

Mr Barker
GDB Technical Architecture
19 Leatherhead Gardens
Hedge End
Southampton
SO30 2TY

For: Mr Walker

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

Application Number: APP/20/00541

Site Address: 31 Elm Grove, Hayling Island, PO11 9EA

Proposal: Change of Use of Ground Floor Retail Shop unit (A1) to allow for flexible use of Financial & Professional Services (A2), or Restaurants and Café (A3) or Hot Food Takeaway (A5), or Assembly & Leisure (D2) (expanded range of uses to those granted planning permission under APP/19/01033).

Further to your application received on 08 July 2020, which was valid from 16 July 2020 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 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 The development hereby permitted shall be carried out in accordance with the following approved plans:
Noise Management Plan by Airtight Noisecheck dated 2nd September 2020
Location and Block Plan Drawing No. 1000
Existing Plans Drawing No. 1001
Existing Elevations Drawing No. 1002
Reason: - To ensure provision of a satisfactory development.

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- 3 The use of the ground floor unit(s) hereby permitted shall be solely as either A1, A2, A3, A5 or any indoor sport, recreation or fitness (not involving motorised vehicles or firearms) of D2 and for no other purpose within D2 of the Town and Country Planning (Use Classes) Order 1987, (as amended) or in any provision equivalent to those Classes in any other Statutory Instrument revoking and re-enacting that Order).
Reason: To maintain control and to protect the amenities of residential properties above and nearby, and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 In the event of the ground floor unit(s) being used for an A5 hot food take away, such a use shall only be open for trade or business to the public between the hours of 08:00 and 23:00 on Mondays to Saturdays and between 09:00 and 22:30 on Sundays and Bank Holidays.
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.
- 5 In the event of the ground floor unit(s) being used for any indoor sport, recreation or fitness (not involving motorised vehicles or firearms), such a use shall only be open for trade or business to the public between the hours of 07:00 and 20:00 on Mondays to Fridays; between 09:00 and 16:00 on Saturdays and between 10:00 and 15:00 on Sundays and Bank Holidays.
Reason: To protect the amenities of residential properties above and nearby, and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 The specifications to control noise and vibration and terms of use within the hereby approved Noise Management Plan by Airtight Noisecheck dated 2nd September 2020 shall be implemented in full prior to the first use as any gym or indoor fitness centre, and thereafter adhered to at all times when in use as a gym or indoor fitness centre. This document shall remain a live document and shall be reviewed periodically or as required by the Local Planning Authority, to address any issues arising, or which may arise from changes to the operator.
Reason: To protect the amenities of residential properties above and nearby from noise and vibration, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 Prior to the installation of any means of extraction, filtration or ventilation at the site, full details and specifications of such equipment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the routing, siting and appearance of any external flue(s), details to assess the potential odour and noise/vibration, manufacturer's operating instructions and a programme of equipment servicing/maintenance. The duly approved scheme shall be implemented in full before any use hereby permitted first takes place and shall remain operational thereafter.
Reason: To safeguard the amenities and health of the 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.

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 Planning and Development service at the Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 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:

- You sought and were provided with pre-application advice,
- You were updated about issues after the initial site visit, amended details requested and forthcoming, making your proposal acceptable.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

09 September 2020

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571