
Site Address:	Imperial Palace, 37 Belmont Grove, Havant, PO9 3PT		
Proposal:	Change of use Class A3 (restaurant) to Class A1 (foodstore) with single storey side extensions and alteration to access.		
Application No:	APP/20/00316	Expiry Date:	26/06/2020
Applicant:	Mr Simon Finlay The Cooperative Group		
Agent:	Miss Foster Peacock + Smith	Case Officer:	Lesley Wells
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site to which this application relates is located at 37 Belmont Grove, Havant. It is bound by Bedhampton Road to the south and Belmont Grove to the north and east. The Imperial Palace restaurant sits within the western portion of the site and its ancillary car park and access to the east. The former use of the property was a public house (Belmont PH), with a use change under permitted development rights, occurring around 2010

There are trees and a grassed area abutting the pavement to the south-west. There are trees along the north-east boundary.

The site is adjoined to the west and beyond by residential dwellings and sits opposite four retail units to the east. The wider area is predominately residential.

The area of the site is approximately 0.47 hectares.

2 Planning History

90/50093/001 - Retention of satellite dish on south (front) elevation., REF,15/04/1991

01/50093/006 - Single storey flat roofed extension to existing kitchen (South Elevation)- Revised application., PERM,20/11/2001

01/50093/005 - Single storey flat roof extension to existing kitchen (south elevation) and formation of garden furniture compound on west boundary, PERM,15/05/2001

00/50093/004 - Canopy to internal yard area to north/west., PERM,29/01/2001

98/50093/003 - Alterations to existing car park layout (part retrospective), PERM,24/11/1998

95/50093/002 - Refurbishment of trading areas entrance canopy extension, an work to external areas and fencing., INV,02/07/1996

06/50093/007 - Extension to existing restaurant and extension to existing ladies' toilet with new disabled access ramp., WD,18/07/2006

06/50093/008 - Single storey extension to bar/restaurant to front (east) and side (north) elevations, new disabled toilet and access ramp to north elevations, revision to car parking layout., REF,17/11/2006

APP/10/00518 - Retention of 1No. externally illuminated fascia sign to east elevation, 1No. externally illuminated and 1No. non-illuminated sign to south elevation and 2No.

externally illuminated post signs to south and east boundary., PERM,01/11/2010
APP/20/00283 - Installation of plant equipment associated with proposed foodstore within external enclosure at the rear, northern side of the building., DEL,
APP/20/00326 - Display of 2No. internally-illuminated single sided logo signs; 1No. set of non-illuminated "Welcome" letters; 1No. internally-illuminated projecting sign; 1No. internally-illuminated totem sign; 4No. non-illuminated post signs; 6No. wall mounted banner frames; 1No. wall mounted vinyl sign., UNK,

3 Proposal

The application seeks a change of use from Class A3 (restaurant) to Class A1 (food store) with single storey side extensions and alterations to the building, which includes the installation of glazing and a new entrance, with a ramp and stairs to the north-east elevation, with demolition of a single storey rear element i.e. south west elevation. Since the submission of the application, these two use Classes have been amalgamated into a new Class E by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. However, the application was submitted before the 1 September 2020, and prior to the commencement of the material period set out in this Order.

The proposed store would include a net sales area of 235sqm and back of house area of 125sqm – total internal area of 360sqm. The retail use does not include the ancillary residential area at first floor, or the basement, both of which are not proposed to be used in connection with the retail use of the premises. The agent has advised that a condition to this effect would be acceptable to their client.

The existing building would be extended to the southwest and northeast at ground floor level. In total, the proposed development would result in an increase in floor area of approximately 99sqm (gross internal area).

The proposed opening hours are 06.00 to 23.00.

The proposal provides for 20 car parking spaces, including 1 disabled space, and 4 bicycle racks to the front of the store. New pedestrian and cycle accesses, with dropped kerbs, would be provided from the north, with other improvements proposed to the pavement along Belmont Grove. Vehicles, including delivery and service vehicles, would be via the existing access from Belmont Grove. To facilitate deliveries to the development the access point would be widened from 4.5m to 6.5m.

If the extensions were not being pursued, a change of use to retail would not require planning permission for the existing building as this is afforded permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2020. This could allow the entire existing building to trade, which has a gross floor area of approximately 477 sqm, without any input or control from the Local Planning Authority.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	(Town, District and Local Centres)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM2	(Protection of Existing Community Facilities and Shops)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
DM19	(Small Shops outside Town, District and Local Centres)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Submission Local Plan

E22	(Amenity and pollution)
C8	(Food, drink and entertainment uses)
E1	(High quality design)
C6	(Local centres, local shops and services)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist – Final Comment - No Objection

Arboriculturalist – Initial Comment

The trees to be removed are poor quality category C specimens which are not suitable to be made the subject to a TPO. Two trees, numbered T1 (Category B) and T2 (Category C) provide amenity to the area and are to be retained. They can be adequately protected provided the work is carried out in accordance with the Tree Protection Plan and Method Statement submitted with the application. The off site trees numbered T4-T8 are also to be retained and can be adequately protected with fencing.

I would like to see details of any proposed services to ensure they will not disturb the RPA of any of the trees.

Providing the work is carried out in strict accordance with the Arboricultural Method Statement and Tree Protection plan by Ground Control Professional Services I have no objection to the proposal.

Crime Prevention -Minor Apps

No comments received.

Developer Services, Southern Water – No Objection

Southern Water requires a formal application for any new connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

southernwater.co.uk/infrastructure-charges

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Economic Development

No comments received.

Environmental Health Manager, Community Group

The main concerns relate to potential nuisance from noise and light which could impact on the amenity of nearby residents. The principal noise source associated with the proposal (the plant and equipment) is the subject of a separate application, as is the illuminated signage (the advertisement consent application).

The remaining noise sources relate therefore to any noise associated with the delivery of goods, the collection of waste from the site and any customer/staff noise associated with the use of the external areas outside normal working hours. The concerns about lighting impacts relate to any external lighting provided for staff/customer safety and security purposes, which may not be included in the advertisement consent application.

