supporting comments and 1 other comment have been received in relation to the application and are summarised below:

Objections:

Health

Public Health England data in 2014 on average 10% of children in Havant in their reception year of school were obese.

Same data reveals over 40% of all Havant residents are overweight and 27.6% are obese.

What more does the planning committee need to consider when making this decision as to whether Havant needs yet another fast food outlet?

Officer Comment: *The application is being determined under the Councils delegated procedures in accordance with the Councils Constitution.*

Diet related disease puts enormous drain on our health resources and economy and has huge impact on the quality of life of individuals and their relatives.

Overweight population.

Need to provide healthy eating choices.

Need for Facility

If people in Bedhampton want a KFC can go to Drayton or Havant, don't need 3 KFCs in small radius.

No need for another fast food outlet on the site.

Highways Matters

Traffic situation is bad enough in that location despite new roundabout layout.

More traffic trying to get out on roundabout between Asda and Asda petrol which is already considerably busier since McDonald's have opened.

No issue with plans but one concern, there are a lot of boy racers who hang around the area speeding up and down the road from Asda to the new roundabout, would speed humps be put down this road?

Officer Comment: *This is an issue that Asda as land owners and the Police would need to address, there are no proposals for extra speed bumps on this private road.*

Terrible due to already poor designs for McDonald's, current entrances to McDonald's is dangerous due to traffic build up from drive-thru due to slow service it backs out of main car park so cars make dangerous manoeuvres to park, another drive thru would only make it worse.

Force McDonald's to improve their poor design first.

As long standing business in Larchwood Ave we must strongly object to proposed drive through restaurant with its proposed exit route onto Larchwood Ave.

Since opening of McDonald's restaurant our staff have continually experienced difficulty leaving premises due to combination of traffic build up exiting Asda and McDonalds clogging up the small roundabout by the filling station.

Also delays to our courier services entering and leaving our site.

We often receive deliveries on articulated trailer lorries and the current situation is challenging for them, this would only be exacerbated with the additional volume of cars leaving KFC restaurant.

Hamper access and egress of the emergency services.

We will be passing this over to our European legal team to pursue on our behalf but unless an alternative exit route from the property is identified we will remain in strong opposition of the development.

Strain on nearby roads.

Litter

Litter and rubbish problem already exists and will be increased.

Purbrook and Widley Area Residents' Association has had three litter picks generating 143 sacks of litter including items from McDonalds problems likely to apply equally to KFC.

Impact could be mitigated by additional at least weekly litter picks in known problem areas.

Rats problem.

Suggest additional litter picks made a condition of approval.

Environmental Impacts

Noise

Smell

Cars loud when revving engines.

New restaurant is only going to increase the noise pollution in the area.

Living close to McDonalds there is already awful smell in the mornings this would be added to.

Employment

Employment cannot be a factor as both Asda and B&Q are in need of staff recruitments.

Ecology

Land also has wildlife within the proposed site that must be considered such as bats.

Support:

In Waterlooville we only have a subway after closure of McDonalds. I enjoy KFC should put one in Waterlooville.

Great idea, now we can have a pizza Hut built next to it as well.

Comment:

Good idea provided more exits added.

Hard enough getting out of Asda roundabout so adding more traffic to area would be horrid.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Highway and Transport Considerations
- (iii) Design and impact on the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Effect of environment including contamination and drainage
- (vi) Employment
- (vii) Landscaping and trees
- (viii) Other Issues including ecology/litter/Health

(i) Principle of development

The site is located within the built up area and the overall context for the site consists of existing retail (Asda superstore), Restaurant (McDonald's) and business premises. The site is a brownfield site and was previously used for car parking.

The proposed use is however a main town centre use as defined in the NPPF Ensuring the vitality of town centres. Policy AL3 of the Havant Borough Local Plan (Allocations) directs main town centre uses to town, district and local centres as shown on the policies map.

Notwithstanding this, there are various considerations in respect of this proposal. The application is supported by a sequential test, which sets out reasons why there are no

preferable sites in the town centre. The assessment considers a number of town and edge of centre sites and concludes that while three of these sites are suitable, they are not available. As the sequential test has been carried out and determined that there are no suitable alternatives, it is considered that the proposal complies with the sequential requirements of the NPPF.

