



Havant
BOROUGH COUNCIL

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Mr Flint
Chris Flint Ass Ltd
2 Emerald Close
Waterlooville
P07 8NZ

For: Mr Harris

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

Application Number: APP/16/00041

Site Address: Former site of Mcdonalds Restaurant, 314-318 London Road, Waterlooville

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

Further to your application received on 11 January 2016, which was valid from 14 January 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 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.

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- 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.

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 Development Control 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:

- Your application was acceptable as submitted and no further assistance was required.
- (5) Southern Water has advised that part of the development lies over a public sewer. An investigation of the sewer is required to ascertain its condition, the number of properties served, and potential means of access, before any decision can be made as to whether it would be acceptable for the sewer to be built over. The length of sewer to be built over, under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker - in this case Southern Water. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or www.southernwater.co.uk.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

- (6) The Crime Prevention Design Advisor at Hampshire Constabulary has advised that it appears possible to access the residential staircore from one of the retail units. If this is the case the security of both entities is compromised, therefore to provide security for both entities, the access between the two entities must be stopped. The proposal creates a building with multiple occupants. To provide for the safety and security of residents and visitors he recommends:

- a. All external doors are to PAS24:2012 standard
- b. An audio visual access control system should be installed
- c. Individual apartment front doors should be to PAS24:2012 standard

An appropriate level of lighting should be provided throughout the car park. It appears from the plans that whilst the loading area is in use access/egress to a number of parking spaces will be inhibited. If this is the case some consideration should be given to re-arranging the car park to prevent this.

- (7) Your attention is drawn to the provisions of Sections 12 &13 of the Hampshire Act 1983 relating to access for the Fire and Rescue Service. You can view a copy of the Act at: www.legislation.gov.uk/ukla/1983/5/pdfs/ukla_19830005_en.pdf . You are advised to check with the Fire and Rescue Service, that the development meets Fire Safety and Access requirements.
- (8) a) In connection with **condition 6** above, the applicant is strongly advised to consult with the Council's Environmental Health officer when undertaking detailed design works for this development, in order to discuss and ensure that the development meets the Objectives, Results, Summaries and Conclusions of the Acoustic Testing Report by Airtight & Noisecheck Limited dated 14-15th June 2014. This will minimise the risk that remedial actions will be required at the time when the further report required under that planning condition is submitted to the Local Planning Authority for written approval. The Council's Environmental Health officer can be contacted at: EHCommercialSharedMailbox@havant.gov.uk or Tel: 02392 446666. Please quote the address for the site and the and the Environmental Health reference EH / MM141114 and planning reference APP/14/00975.
- b) Under the Control of Pollution Act 1974 and Environmental Protection Act 1990, the applicant should ensure that during the period of demolition and construction works at the site, appropriate dust suppression techniques are employed. Advice may also be obtained from the Council's Environmental Health officer using the contact details given above.
- (9) The applicant is reminded that the development is the subject of the Community Infrastructure Levy (CIL) Schedule which became a material planning consideration on 1st August 2013. A liability notice will be issued with or shortly after this notice of planning permission. For further information, see the CIL pages online at www.havant.gov.uk
- (10) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 in relation to the payment already made by the applicant in respect of the Solent Disturbance Mitigation Project.

(11) 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:

- Your application was acceptable as submitted.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

10 March 2016