I would therefore ask that the following conditions are placed on any approval you are minded to grant:

Noise:

No deliveries shall be received, or dispatches made from the site (with the exception of daily newspapers/magazines delivery) outside the hours of:

(07:00) to (20:00) Monday to Sunday (including Public or Bank Holidays)

Reason - In the interests of the amenity of the occupants of neighbouring properties

I would ask that the design and surface treatment of the pathway and any outdoor spaces between the car park where delivery lorries will unload and the door into the building in the delivery area is carefully considered, so that noise arising from the use

of wheeled goods containers (cages or manual trucks) can be minimised.

The noise arising from customers/staff using the premises up to 23.00 hours daily is more difficult to control and whilst problems could be addressed by the implementation of robust management protocols you may wish to consider whether a reduction in the late opening hours (23.00 hours) on Sundays and Public or Bank Holidays is appropriate.

Light:

I would also request a condition relating to the installation of any external lighting provided for security and safety purposes which is not included in the separate advertisement consent application as follows:

No external lighting/ floodlighting not covered in the separate advertisement consent application shall be installed on the site until such details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, operated, and maintained in accordance with the approved details.

Note: When submitting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the standards for Environmental Zone (E3) as set out in the "Guidance Notes for the Reduction of Obtrusive Light" (Guidance Note 01/20) issued by the Institute of Lighting Professionals

Reason - In the interests of the amenity of the occupants of neighbouring properties.

Highway Authority – Final Comment - No Objection

Further to the Highway Authority's response dated 3rd July, the applicant has submitted a Technical Note (TN) to address the comments raised. The following response has been made based on the latest information submitted.

Updated Swept Path Analysis

The Highway Authority's previous response requested updated tracking for a delivery vehicle which correctly reflected the parking bays opposite the site. Drawing number SP06 Rev A has now been produced which tracks a delivery lorry turning out of the site while vehicles wait at the Bedhampton Road/Belmont Grove side road junction to pass.

The tracking drawing demonstrates that a delivery vehicle can safely egress the site while a vehicle waits. To ensure that this movement is unobstructed, a contribution towards a TRO should be secured to monitor and potentially implement parking restrictions in the area should there be overflow parking from the new store.

Pedestrian Infrastructure Improvements

The applicant has provided drawing number SK02 to detail proposed pedestrian improvements into the new store. These improvements feature 3 new sets of tactile paving and dropped kerbs to the north and east of the store, along with another set of new tactile paving to the north of the site access. Pedestrian access will also be provided from the footways directly serving the store to the north and south.

The Highway Authority considers these improvements acceptable and should be delivered via a S278 agreement. While detailed design matters can be addressed at

this stage, it should be noted that visibility to the tactile crossing at the access may be restricted by landscaping features around the site. This matter will need to be considered at the detailed design stage.

Junction Capacity Assessment

At the request of the Highway Authority, junction modelling has been undertaken at the Bedhampton Road/Belmont Grove side road. Growth factors have been calculated by obtaining existing traffic flow data from the B2177 from July 2017 and November 2019 and comparing this to the ATC surveys undertaken July 2020.

The results of these surveys indicate that traffic flows are 45% below the recorded November 2019 levels in the AM and 29% down in the PM. These reductions have therefore been applied to the July 2020 recorded flows to uplift these to pre-Covid 19 conditions.

The 2020 'without development' scenario indicates that the worst case Ratio to Flow Capacity (RFC) at the junction was 0.19 on the Belmont Grove arm in the AM and 0.3 on the same in the PM. When adding in development traffic, these RFCs increase to 0.29 and 0.52 respectively.

The modelling has therefore demonstrated that the Bedhampton Road/Belmont Grove side road junction will operate within capacity when considering the traffic flows from the proposed development.

Recommendation

The applicant has satisfactorily overcome the Highway Authority's remaining concerns with the application. The Highway Authority therefore recommend no objection, subject to the following conditions:

Site Access and Sustainable Improvement Works

Prior to commencement of development, to enter into a Highways agreement with the Highway Authority for the pedestrian improvements detailed in drawing number SK02 and the site access widening works detailed in drawing number 30 Rev C. Prior to occupation of development, to construct these works to the satisfaction of the Highway Authority.

Reason: To provide safe vehicular, pedestrian and cycle access into the site.

Parking Management TRO Prior to occupation of the development, to pay the TRO contribution to mitigate any overspill parking on the local highway.

Reason: In the interest of highway safety.

Construction Traffic Management Plan

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material and plant

storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

Delivery Vehicle Restriction

The maximum vehicle to deliver to the store should measure no longer than 10.35m in length, as detailed in drawing number SP06 Rev A.

Reason - In the interest of highway safety.

Officer comment: A TRO would have to be the subject of a Section 106 agreement due to a payment to the Council being involved. Likewise, the highway works would be covered by a Section 106 agreement.

Hampshire Highways - 2nd Comment - Further Information Required

Personal Injury Accident Data

At the request of the Highway Authority, Personal Injury Accident (PIA) data has been gathered from Hampshire Constabulary.

The data indicates two accidents occurring in December 2015 and April 2017 respectively at the junction between the Belmont Grove side road and Bedhampton Road. Given the infrequency of the accidents, it is not considered that the proposed development will exacerbate any existing accident trends.

Trip Rates

To understand the trips generated to the store by all modes of transport, the applicant has undertaken a TRICS assessment for pedestrians and cyclists.

The updated assessment identifies that the most popular form of travel to the site will be via pedestrians, with two way trips of 75 and 46 in the AM and PM peak hours respectively. 53 and 62 two way trips will be generated in the respective peak hours by vehicles while cyclists account for 1 trip in the AM and 4 in the PM.

For comparison, a TRICS assessment has been carried out for the existing restaurant which identifies 4 vehicular trips in the PM peak hour and 2 pedestrian trips. Deducting these trips from the assessment carried out above results in two way PM peak hour trips of 59.

While the applicant has stated that the majority of these trips are likely to be 'pass by', these trips are likely to be new to this area of the network and specifically the utilisation of the Belmont Grove/Bedhampton Road junction. As such, the Highway Authority maintains that junction modelling should be provided for this junction.

