

HAVANT BOROUGH COUNCIL

At a meeting of the Development Management Committee held on 5 December 2013

Present

Councillor Mrs Shimbart (Chairman)

Councillors Brown, Buckley (Vice-Chairman), Hilton, Smith D, Smith J and Turner

(The start of the meeting was delayed to give the members of the committee an opportunity to read the supplementary information circulated prior to the meeting)

110 Apologies for Absence

There were no apologies for absence.

111 Declarations of Interest

There were no declarations of interests.

112 Chairman's Report

The Chairman reminded the Committee that a Development Consultation Forum would be held on Monday 9 December 2013 from 5.30pm to discuss the proposed development of land west of Horndean Road, Emsworth. The Chairman encouraged the members of the Committee to attend this forum.

113 Matters to be Considered for Site Viewing and Deferment

There were no matters to be considered for site viewing and deferment.

114 Deputations

The Committee received the following deputations/representations:

- (1) Mr Downes (applicant's agent) – Application APP/13/00893 – BAE System, Elettra Avenue, Waterlooville (Minute 115)

115 APP/13/00893 - BAE System, Elettra Avenue, Waterlooville

Proposal: Outline application for mixed-use employment, leisure and retail development to comprise demolition of Main Building and erection of Class C1 hotel, Class D2 cinema, 3No. Class A3 restaurants, Class A4 public house, Class A3/A5 drive-thru restaurant, Class A1 food store and retention of E Block for use as Class B1 offices or conversion to Sui Generis bowling

complex, Class D2 health and fitness centre, and Class A3 restaurant.

The Committee considered the written report and recommendation of the Executive Head of Planning and Built Environment to grant permission.

The Committee was advised that, if it was minded to grant permission the recommendation be amended:

- (i) to provide for the matter being referred to the Secretary of State (if appropriate);
- (ii) to include an additional condition relating to a marketing strategy/process; and
- (iii) to include an additional term in the Section 106 Agreement requiring a phasing programme for the provision of the leisure facilities.

The Committee also considered supplementary information, circulated prior to the meeting which attached:

- (a) a copy of a letter received from Lidl since the agenda was published; and
- (b) a copy of a letter received in response to (a) above from Harislamb.

The Committee was addressed by Mr Downes, the applicant's agent, who supported the application on the following grounds:

- (A) the proposed development would provide employment opportunities especially for local residents;
- (B) the applicant was committed to providing training opportunities for local residents;
- (C) no other site could accommodate the mixture of uses and facilities proposed for this development;
- (D) the facilities proposed would provide much needed food and leisure facilities for the nearby business park and local residents. Therefore, the proposal would benefit residents and the business community;
- (E) the proposal would attract businesses currently outside the local area;
- (F) the proposal would help meet the potential demand and needs of the future residents of the MDA;
- (G) Lidl had overstated the impact on their business: the store was currently overtrading and would continue to trade viably;

- (H) the stores in Cowplain District Centre were not dependent on related trips from convenience stores; and
- (I) no objection had been received from the co-op store which would also be affected by the proposed Aldi store.

In response to questions raised by members of the Committee, the officers advised that:

- (1) there was no guarantee that BAE would vacate Block E from 2017. The BAE block situated outside the application site would continue to be occupied by BAE;
- (2) approximately 11- 12 % of the existing shops in WaterlooVille Town Centre were vacant;
- (3) the impact assessment took into account the MDA development;
- (4) the amount of jobs likely to be created by the proposed foodstore was calculated using an established methodology;
- (5) the reserved matters application would determine the number of trees that could be lost on the boundary with Hambeldon Road; and
- (6) the impact of the development on other leisure facilities within the area was not a material planning consideration.

The Committee discussed this application in detail together with the views raised by the depute. Concern was expressed about the impact of this development and the growth of retail outlets on the edge of the town centre on the vitality of WaterlooVille Town Centre. Concern was also expressed that the development relied in part upon the vacation of Block E by BAE, which was not guaranteed. However, on balance, the Committee considered that the proposed development would improve the existing and leisure facilities in WaterlooVille and would bolster the local economy through increased expenditure retention, spin off benefits and job creation. It was also considered that the impact on Cowplain District Centre was not sufficient to justify a refusal. As such it was felt that the benefits of the development outweighed the policy requirements. It was therefore,

RESOLVED that for the following reason Application APP/13/00893 be granted outline consent

