
Site Address:	Former site of Mcdonalds Restaurant, 314-318 London Road, Waterloo		
Proposal:	Variation of Condition 3 of Planning Permission APP/14/00975 for changes to the rear car park area and cycle and refuse stores.		
Application No:	APP/16/00041	Expiry Date:	10/03/2016
Applicant:	Mr Harris	Team:	Team 2
Agent:	Mr Flint	Case Officer:	Heather Lealan
	Chris Flint Ass Ltd		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

Former site of Mcdonalds Restaurant, 314-318 London Road, Waterloo. The construction of the flats is well underway and there is hording around rear service area as building work is ongoing.

2 Planning History

90/53318/010 - Variation of Condition 5 of P.P. 89/53318/1 so as to modify the existing opening hours to 0700-2300 Mon-Sun (previously 1000-2230 Mon-Sat& 1100-2200 (Sun)), PERM,09/08/1990
90/53318/007 - Internally illuminated fascia and projecting signs, PERM,
90/53318/009 - Retrospective application for kitchen extraction flue on roof., PERM,19/07/1990
96/53318/017 - Alterations to rear single storey building to create take-away kiosk, enlarging car park and associated landscaping, WD,30/04/1996
96/53318/018 - Internally illuminated logo sign on rear elevation, REF,08/07/1996
96/53318/019 - 1 no. non-illuminated banner at first floor level to north-west (front) elevation, PERM,23/12/1996
91/53318/011 - Erection of 2 No. flagpoles (3m long) at first floor level to front elevation, REF,
91/53318/012 - Internally illuminated logo on rear elevation of motor room on roof of building, REF,
91/53318/013 - Continuation of existing opening hours 0700-2300 Mon- Sun, given on a temporary basis, for a permanent period, PERM,
93/53318/014 - New shopfront and alteration to rear., PERM,
93/53318/015 - Internally illuminated fascia sign and internally illuminated projecting box sign, PERM,
04/53318/020 - Application to vary the opening hours of the premises as conditioned in Planning Permission 91/53318/013 dated 15 October 1991., PERM,12/01/2005

APP/14/00975 - Conversion of part of ground and all of the first and second floors and

erection of third floor to provide 15No. flats, comprising 14No. 2 bed flats and 1No. 1 bed flat; and associated external alterations to the building, parking and landscaping. Erection of bin and cycle store., PERM,22/12/2014

3 Proposal

Variation of Condition 3 of Planning Permission APP/14/00975 for changes to the rear car park area and cycle and refuse stores.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS14	(Efficient Use of Resources)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Southern Water

Comments made in respect of original response remain valid

Notes presence of public sewer on site. Detailed investigation recommended.

Applicant should contact SW.

Comment - Applicant made aware and informative included

Building Control

Cycle and refuse store built over public sewer - consultation with SW required.

Hampshire Highways

No comments

Development Engineer

No adverse comments to this application.

Traffic Management

No adverse comments to this application.

Engineering/Drainage

No observations

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: 32

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: None

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 subheaded below:

(i) Principle of development

The principle of development has been established as acceptable under planning consent APP/14/00975. The purpose of this application is to revise the layout of the car parking area and changes to the cycle and refuse stores. These changes are considered acceptable in principle.

(ii) Impact upon the streetscene

It is not considered that the proposed changes to the approved plans will have a detrimental impact on the amenities of the streetscene. The main visual difference externally from the site will be the loss of two of the landscaping trees to the rear boundary. Whilst this loss is regrettable, it is not considered that it would be such a deterrent to warrant the refusal of the scheme. The site layout plans have been updated by the applicant and it is considered that it is a pragmatic and reasonable approach to require compliance with the landscaping plan as approved in conjunction with the amended layout plans now submitted.

(iii) Impact upon residential amenity

It was considered within the officers report for the full application that the impact on residential amenity was acceptable. Neighbours down-slope of the site in Curzon Road are some 30m+ to the south. A cross section indicates that overlooking of the frontages of the closest bungalow, will be offset by the existing boundary hedge (118/120 Curzon Road). From the gardens of 118 and 16 Spur Road there is a line of sight to the proposed third floor, most notably at no.16. However, given the intervening distance, the balcony screens (partially reducing line of sight) and the degree to which the garden is already overlooked, it is not considered that this will reduce neighbouring

amenities significantly. The improved appearance of the building and car park may improve the character of the area to the benefit of the neighbouring residents.

Given that the proposal replaces existing commercial use of the upper floors and car parks, it is not considered that the degree of activity associated with the proposed use, including the revision to the approved bike/bin store close to the Curzon Road frontage, would necessarily give rise to undue noise and disturbance.

(iv) Highway matters

The highway officer agrees the car parking and cycle provision. He requested at full application stage signage to allow for use of 4 spaces by staff to the shops during business hours. He also requests no barrier at the access; both were subject of planning conditions.

(v) Contributions

The proposal generates a requirement for £29,120 CIL payment, which has been accepted by the applicant during the course of the full application (confirmed in agent's email 19th December). A liability notice would accompany this variation of planning permission.