The TRICS assessment has also identified a high number of pedestrian movements to the new co-op. Whilst the anticipated number of cycle trip rates are low, there is the potential to further encourage the uptake of these sustainable modes of travel to the site and improve the existing facilities, thereby reducing the anticipated number of vehicular trips. The applicant should therefore consider the provision of pedestrian crossing points and cycle infrastructure from the highway leading to the cycle parking area within the site.

Car Parking Provision

To justify the under provision of on-site parking, the applicant has provided a further assessment of the parking turn over during the busiest time of the day. Between 18:00-19:00 it has been stated that 38 vehicles will arrive or depart; however, taking into account the TRICS assessment provided in Appendix B, the trip rate of 32.789 between 18:00-19:00 will result in 77 vehicular trips. Based on the 15 minute stay duration applied in the Technical Note, the 20 spaces being provided onsite can accommodate a total of 80 vehicles.

To prevent any overspill parking occurring on the Highway, the applicant has agreed to pay a £5,000 contribution towards a TRO which restricts on street parking. The Highway Authority agrees towards this approach to ensure that parking does not occur outside of the site. This should be considered alongside the pedestrian and cycle infrastructure improvements noted above to ensure that alternative methods of travel to the site are undertaken.

Site Access

To address the comments raised in the Highway Authority's previous response with regard to the site access, drawing SP04 and SP05 have been produced. The drawings show echelon parking bays opposite the access but these were amended to provide additional space for vehicles to park a few years ago. To reflect the current arrangement, the drawings should be updated to demonstrate that a delivery vehicle can egress the site without the need for a car having to wait on Bedhampton Road whilst this manoeuvre is being undertaken.

It is noted that the applicant is willing to accept a condition which ensures that the largest delivery vehicle accessing the site is the 10.35m long rigid vehicle shown in the tracking drawings. Should the remaining matters be overcome, the Highway Authority will require this condition to be in place.

Recommendation

The Highway Authority requires the following information to address outstanding concerns with the application:

- ☐ Junction modelling for the Bedhampton Hill/Belmont Grove junction;
- ☐ Upgrades to pedestrian and cycle infrastructure in the vicinity of the site; and
- ☐ Updated tracking drawings.

Hampshire Highways - 1st Comment - Further Information Required

Existing Conditions

The site is currently occupied by the Imperial Palace Restaurant which is accessed via a side road from Belmont Grove. Opposite the vehicular entrance are a number of shops and associated parking bays.

Development Proposals

The proposed development would see the conversion of the existing restaurant into a co-op foodstore. Vehicular access to the site would be retained in the same location but widened to 6.5m. The store is proposed to be accompanied by 20 car parking spaces, falling 5 short of Havant Borough Council's parking standards. Comments are provided on these matters within this response.

Personal Injury Accident Data

Personal Injury Data (PIA) has been obtained from Crashmap for data up to 2018. Given that the accident data is 2 years out of date, the Highway Authority require up to date accident data for the area, along with an analysis of nearby accidents to

understand whether the development could potentially exacerbate any existing trends. It should also be noted that the Highway Authority requires the PIA data to be gathered from Hampshire Constabulary. Accident data obtained from Crashmap is not accepted.

Trip Generation

To understand the likely vehicular trip generation from the site, the applicant has utilised the TRICS database for convenience stores in England.

Whilst the vehicular trip rates have been provided, an assessment of the proposed pedestrian and cyclist trips to the development has not been carried out. To understand the overall trip generation of the change of use, the Highway Authority requires a TRICS assessment of both pedestrian and cycle trips too. Upon receipt of this information, the suitability of all of the proposed trip rates will be assessed and the current infrastructure reviewed to understand whether pedestrian and cycle linkages to the wider network are required.

It is noted that existing trips to the restaurant could be deducted from the proposed trip generation, but no TRICS assessment has been carried out. The Highway Authority require this assessment before any potential reduction in trips could be applied.

Given the current predicted increase in trips from the development, junction modelling should be undertaken at the junction between the Belmont Grove side road and Bedhampton Road to ensure that this junction will work within capacity with the addition of development trips.

Parking Capacity

Based on the standards set out in Havant Borough Council's supplementary planning document and applying this to the proposed GFA of the development, 25 parking spaces are required. The development proposes 20 parking spaces, falling 5 short of the current standards.

The Transport Statement notes that a search of similar sites has been undertaken to understand the potential parking demand for this site. The Highway Authority requests the details of this search to review the parking profile, along with clarity over the trip generation, as mentioned above.

The comment regarding any overspill parking being accommodated in the opposite parking layby and nearby residential streets is not agreed. Belmont Grove is utilised for on-site parking by the existing residents and the layby opposite is normally at capacity, resulting in parking on the nearby pavement. This situation must not be exacerbated by the proposed development with all the proposed parking accommodated within the confines of the site.

As such, a parking management strategy will be required for the surrounding road network. This will prevent overspill parking occurring on the highway which could impact on the free flow of traffic.

Vehicular Access

The existing restaurant is currently accessed via a side road in between Belmont Grove and Bedhampton Road. As part of the development, the existing access will be widened to 6.5m metres for use by vehicles, pedestrians and cyclists. As mentioned above, the Highway Authority requires an assessment of pedestrian and cycle trips to the development to understand whether this proposal is acceptable.

Drawing number SP02 provides the tracking for a delivery vehicles accessing and egressing the development. The Highway Authority requires confirmation that this will be the largest vehicle delivering and/or servicing the site. A condition will be sought to

prevent any larger vehicles servicing the development given the tight turning movement into the site. The current tracking indicates that the delivery vehicle will require both lanes of the carriageway to undertake the manoeuvre, with the overhang tracking close to the back of the existing layby. For the vehicle to enter the site, reverse into the delivery bay and egress the development, the delivery vehicle will also overrun the verge.

To reduce the damage to verge and ease the turning movement for delivery vehicles into the site, the applicant should consider further widening to the access. Updated modelling should be undertaken following the amendments to the access which also includes cars parked in the layby opposite the existing amenities.

Whilst tracking for a delivery vehicle has been provided, tracking has not been undertaken for a car attempting to enter the site while another vehicle waits to egress.