The Local Planning Authority considers that the proposal will generate considerable economic and social benefits in a relatively accessible location, close to existing and committed future residential development which is considered to accord with the provisions of sustainable development in the National Planning Policy Framework. It will add to the attractiveness of the nearby town centre. This is considered to outweigh the provisions of the development plan.

and subject to:

- (A) the referral of this application to the Secretary of State, if considered appropriate by the Executive Head of Planning and Built Environment;
- (B) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 incorporating the following terms:
- Dedication of land to facilitate the delivery of a shared footpath/cycle link between the Major Development Area (MDA) and the south-western corner of Brambles Business Park.
 - Framework Travel Plan: To include implementation, monitoring and commitment to pay a monitoring fee and commuted sum to Hampshire County Council.
 - Employment and Skills Plan
 - a phasing programme for the provision of the leisure facilities
 - Management of sustainable drainage features on the site
- (C) the following conditions, including a condition regarding the marketing strategy /process with wording to be determined by the Executive Head of Planning and Built Environment and any others that are considered necessary (subject to such changes as the Executive Head of Planning and Built Environment may determine).
- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved.
- Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of the grant of this planning permission.
- Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the detailed proposals for all of the following aspects of the same [herein called "the Reserved Matters"] have been submitted to and approved in writing by the Local Planning Authority.
- (i) The Reserved Matters:
- (a) The scale of the buildings;

- (b) The design and external appearance of all buildings (including details of the colour and texture of external materials to be used);
 - (c) Landscaping including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;
- (ii) Other Matters:
- (d) The finished levels (above ordnance datum) of both the ground floor of the proposed buildings and the surrounding ground levels;
 - (e) Access facilities for the disabled;
 - (f) Alterations to the external appearance of the existing buildings;
 - (g) The layout of foul sewers and surface drains;
 - (h) The manner of treatment of existing water courses and ditches;
 - (i) Landscaping including an accurate plan showing the position, type and spread of all existing trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring the tree(s) to be retained to a satisfactory condition; and also details of any proposals for the felling, lopping, topping or uprooting of any tree;
 - (j) Landscaping including the arrangements to be made for the future maintenance of landscaped and other open areas;
 - (k) The alignment, height and materials of all walls and fences and other means of enclosure;
 - (l) Hardsurfacing proposals including surfacing materials;
 - (m) The provision and allocation to be made for the parking of vehicles;
 - (n) The provision to be made for the parking, turning, loading and unloading of vehicles;
 - (o) The provision to be made for the storage and removal of refuse from the premises;
 - (p) Measures for security and crime prevention.
 - (q) The provision to be made for external lighting;
 - (r) The areas to be used for contractors' vehicle parking and materials storage during (site clearance and) construction of the development;

- (s) A phased programme for implementation of the development;

Reason: To secure orderly development and having due regard to the policies of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 4 The building defined as a drive-through restaurant on the approved plan shall be used only as a drive through hot food takeaway business or restaurant, cafe or hot food takeaway business falling within Classes A3 or A5 of The Town and Country Planning (Use Classes) Order 1987 and the subsequent (Use Classes) Amendment (England) Order 2005, unless the Local Planning Authority gives prior written approval for any variation. This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development Order).

Reason: In order to ensure that the vitality and viability of Waterlooville Town Centre and having due regard to policies CS16 and DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 5 The use of the restaurant hereby approved shall be only for the purposes of Class A3 (restaurant & cafes) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). This condition shall apply notwithstanding any Town and Country Planning (General Permitted Development Order).

Reason: In order to ensure that the vitality and viability of Waterlooville Town Centre and adequate car parking, having due regard to policies CS16, DM11 and DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 6 The development hereby permitted shall not be occupied until details of parking allocation, including cycle parking, for each building/unit have been submitted to and agreed in writing with the Local Planning Authority. The spaces shall be surfaced and marked out and allocated in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul drains have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and adhered to at all times.

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 Core Strategy 2011 which form part of the Local Development Framework, and National Planning Policy Framework, March 2012.

- 8 The buildings hereby permitted shall not be occupied until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the 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 planted and/or retained, and timing provisions for completion of 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 tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 9 The development hereby permitted shall not be occupied 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 and the approved details implemented 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 Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 10 The development hereby permitted shall not be commenced until a BREEAM Pre-Assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the development will attain a minimum standard of 'very good' BREEAM rating. The development shall be carried out only in accordance with the details the subject of the assessment.
- Reason:** To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy
- 11 Construction of the buildings hereby permitted shall not commence until samples and details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
- Reason:** To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 12 No development hereby permitted nor any related site clearance shall commence until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the proposed buildings and the surrounding ground levels in relation to existing ground levels have been submitted to and approved by the Local Planning Authority.
- Reason:** To protect the character and appearance of the area and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.
- 13 Prior to development commencing on-site a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include the following elements unless specifically excluded, in writing by the Local Planning Authority.
1. A desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses.