The proposal will generate jobs in an area where unemployment is relatively high. Policy CS2 of the Havant Borough Local Plan (Core Strategy) states that planning permission will be granted for development which prioritises the use of previously developed land for the provision of new employment floor space. While the proposal is not specifically for employment purposes, it will help contribute to the wider objectives set out in policy CS2.

It is considered that the proposed development can be supported in principle in this location.

(ii) Highway and Transport Considerations

There are considered to be four main aspects in relation to highway considerations, the impact on the strategic highway network including the A3(M) trunk Road, the impact on the Asda Roundabout and the local road network, the internal operation of the private roads and sustainable transport.

The application has been submitted with a Planning Statement, Transport Assessment and Measures only Travel Plan.

Highways matters have been subject to a detailed assessment during the course of the consideration of this application and consultations carried out, discussions have taken place between the agent and Highways consultees including HCC Highways and the Development Engineer (Highways).

Strategic Highway Network

Highways England have raised no concerns in relation to impacts on the A3(M) and it is not considered that the development would have any significant impact on the wider strategic road network.

Impact on the Asda Roundabout and the local road network

No objections have been received from the Development Engineer/HCC Highways in terms of impacts on the Asda roundabout or wider public highway.

As detailed below HCC have actively been engaged with Asda in relation to improving the exiting of vehicles from Asda onto the roundabout. This includes the introduction of detector loops and adjustments of the signal phasing. This is linked to the efficient operation of the internal estate roads and should help to address issues in relation the operation of Larchwood Avenue.

Internal operation of the private roads

HCC Highways have commented in detail in relation to the internal issues within the Asda site in part as a result of concerns raised by a local business and other third parties and as a result of recent issues with vehicles queuing to exit the Asda site

particularly understood to relate to the Christmas period and as a result of IT systems failure at the store.

In commenting on the internal issues within the Asda site HCC Highways have commented that these are believed *'to be seasonal peak issues brought on by increased demand and are not present in all peak periods. HCC have met with Asda and agreed the measures that we believe are reasonable for us to deliver in order to relieve the seasonal peak issue within the development. This is the introduction of the loops previously explained. We have funding for this and are in the process of securing access rights from Asda to deliver the works. Adjustments to the signal timings have already taken place which has relieved internal congestion over the Christmas period. It should be noted that our fundamental position is that the roundabout operates well in all periods and this is a private road. We have done all which is reasonable and within our gift to aid customers in accessing the highway from the site. We do not believe there is an ongoing problem on the highway.'*

The works already in programme should help to address any issues in relation to the operation of the private highway network including queue lengths which can be more accurately monitored and addressed through phasing of the Asda roundabout signaling.

Other measures including the possibility of further traffic loops within Larchwood Avenue have been explored with the applicant, however this option is not understood to be acceptable to the Applicants or Asda. The Development Engineer has not raised objection to the proposed development and there are understood to be no severe safety or operational concerns about the internal layout that would warrant the refusal of planning permission.

Notwithstanding the above conclusions, it remains within the gift of the land owner and occupiers of the site to carry out any further works to their own highway network.

Car parking is provided on site for 23 cars including 2 disabled spaces, this meets the Councils Car Parking Standards SPD.

Cycle parking is also shown for staff and customers and a condition is recommended to ensure its provision.

Sustainable transport

The site is well served by existing bus routes and cycle routes. The proposal includes secure cycle parking for staff and cycle parking for customers.

The development is likely to attract linked trips as set out in the Transport Statement and pedestrian routes from the wider area and within the Asda site are provided, including pavements between Asda store and the site with an existing pedestrian crossing to the Asda access road.

The possibility of improving the informal pedestrian route to the west of the site was explored with the agent and Asda, however this has not proven to be possible to achieve and it is recognised that this route would require substantial off site works and would remain steep and less than ideal as a pedestrian route.

A measures only Travel Plan has been submitted and this includes details of measures to encourage staff to use sustainable transport options (cycle, walking, bus)

or to car share. A travel plan co-ordinator will ensure that measures are available to staff and that timetables for buses are displayed within the restaurant. A condition in relation to ensuring that the Travel Plan is implemented and maintained is recommended.

(iii) Design and impact on the character and appearance of the area

The development site is relatively self contained and is set at a lower level than the Asda store site to the south or much of the Asda access road to the east. It would be more prominent from the McDonald's site to the north from which it would be elevated.