Tracking is required to confirm that this arrangement can be safely accommodated.

Recommendation

The Highway Authority requires further information to address the following points:

- ☐ Updated PIA data for the local highway;
- ☐ Provision of pedestrian and cycle trips for the proposed land use;
- ☐ Provision of trips rates for the existing restaurant;
- ☐ Provision of the search results used to derive the proposed parking provision;
- ☐ Parking management strategy for the surrounding road network;
- ☐ Updated tracking drawings;
- ☐ Amendments to the access as noted above; and
- ☐ Junction modelling for the Belmont Grove side road and Bedhampton Road.

Policy - Comment

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The Pre-submission Havant Borough Local Plan 2036 (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight. The following policies in the adopted Local Plan are of particular relevance:

- • DM5 - Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- • DM10- Pollution
- • DM14 – Car and Cycle Parking on Development (excluding residential)
- • DM19- Small Shops outside Town, District and Local Centres

In the Pre-submission Plan the following policies are of particular relevance:

- • C8 - Food, Drink and Entertainment uses
- • C6 – Local centre, local shops and services
- • E22 - Amenity and pollution

Principle of Development

The application site lies outside of any town or local centre as defined by Policies

CS4 and AL3 in the Adopted Local Plan, and Policy C6 in the Pre-Submission Local Plan.

The unit has been currently occupied for A3 purposes which in itself is a town centre use. The proposed increase in floorspace would result in a net sales area of 235 sqm including the proposed extension. In such cases, it is noted that Policy DM19 is of relevance which indicates that a sequential test is required where the net sales area is more than 150 square metres. Paragraph 9.07 of the supporting text indicates that the floorspace limit accords with the permitted development rights set by the government in 2013.

It is noted that Policy C6 in the emerging Local Plan also sets a floorspace limit for main town centre uses outside of designated town centres, but notes that proposals for A1 retail shops where the net sales area is less than 280 sq. m will be exempt from the sequential test requirement. Whilst the emerging Local Plan can only be afforded limited weight at this stage, it is noted that the floorspace limit has been established in accordance with the Sunday Trading Act 1994 (as amended). It is also noted that this is more up-to-date than the position set out by the Adopted Local Plan.

Furthermore, it is noted that the proposed A1 use could be implemented here under permitted development rights.

Traffic Management Team – Final Comment

A reason for requesting that funds are set aside for a possible Traffic Regulation Order are that we have concerns over vehicles parking up for short periods of time while they visit the store on the main B2177 and causing congestion in an area that has a high traffic flow especially at peak time.

The traffic team would also welcome any survey being completed as suggested, but would prefer it to be completed between 3 to 6 months after the store has been opened, and not within the first three months.

This would also enable us to collate any complaints that we receive regarding parking on the local road network.

Traffic Management Team - Comments 1st comment

The Traffic Team would raise that concern that there appears to be an insufficient amount of parking availability for this proposed development. Therefore should this development be permitted then the Traffic Team would want a provision to be made for a sum no less than £5000 (plus the costs associated with advertising the proposals and any works) to be provided by the developer to be set aside from commencement to allow a TRO to be processed ending 5 years from practical completion of the development, to ensure that any parking from the development does not interfere with the capacity, operation or safety of the local highway network.

Waste Services Manager

This has been a publicly accessible recycling site for many years, I have no record or personal knowledge of when or with whom this was agreed.

This has been a popular recycling location and I am sure one that council would be keen to retain.

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: 24

Number of site notices: 1

Statutory advertisement: 08/05/2020

Number of representations received: 21

Impact on area/residents

- Application should be refused
- Proposal a supermarket, not a convenience store - will monopolise trade/put other business out of business - no need for development in the area - Retail impact assessment required
- Less noise, disturbance & smell over existing use
- Reduce need to drive to other shops - easier to obtain goods
- Significant increase in noise, disturbance and pollution to residents
- Excessive hours of opening 6am - 11pm - other shops close at 7pm
- Give rise to anti-social behaviour
- Expansion/evolve into a delivery hub - lead to greater vehicle movement and disturbance
- Increased lorry deliveries - cause of disturbance
- Loss of residential accommodation
- Risk of poorly designed intrusive business illumination/lighting
- Adverse impact on existing shops in locality
- Businesses in area form a cohesive part of the community for the area - closure would impact in a negative way
- Potential loss of post office at Park Lane - adverse impact on residents
- Covenant on property would be broken, if nuisance is caused
- Lorry deliveries cause of disturbance
- Houses should be built instead
- Future use of void first floor and basement, lead to intensification of activity on site
- No reference to recycling bins, currently available to residents
- Loss of trees - to be replaced?
- Noise concerns from plant equipment - bedrooms opposite - should go on opposite side of building
- Retain shrubbery for better visual outlook
- Support for proposal – avoid site becoming derelict/anti social behaviour – Co-op to commit to dealing with residents concerns
- Improve appearance of premises
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Highway Issues

- Transport Study inadequate/inaccurate - needs revising

- Existing use of premise a Take Away - not ancillary to restaurant - journey suggested by the Traffic Study erroneous
- Inadequate on-site parking - lead to greater on street parking and congestion - contrary to Havant's car parking SPD – indicates 21 car parking bays - incorrect.
- Inadequate on-site provision for cycles/motorcycles
- Existing parking problems would be exacerbated for residents
- Increased traffic on surrounding roads - highway danger to pedestrian and other road users
- Conflict with lorries reversing into car park and other traffic
- Increased risk to children and visitors to the Church – hold regular community activities - often leads to chaos and parking on pavement/grass verge
- Belmont Grove and surround roads already a rat run - situation will be exacerbated - surrounding roads inadequate to take increase traffic
- No left hand turn from access should be permitted, to prevent estate used as a short cut.
- Highway hazard to vehicles and pedestrians
- Parking restrictions inevitable - restrictions by a TRO would cause significant problem to residents
- Access should be from Bedhampton Road, with access from Belmont Grove prevented.
- Exacerbate existing problems with exiting/turning right out of Belmont Grove - substantially increase danger to pedestrians/highway users
- Exacerbate congestion at Belmont mini roundabout
- Should be viewed in conjunction with extensive development at One Hundred Acres