Under the Solent Disturbance mitigation Project, a payment of £2729 has been made to offset impacts on the EU protected site, in accordance with the (standing) recommendations of Natural England and this payment is acceptable in to this variation application as the applicant cannot apply to claw the payment back as it is due under Habitat Regulations.

8 Conclusion

Subject to conditions as imposed on the original planning consent, this variation to condition 3 is considered to be acceptable. There were no requirements for s106 for the full application beyond the SDMP payment.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/16/00041 subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The external materials to be used shall be as variously stated in the current application and samples as submitted:

Marley Tectivia cladding: - sandstorm & mineral black

Render - cream
Feature and boundary wall bricks - Terracotta / Edwardian drag-faced brick
Stone capping to wall - buff stone
Window frames/doors/rainwater goods and external joinery - grey
Railings (building) - stainless steel
Railings (boundary) - steel, black
Screen glass - light grey

unless the Local Planning Authority gives prior written approval for any variation.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 3 a) The flats hereby approved shall not be occupied until space for the parking, loading/unloading and turning of vehicles and full provision for cycle storage, including the secure cycle shed and racks have been provided on site in full accordance with the approved plans. Such spaces and the secure cycle shed and racks shall thereafter be permanently retained and used solely for those purposes.

b) Four of the parking spaces shown within the approved car parking area shall be kept available for use by staff of the retail units within the site the subject of this permission, during business hours of those units. Signage shall be permanently displayed at the site to advise users of the car park of this. Details of the signage, their position, size and wording shall first be agreed in writing with the Local Planning Authority before the flats the subject of this permission are occupied.

Reason: In the interests of highway safety, to ensure parking provision for the retail units as well as the flats and having due regard to policy DM13 & DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 No gate or barrier shall be erected across any part of the vehicular access to the site.

Reason: In the interests of highway safety, to ensure access is available to parking and loading space and to accord with the submitted transport Statement, having due regard to policies DM13, DM14 & CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 The development hereby approved shall be carried out in full accordance with the Objectives, Results, Summaries and Conclusions of the Acoustic Testing Report by Airtight & Noisecheck Limited dated 14-15th June 2014. Prior to the occupation of the flats hereby approved a further report shall be submitted to and approved in writing by the Local Planning Authority explaining how the Objectives, Results, Summaries and Conclusions of the aforementioned report dated 14-15th June 2014 have been met by the detailed design of the development hereby approved. It shall also include any necessary remedial measures which shall be implemented prior to the occupation of the flats hereby approved

Reason: To ensure that detailed design work is carried out in accordance with the Acoustic Testing Report so that the flats, are adequately sound proofed in the interests of the amenities of the future occupants having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

Note: Please see informative below relating to referral to the Council's Environmental Health officer.

- 6 a) Any proposal relating to the installation of possible noise creating equipment (i.e. passenger lift unit, refrigeration units, air conditioning plant, mechanical ventilation equipment) shall first be submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

b) Noise resulting from the use of any external plant, machinery or equipment (or any which is audible outside the site) shall not exceed a level of 5dB(A) below the existing lowest background noise level during the time of operation (or 10dB(A) below if there is a particular tonal quality), when measured according to British Standard BS4142-1997.

Reason: To protect the occupants of nearby residential properties and the proposed flats and of other neighbouring premises from noise, vibration and/or odour nuisance, having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 a) The flats hereby approved shall not be occupied until all means of enclosure and the refuse /cycle store have been completed in accordance with the approved plans: CFA/FULL/CS1 rev 01 – Cycle & Refuse Store Elevations & Boundary Wall / Railings.

b) Not later than the first planting season following the substantial completion of the development hereby approved, all approved landscaping and planting shall be completed in full accordance with such approved details in drawings 082/5400 – Landscape Proposals, Trellis and Tree System Detail and 082/5300/Rev.A – Landscape Proposals in conjunction with the amendments approved under CFA/FULL/CS1 rev 01. Any tree or shrub planted as part of these details 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.

Reason: To ensure the appearance, boundaries and landscaping of the development is satisfactory and that facilities are provided having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 With the exception of the existing ground floor retail frontage, details of any external lighting shall first be submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting on the site (with the exception of the existing ground floor retail frontage) other than as thereby approved.

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 2012.

- 9 No works or ancillary operations associated with the construction of the development which is audible at the site boundary or at such other place as may first be agreed in writing with the Local Planning Authority, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times

Monday to Friday: 8.00 – 18.00

Saturday: 8:00 – 13.00

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise and vibration nuisance during development works, having due regard to policies DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

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

- CFA/FULL/01 – Proposed Site Plan
- CFA/FULL/02/02 – Proposed Elevations
- CFA/FULL/CS1 rev 01 – Cycle & Refuse Store Elevations & Boundary Wall / Railings
- CFA/FULL/03/01 – Proposed Floor Plan
- CFA/FULL/04 – Location and Block Plan
- 082/5300/Rev.A – Landscape Proposals
- 082/5400 – Landscape Proposals, Trellis and Tree System Detail
- Acoustic Testing Report by Airtight & Noisecheck Limited 14 – 15th June 2014. Objectives, Results, Summaries and Conclusions

Reason: - To ensure provision of a satisfactory development.