



IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as Amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

Served by: Southampton City Council

To: The Site Manager, The Watermark, West Quay Development, Southampton and Sir Robert McAlpine Ltd, 1st Floor, 1-8 Ogle Road, Southampton, SO14 7HX and the Company Secretary, Hammerson PLC, 10 Grosvenor Street, London W1K 4BJ and The Company Secretary, Sir Robert McAlpine Ltd, Eaton Court, Maylands Avenue, Hemel Hempstead, Hertfordshire, HP2 7TR.

1 THIS IS A FORMAL NOTICE, which is served by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. They consider that you should be required to comply with the condition specified in this Notice. The Annex at the end of this notice contains important additional information.

2 THE LAND AFFECTED BY THE NOTICE

Land between Harbour Parade and Portland Terrace to the South of West Quay Shopping Centre, Southampton. (Also Known as Watermark, West Quay), shown edged red on the attached plan ("the Land").

3 THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 21st February 2014 for Mixed use development including alterations to the West Quay Shopping Centre comprising Retail (Use Class A1, A2, A3, A4 and A5 – 19,500 square meters maximum floorspace); Hotel (Use Class C1 – 20,000 square meters maximum floorspace); Residential (Use Class C3 – maximum 260 flats); Leisure (Use Class D2 – 19,500 Square Meters maximum floorspace) including a Cinema; Offices (Class B1(a) – maximum 10,000 square meters floorspace); public open space; with associated car parking, access, highway, landscaping and other works including infilling the existing pedestrian subway in Bargate Street (Outline application with access for consideration at this stage – Environmental Impact Assessment Development) Ref **13/00464/OUT** subsequently amended by planning permission reference **16/00944/NMA** on 13th July 2016.


4 THE BREACH OF CONDITION

The following condition has not been complied with:

Condition No.17

Hours of work for Demolition/ Clearance/ Construction



Legend


Organisation	
Department	
Comments	
Date	

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

*Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)
Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)*

Amended to for a temporary period expiring on 31 December 2016 by ref: 16/00944/NMA

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Saturdays 08:00 hours to 18:00 hours (8.00am to 6.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the LPA.

5 WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in paragraph 4 of this notice, you are required to *comply* with the stated condition by taking the following steps:

- (i) Cease all works relating to demolition, clearance and construction outside the permitted hours;*
- (ii) Comply with condition 17 as stated in paragraph 4 above.*

Period for compliance: 28 days beginning with the day on which this notice is served on you.

Dated: 30th November 2016



Signed.....

SERVICE DIRECTOR: LEGAL & GOVERNANCE
RICHARD IVORY, Solicitor
Southampton & Fareham Legal Services Partnership
Southampton City Council
Civic Centre
Southampton SO14 7LY

ANNEX

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVE IT BY POST

THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in Paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch *immediately* with Karl Collymore on (023) 8083 4318

If you need independent advice about this Notice, you are advised to contact urgently a Lawyer, Planning Consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for Judicial Review.

Do not leave your response to the last minute.

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Compensation Act 1991)**

BREACH OF CONDITION NOTICE

**LAND BETWEEN HARBOUR PARADE AND
PORTLAND TERRACE TO THE SOUTH OF
WEST QUAY SHOPPING CENTRE,
SOUTHAMPTON. (ALSO KNOWN AS
WATERMARK, WEST QUAY)
SOUTHAMPTON**