- A conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1), if required, for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of all remediation & risk mitigation measures required, and how they are to be undertaken (a “remediation strategy”).
 4. A verification report or statement shall be prepared (as appropriate) on completion of the remediation or risk mitigation measures set out in (3), confirming that measures have been undertaken in accordance with the method statement and setting out any requirements for longer-term monitoring of pollutant linkages, maintenance arrangements and contingency action.

The approved scheme shall be fully adhered to prior to commencement of the use of the buildings.

Reason: To prevent future site employees being exposed to unacceptable risks from potential contamination; and to mitigate the risks to local surface waters from contamination arising on the site from previous land uses and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 14 If, during development, contamination not previously identified on site is found to be present, no further development shall be undertaken until a report has been submitted to and approved by the Local Planning Authority detailing how that contamination is to be dealt with. All works outlined in the submitted report shall be adhered to.

Reason: To ensure that risks from land contamination to the future users of the land and controlled waters are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers and having due regard to Policy CS16 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 15 Prior to development commencing on-site a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the runoff from the existing site following the corresponding rainfall events. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The drainage scheme should:

1. Provide an assessment of how the site is currently drained, its existing runoff rates and the proposed runoff rates. It should demonstrate that the combined flow from the proposed development does not exceed existing rates.
2. Demonstrate the surface water run-off generated up to and including the 1 in 100 year 20% critical storm will not exceed the run-off from the existing site following the corresponding rainfall event.
3. Demonstrate the measures employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving waters.
4. Include details of how the scheme shall be maintained and managed after completion. This shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
5. A timetable for its implementation
6. A written summary of the scheme, including supporting calculations and how the swale shall be operated.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework, and National Planning Policy Framework, March 2012.

- 16 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (September 2013 29169/004 Rev C prepared by Peter Brett associates) and the following mitigation measures detailed within the FRA:

1. Thresholds levels and surrounding finished ground levels will be set at least 0.4m above the existing ground levels for the cinema development partially within Flood Zone 2.
2. All other proposed building thresholds should be set at least 300mm above surrounding road levels in Elettra Avenue and Silverthorne Way; and at least 300mm above the proposed swale crest levels.
3. All proposed road, parking and pedestrian area finished levels shall be no lower than the surrounding road levels in Elettra Avenue and Silverthorne Way; and no lower than the proposed swale crest levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework, and National Planning Policy Framework, March 2012.

- 17 Prior to development commencing on-site a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include; construction traffic routes, parking and turning provision to be made on site, measures to prevent mud from being deposited on the highway and a programme for construction. The agreed details shall be fully implemented before the development is commenced.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 18 Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of

occupiers of nearby properties and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 19 The extraction equipment installed in pursuance to Condition No.18 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 20 No development hereby permitted shall commence until details of external air moving equipment have been submitted to and approved in writing by the Local Planning Authority. The details shall include acoustic performance. The equipment shall be install prior to the use of the building(s) commencing. Equipment to be maintained and operated only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

- 21 Prior to the development being brought into use, details of the opening hours of each unit shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully adhered to at all times.

Reason: To protect the amenity of occupiers of nearby properties is protected and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which

forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

22 No development hereby permitted shall commence until a Method of Construction Statement has been submitted to and approved in writing by the Local Planning Authority, to include details of:

- i. construction traffic routes in the local area;
- ii. parking for vehicles of site personnel, operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. piling techniques;
- v. storage of plant and materials;
- vi. programme of works (including measures for traffic management and operating hours)
- vii. provision of boundary hoarding and lighting has been submitted to and approved in writing by the Local Planning Authority;
- viii. protection of important trees, hedgerows and other natural features;
- ix. measures to reduce mud and spoil on the highway;
- x. details of proposed means of dust suppression and noise mitigation;
- xi. management and recycling of materials including soil.
- xii. details of the location of the site compound; and
- xiii. a timetable for implementation of the items i - xii, above.

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features and having due regard to policies DM10 and CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and National Planning Policy Framework, March 2012.

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

Reason: - To ensure provision of a satisfactory development.

The meeting commenced at 5.00 pm and concluded at 5.45 pm

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