Other Matters

- Contrary to policy.
- Retail sequential test required.
- No reference to basement in application or residential accommodation at first floor - Band A in a mixed-use property
- No reference to loss of residential accommodation
- Due to inaccuracies in application should be refused
- Floor area and measurements incorrect and inaccuracies in proposal - cannot be assessed
- No recognised Code of Measuring Practice, for measuring floor areas
- Failures in application have invalidated the consultation process - abuse of process - seek a formal review
- Proposal should be determined by the Development Management Committee
- Planning notice inappropriately displayed

7 Planning Considerations

Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Access and Parking
- (v) Trees
- (vi) CIL

(vii) Other Matters

(i) Principle of development

The application site lies outside of any town or local centre as defined by policies CS4 of the Havant Borough Local Plan (Core Strategy) 2011 and AL3 of the Havant Borough Local Plan (Allocations 2014). If the proposal were for a new town centre use in this location, there would be a presumption against such a use. That said, the building's lawful use is that of a restaurant, which is a town centre use, as are other retail uses opposite the site. The proposal would be for 235 sqm of retail use, with 125 sqm of ancillary retail uses, (i.e. total 360sqm). The size of the floor area is challenged by a third party, which is covered below.

The Local Planning Authority (LPA) is mindful that the conversion of the restaurant to retail could be carried out under permitted development rights and that, following such a conversion, such a lawful use of the existing site could result in a more intensive activity than currently proposed, with consequences for, amongst other matters, the locality and residential amenity and the capacity of the existing on-site parking arrangements, parking in general and movements on the highway. This factor represents a material planning consideration, when considering the proposal.

Policy DM19 of the Havant Borough Local Plan (Allocations) 2014 is also relevant to this application:

"Policy DM19 Small Shops outside Town, District and Local Centres

Planning permission will be granted for small local shops outside Town, District and Local Centres provided:

- 1. The net sales area is less than 150 square metres; and*
- 2. There are no other suitable or available sites within or on the edge of the nearest town, district or local centre."*

When the floor space limit of 150 sqm was drafted this was in accordance with the limit for changes of use under permitted development rights by the government in 2013. This permitted right has been superseded and now there is no size limit under permitted development rights under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 for changes of use from, amongst other uses, a restaurant to a shop. Therefore, the existing building, which has a total floor area of approximately 477 sqm could be converted to retail use, without planning permission from the LPA, which is clearly in excess of the 360 sqm applied for, with only 235 sqm proposed as the net retail floor area.

The emerging Local Plan has increased the permissible net sales area without the requirement for a sequential test to 280 sqm or less for uses outside of the designated Town, District and Local Centres. This is in recognition that shopping habits are changing nationally. Policy C6 is more up to date with the changing face of retailing than Policy DM19.

In the explanatory text to Policy C6 it states:

"New proposals for A1 retail shops outside of the defined centres for main town centre uses will only be considered appropriate where they have a net sales area floorspace of 280 sqm or less. The 280 sqm floorspace limit has been established in accordance

with the Sunday Trading Act 1994 (as amended). This floorspace limit is not considered to affect the vitality and viability of the Borough's town, district or local centres and would provide store sizes to meet convenience and top-up shopping needs."

Therefore, in this more up-to-date policy, development of 280 sqm or less of net floor sales area would not require a sequential test. The net sales area of the proposal would be only 235 sqm and therefore fall below this emerging policy requirement as regards sequential tests.

Notwithstanding the changing policy position, in support of the proposal the applicant's retail impact assessment (RIA) includes information on lack of suitable sites in the area which states:

"5.9. There are two local centres located within the vicinity of the application site, Bedhampton and Park Lane. Bedhampton is located 250m east of the site and approximately a five-minute walk away. The centre includes a number of light industrial businesses such as car showrooms and garages alongside takeaway shops, public houses/ restaurants, a number of retail stores and three very small-small/medium sized convenience stores. A site visit carried out on 2 August 2019 confirmed that the centre was in good health, with no visible vacancies.

5.10. Park Lane is located 1km north of the application site and approximately a fifteen-minute walk away. The centre offers a petrol station with adjoining coffee shop, takeaway shops, pharmacy, betting shop and two medium sized convenience stores; one of which is a Co-op store. A site visit carried out on 2 August 2019 confirmed there was one vacancy within centre; however, the size of the unit was not suitable to accommodate the proposed development.

5.11. Therefore, whilst the site sits outside the boundaries of the defined local centres and slightly exceeds the net sales area threshold defined within Policy DM19 (150sqm), due to its location within an undefined local centre and complementary nature, it is considered that the proposals are acceptable within the proposed location. Furthermore, the low vacancy rates within the Bedhampton and Park Lane Local Centres, means that there are no viable alternative sites within the defined local centres."

Therefore, an assessment of two local centres within the vicinity of the site, prior to the submission of the application were found to be in good health and the one vacancy observed was not appropriate for the proposed development.

As to the four shops opposite, this includes a newsagent, with small convenience offering, a barber shop and a hair and beauty salon. The fourth unit in this row of shops was noted to be vacant during a recent site visit. The size of this unit would be too small for the proposal.

The RIA sets out the typical products that would be on sale which would include fresh fruit, vegetables and meat, bakery produce and ready meals and a limited range of household items.

The RIA states the:

"An important distinction between a convenience store and a traditional supermarket is that a convenience store does not offer a 'one-stop-shop' meaning that very often

shoppers will need to go elsewhere to complete their shopping trip.”

The RIA goes on to explain that the proposal “...*will complement, rather than compete with, existing local traders or services, providing considerable potential for linked trips and other spin-off trade, which often are to specialist or independent retailers.*”

Whilst the RIA acknowledges that some of the goods on sale would overlap with those sold by other retailers within the locality, those retailers would also offer a different range of goods for customers. Furthermore, these stores would tend to serve a localised catchment area, with residents typically choosing to shop closest to their home/work to complete their ‘top up’ shopping.

The RIA promotes this as a small-scale convenience store that would meet the need of local residents’ day to day shopping needs, with many walking to the store as opposed to driving, reducing the need to travel further afield, whilst promoting more sustainable travel and shopping patterns.