The proposed building would be single storey and modern in design incorporating mono-pitched shallow roofs and a mix of materials including glazing, cladding, stone and boarding. This design in the context of the surrounding development which is of mixed style and form is considered acceptable.

The layout of the site itself has been subject to detailed assessment to ensure that access is acceptable for pedestrians and disabled customers and staff. The layout has been amended to address most of the concerns raised, outstanding minor issues will be addressed by planning conditions.

(iv) Impact upon residential amenity

In relation to residential amenity, the closest residential properties are located to the east of the site beyond the Asda access road and a copse of trees. The closest properties are in Chestnut Avenue and Willowdene Close approximately 100m from the application site.

The application has been accompanied by an Environmental Noise Assessment and Mechanical Ventilation and Environmental Control Equipment assessment. The proposals have been considered by the Councils Environmental Health department. No objections have been raised in relation to noise or smell subject to the imposition of appropriate conditions in relation to extract equipment maintenance (noise and smell) and the provision of a post operation acoustic report to demonstrate that measures to reduce noise impacts are working.

(v) Effect of environment including contamination and drainage

The site is brownfield and an Site Investigation Report in relation to contamination has been provided. The proposals have been assessed in detail by the Councils Environmental Control Officer. Subject to a planning condition, no objection has been raised in relation to contamination.

The site lies within a Source Protection Zone, however Portsmouth Water have raised no objections to the scheme.

In relation to foul and surface water drainage Southern Water have requested a planning condition to seek final details. Interceptors are proposed in relation to waste water and some details have been provided. Subject to conditions there are no objections in relation to drainage issues.

(vi) Employment

The proposals would result in employment opportunities for local people in an area of

the Borough that has relatively high unemployment levels and skills shortages. KFC operate training schemes for young people and the application states that 18 full time and 32 part time employees would be required.

The proposed development is considered to represent a valuable addition to local employment opportunities in this part of the Borough.

(vii) Landscaping and trees

The site includes trees mainly to the boundaries of the site and a TPO woodland order on part of the site boundary. An Arboricultural Impact Assessment has been submitted with the application. Trees to the boundary are generally retained as a result of the development and some mitigation planting will be required. Subject to appropriate conditions in relation to tree protection and landscaping conditions it is considered that the proposals would have a limited and acceptable impact on trees and an appropriate level of landscaping.

The proposals would potentially result in the removal of two TPO trees within the woodland order, however the order is not clear in relation to the trees' status. In any case they form part of a substantial line of trees and their removal is not considered to override the benefits associated with this development nor detract significantly from the general level of screening/tree coverage around the edge of the site.

(viii) Other Issues including ecology/litter

Ecology

The application has been submitted with a Preliminary Ecological Appraisal. The County Ecologist has assessed the report and sought amendments to proposed lighting which have now been secured. Subject to ecological mitigation as set out in the Appraisal and secured by planning condition the proposals are considered to have an acceptable impact on ecological interests.

Litter

Concern has been raised in relation to litter from takeaways. This is understood to have been a problem in relation to McDonald's operations although that company have some measures in place to address issues.

The matter has been raised with the agent and confirmation that a scheme of litter picking will be operated by KFC has been received. A condition is recommended to secure such an operation and to seek to provide litter picking in an area beyond the wider Asda site in relation to KFC waste.

Health

Concern has been raised by third parties in relation to the provision of another fast food outlet and obesity levels. Whilst these concerns are understood, National or Local Planning Guidance does not prohibit such uses. It is not considered that a reason for planning permission being refused on health grounds could be sustained.

CIL

The proposed use is not CIL liable.

8 Conclusion

In conclusion, the principle of development is considered acceptable following the carrying out of the sequential test. The development is not considered to result in an unacceptable/severe impact on the highway which would warrant a refusal of planning permission. The design of the scheme is considered acceptable and the layout of the site has been improved to an acceptable standard.

Impacts on residential amenity have been assessed and subject to conditions are considered to be acceptable. Environmental impacts have been assessed and are acceptable. The development provides employment opportunities. Landscaping, impact on trees and ecological issues have all been appropriately addressed.

In conclusion the proposed development is considered to meet the three dimensions of Sustainable Development, Economic, Social and Environmental as set out in the NPPF. Planning permission can therefore be recommended.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00875 subject to the following 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 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 writing by the Local Planning Authority.

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 regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 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.