It is recognised in emerging Policy C6, which is a more up-to-date policy than Policy DM19, that small convenience stores of the size proposed would not undermine the viability and vitality of the designated Town, District and Local Centres, but instead would help to meet the everyday shopping needs of residents. It is considered that the proposal would serve a localised catchment area, which would promote sustainable travel, which would not have a significant adverse impact on the locality or existing defined local centres and which would accord with the emerging Local Plan Policy C6.

When taking account of the fallback position available to the applicants – whereby the floorspace of the existing building could be converted to retail use without the need for planning permission by utilising permitted development rights – coupled with the more up to date nature of Policy C6, to which limited weight can be applied, it is concluded that it would not be appropriate to refuse the application on a matter of principle and notwithstanding the fact that the net sales area exceeds that provided for ‘small local shops’ by adopted Policy DM19.

(ii) Impact upon the character and appearance of the area

The proposal involves two single storey extensions, demolition of a single storey element to the rear and changes to the fenestration of the existing building, which is in a tired condition, and in need of renovation. The proposed extension is to provide a contemporary front elevation with blue brick band/red brick plinth, stone band at upper level and white render. Steps and a ramp are also proposed to the front of the building. The associated application under reference APP/20/00283, seeks permission for the installation of plant equipment within an external enclosure on the northern side of the building, which is the subject of a separate report, recommended for permission. Materials proposed are set out on drawing Nos. 34 and 35 which are considered appropriate for the existing building and area. Whilst the proposal would result in the loss of three trees and a small grassed area to the front of the site, which would not be replaced, the development would update and improve the appearance of the building and the overall condition of the site, which would be an enhancement to the area.

It is understood that advertising display panels will be sited on the front and the side elevation to the south, which will be the subject of a further application. These will have the effect of breaking up the front and side elevations in a visually appropriate manner.

Deliveries, up to 3 a day, would be via the existing, widened entrance onto Belmont Grove, to the single storey building on the northerly elevation. The car park and cycle racks, as now, would be to the front of the building.

The proposal would extend and enhance an existing commercial use of the land. The site is located opposite a series of small local shops. As stated above, at the time of writing the report, the uses in these shops were: a hairdresser, news agency with small convenience offering, barber shop and a vacant unit. Whilst the site is not within a defined shopping area, identified by the local and emerging plan, it falls essentially within a local area of retail uses that serves the needs of the community.

The retail use of the premises would intensify the use of the land. However, vehicular movements to and from the site would be via the existing access from Belmont Grove to the north-east, which would be opposite the existing shops and away from residential development to the rear of the premises and to dwellings to the north-west on the other side of Belmont Grove, with a 1.8m wooden fence along the site's boundary.

The proposal would enhance the appearance of the site and whilst leading to an intensification of the existing use, should not give rise to significant noise and disturbance to the locality such as would alter the character of the locality. On this basis the proposal accords with Policy CS16 of the HBLPCS and Government guidance in the National Planning Policy Framework.

(iii) Impact upon residential amenity

The lawful use of the premises is that of a restaurant, which from information provided, indicates that over recent years its main sales has been that of takeaways. The restaurant opening hours were 17.30 to 23.00 on Friday and Saturdays and 17.30 to 22.15 on Mondays to Thursdays, albeit there was no control over this use, as the change of use was granted by permitted development rights. Therefore, a level of noise and disturbance, particularly in the evenings, may have arisen from the existing lawful use of the premises, with the coming and going of patrons and the operations associated around the use of the site as a restaurant. (The operator of the restaurant vacated the premises at the end of September 2020). This is referred to in one of the representations received, which states that the proposal should generate "less noise, disturbance and smell over existing use."

Also, the commercial lawful use of the site as a restaurant could intensify, and the hours of operation increase under a new operator, outside of planning control, with any controls, if issues arose, restricted to environmental health legislation. In addition, as previously stated, the change of use of the site to retail could legally occur under permitted development rights. Therefore, the LPA is considering a site with a lawful commercial use which benefits from permitted development rights, that if implemented, could operate at a greater level of retail intensity than the proposal under consideration, without any form of planning control, and potentially to the disadvantage of the local community. This is material to the LPA's determination of the application.

The site shares a boundary with a residential property to the south-west. This property has two first floor windows on the north-east elevation, which is set back into the site by approximately 2m which overlook the rear of the application site. At ground floor this property benefits from a single storey extension, which forms part of the boundary

wall with the application site. There are no side windows in the ground floor extension. This property is likely to be most affected by activity associated with the development, and the lawful use of the site, where currently the recycling/waste bins are stored and deliveries to the restaurant took place

The two single storey extensions, due to a separation distance of approximately 16m would not materially impact on the occupiers of this dwelling house. As to noise associated with the movement of vehicles within the site, this would be to front of the property, which would be mitigated by the extended premises, with deliveries to the site controlled by conditions. As to other noise and disturbance associated with the use, including deliveries, and having regard to the lawful use of the site and how it could be used without any form of planning control, these are not considered to be of such a significant nature to the occupiers of this property, to warrant a refusal of planning permission. A condition is recommended to restrict delivery times as requested by the Environmental Health officer, in order to protect the amenity of this neighbour and those opposite the site.

There are residential properties to the north east/west of Belmont Grove. The closest separation distance is approximately 18m. A new 1.8 close boarded timber fence is proposed along part of this boundary. A new pedestrian/cycle access is also proposed along this boundary, with new dropped kerbs and tactile paving within Belmont Grove to facilitate this.

There are residential properties above the four shop units to the north east on the other side of Belmont Grove, with the site's car park in between. The distance to these properties from the site is approximately 36m.

The proposal seeks to extend the building with two single storey side extensions, and with the conversion to provide a total retail floor space of 360 sqm, limited to a net retail floor area of 235 sqm. The hours of operation proposed are from 6am to 11pm, 7 days a week. Environmental Health (EH) has been consulted over the proposal and raises no objection in principle to the application, with their main concerns relating to the potential nuisance from noise and light associated with the proposal. However, they have queried whether a reduction in the late opening hours on Sundays and Public or Bank Holiday is appropriate. Condition as to hours of delivery, the surface treatment of the delivery area and lighting are recommended.

EH identified the principal noise source associated with the proposal as the plant and equipment proposed to be sited on the north-west elevation which is the subject of a separate application (APP/20/00283). Following further details, no objection was raised by EH to the plant and equipment application, which is the subject of a separate report.

As to a reduction in late night opening on Sunday and Public or Bank Holiday this has been raised with the agent, with the suggestion that the premises shut at 10pm on such days. The agent has advised that the Council has already granted a licence for the sale of alcohol up to 11pm, 7 days a week. The applicant does not agree to a reduction in hours on the days suggested.

It is open to the LPA to impose planning conditions that are reasonable and necessary to permit the development, to protect, amongst other matters, residential amenity.

The proposal would give rise, on current information available, to a greater level of intensity of use than the current existing lawful use of the site as a restaurant. Having

regard to no objection being raised by EH to the proposal, and that it would be in the operator's interest to ensure that robust management protocols are in place to deal with noise issues or anti-social behaviour, if such matters arose, and that the site could operate 24/7 under permitted development rights, a reduction in operating hours is not considered to be appropriate or necessary. That said, if the site is the subject of noise and disturbance complaints, action to address this may be taken under environmental health legislation.

Having full regard to all material considerations, including third party representations, and the recommended conditions, the proposal is considered to accord with Policies CS16 and DM10 of the HBLPCS as regards its impact on residential amenity.

(iv) Access & Parking

Access

The proposal seeks to increase the width of the access from 4.5m to 6.5m. to facilitate vehicles entering and exiting the site.

In support of the proposal a Technical Note on the highway implications was provided, which has been revised following comments from the Highway Authority. The revised Technical Note dated August 2020 sought to address the latest points raised by the Highway Authority concerning a junction capacity modelling, (i.e. junction of Bedhampton Road/Belmont Grove), upgrades to pedestrian and cycle infrastructure near the site and updated tracking drawings. In response to the revised Technical Note the Highway Authority has advised:

"The tracking drawing demonstrates that a delivery vehicle can safely egress the site, while vehicles wait at the Bedhampton Road/ Belmont Grove side road junction; The improvements to pedestrian access to the store to the north and south and those improvements to the east are acceptable and should be delivered via a S278 agreement; and

The junction modelling undertaken at the Bedhampton Road/Belmont Grove side road will operate within capacity when considering the traffic flows from the proposed development.

The revised Technical Note dated August 2020 has satisfactorily overcome the Highway Authority's remaining concerns with the application. Therefore, the Highway Authority has no objection to the proposal subject to the following requirements:

- 1. A Construction Traffic Management Plan;*
- 2. A delivery vehicle restriction (i.e. delivery vehicles no longer than 10.35m in length);*
- 3. The applicant enters into a Highways agreement to secure the pedestrian improvements and site access widening works prior to occupation; and*
- 4. The applicant pays the TRO contribution to mitigate any overspill parking on the local highway."*

If permission is forthcoming, 1 and 2 would be conditioned with 3. and 4. the subject of a Section 106 agreement.

Car Parking

The proposal provides 20 car parking spaces, one of which would be for disabled parties. Four cycle racks are also proposed.

Havant's Car Parking Supplementary Planning Document for Shops (food retail) requires 1 car parking space per 14 sqm covered areas. The proposal is for 360 sqm gross internal area (390 sqm gross external area), with a net sales area of 235sqm, and a back of house area of 125 sqm, with other areas, such as the first floor and basement, to be voided, and with a single storey rear extension to be demolished. The floor area to be created by the proposal has been challenged by a third party as incorrect. The floor areas have been checked by Officers, using the Council's Trapeze system, which is used daily to measure, amongst other matters, applicants' floor areas, and is an appropriate and accurate tool for measuring purposes. The figures of 360 sqm and 390 sqm have been found to be correct, which has also been confirmed by the applicant's agent.

For a gross internal area of 360 sqm, the car parking requirement of 26 spaces would normally be required by the Parking Supplementary Planning Document. This would rise to 28 spaces for a gross external area of 390 sqm. It is recognised in the SPD that a reduction in adopted car parking standards may be acceptable, if evidence is provided to support this.

The applicant's agent has advised that the demand for parking is an evidence based case, calculated on the parking demand for the proposed scheme which is not relying on the Council's standards, with the site being within walking distance of some of its customers.

The evidence provided to support this is in part set out in the applicant's Transport Note dated December 2019 which states:

"a search of similar sites reveals the busiest hour is 18:00 to 19:00, with a total of 34 arrival and 36 departures.

that by definition, a visit to a convenience store implies a trip to pick up a small amount of items that may have been missed from a larger supermarket shop.

that trips to the site would be short in duration, for 5 - 10 minutes at most.

taking the above into consideration and applying a 15-minute duration of stay for each trip, this indicates a demand of 9 vehicles every 15 minute;

on this basis, the proposed car park of 20 spaces should have sufficient capacity to cater for the anticipated parking demand."

The Transport Note goes on to state that:

"In the unlikely event of the car park reaching capacity, additional parking spaces are available directly opposite the site along Belmont Grove, with unrestricted parking also available on the surrounding streets."

In response to the Transport Note, on-street parking was not supported by the Highway Authority and further information was provided in a Transport Statement dated June 2020 on the number of vehicular trips likely to be attracted to the proposed development.

This was "...determined with reference to the Trip Rate Information Computer System ("TRICS") database (Version 7.5.4). The TRICS database provides trip rate information based on observations at similar developments throughout the United Kingdom and requires the identification of relevant parameters to ensure that suitable proxy sites are selected."

Trip rates between 07:00 and 19:00 hours are identified for a convenience store of 232 sqm (which is 3 sqm less than that proposed, which is considered to be a minor discrepancy), which found that:

"5.7 Looking at the traditional morning and evening peak hours of 08:00 – 09:00 and 17:00 – 18:00, the trip rates suggest a total of 52 and 60 trips respectively for a convenience store of 232 m2 sales area."

5.8 It is generally the case that trips to a convenience store may not necessarily be wholly primary trips (i.e. a trip to the convenience store only) and that they could be secondary or pass by trips (i.e. a trip to the neighbour commercial units or part of another journey). It should also be noted that any trips to the existing restaurant could be deducted from the anticipated trips rates for the retail store."

5.9 Taking this into consideration, it is unlikely that the development will generate many new trips. Any new trips generated by the proposals would fall within the daily fluctuations of traffic along the highways in the vicinity of the site."

The conclusion in this Transport Note is that *"...the proposed car park of 20 spaces should have sufficient capacity to cater for the anticipated parking demand"*

The Highway Authority's response to this TN is:

"To justify the under provision of on-site parking, the applicant has provided a further assessment of the parking turn over during the busiest time of the day. Between 18:00-19:00 it has been stated that 38 vehicles will arrive or depart; however, taking into account the TRICS assessment provided in Appendix B, the trip rate of 32.789 between 18:00-19:00 will result in 77 vehicular trips. Based on the 15-minute stay duration applied in the Technical Note, the 20 spaces being provided onsite can accommodate a total of 80 vehicles."

The Highway Authority go on to state that to prevent any overspill parking occurring on the Highway, the applicant's approach to pay a £5,000 contribution towards a TRO which restricts on street parking is supported.

The Traffic Team whilst recognising that there appears to be insufficient parking, has suggested that if planning permission is forthcoming, the developer makes a financial contribution of £5,000 towards a possible TRO. The LPA concurs with this suggestion, which the applicant has agreed to.

In further support of the reduction in on-site car parking the applicant provided two appeal decisions both of which were concerned with redevelopment of sites that included a public house to convenience stores. In both decisions the effect on highway safety, concerning parking arrangements, was one of the main issues. In both decisions there was a short fall in parking when assessed against the Councils' adopted car parking standards, which, from the evidence provided, justified a lower level of provision.

Having regard to the evidence provided in these appeals and the specific

circumstances of the two sites, a short fall in adopted car parking standards was accepted by the Inspectors and the appeals allowed. Whilst each application is determined on its individual merits, these appeal decisions demonstrate the weight given by Inspectors to the evidence submitted by the appellants, which provided the justification to override the Councils' adopted car parking standards.

The evidence before the LPA is suitably robust and relevant to the application. The LPA has no direct evidence of its own, (albeit the representations of third parties on parking have been considered), that would dispute or otherwise challenge the applicant's evidence on the proposed car parking for the site, which points to a lower level of provision than that normally required by the Council's car parking SPD.

The evidence provided by the applicant demonstrates on balance that at peak times, the car parking provision would accommodate the levels of parking demand likely to be associated with the proposal. Having regard to the evidence provided, the representations received on this point, and the fall-back position that the change of use of the entire building could be undertaken under permitted development rights, which could result in a more intensive activity than currently proposed, the parking provision is of an appropriate level for the proposal in accordance with the Council's car parking SDP and Policy DM 14 in the HBLPCS.

As to the cycle provision, 4 cycle racks are proposed. Havant's car parking SPD, seeks 1 cycle rack per 6 staff or 1 per 300 sqm gross external area, whichever is the greater. The information from the TRICS report suggest a low number of visitors to the development will cycle, with a total of 4 peak hour trips, with the most popular mode of trips to convenience stores normally being walking.

The cycle provision of 4 racks for the development is appropriate having regard to the evidence provided on this point and would accord with Havant's car parking SPD standards.

In coming to this view, and as stated above, the Local Planning Authority is mindful that the conversion of the restaurant to retail could be carried out under permitted development rights and that, following such a conversion, the lawful use could result in a more intensive activity than currently proposed, with consequences for, amongst other matters, the locality and residential amenity and the capacity of the existing on-site parking arrangements, and parking and movements on the highway. This factor represents a material planning consideration that weighs in favour of the proposal.

As to the other highway concerns raised by third parties, to which due regard has been given, the Case Officer has worked closely with her colleague at the Highway Authority over this application, who is aware of the concerns raised, and that such concerns do not warrant a refusal of the proposal on highway grounds, or further changes to the development.

The proposal is in a sustainable location, within the built-up area, that would provide a service to the local catchment area, providing a social benefit to residents and other customers. The proposal would also provide employment opportunities and economic benefits to the area. In environmental terms, the proposal would improve the appearance of the site, which is in a rundown condition, that would be an enhancement to the built-up area. The proposal is considered to accord with Policies CS16 and DM14 in the HBLPCS and the overarching objective of the National

Planning Policy Framework regarding sustainable development.

To conclude, having regard to the fall-back position and a full review of the evidence provided by the applicant and third parties, it is considered that the improvements to the existing access and pedestrian links to the site, the level of parking and cycle provision and the TRO contribution to mitigate against any possible overspill parking on the local highway are appropriate and sufficient for the proposed development. The proposal therefore accords with Policies CS16, CS20 and DM14 and Havant's Car Parking Supplement Planning Document.

(v) Trees

The proposal shows the loss of trees along the southern and northern boundaries. The Council's Arboricultural Officer has been consulted over the proposal and her assessment is that the trees to be removed are poor quality category C specimens which are not suitable to be made the subject of a Tree Preservation Order. However, two trees, numbered T1 (Category B) and T2 (Category C) provide amenity to the area and are to be retained. Subject to a condition that the works are carried out in accordance with the submitted Tree Protection Plan and Method Statement, the Arboricultural Officer raises no objection to the proposal.

(vi) CIL

As to CIL, the internal floor area for the development is 99m². Therefore the proposal is not CIL liable.

(vii) Other Matters

Many of the points raised by third parties have already been covered above.

The applicant has advised that the intention is not to provide a post office within the store. So, this public facility at 26 Park Lane should not come under threat from the development.

Concerning the recycling facilities on the site, the applicant has confirmed the client's intention to relocate this on the site and the details provided are indicative of where it may be provided, which would be in a similar location to that currently used. That said, whilst welcomed, the determination of the application is not dependant on the provision of this facility.

The application referred to the residential unit in the application. The basement area was not originally shown on the plans submitted, but this was addressed, with a further plan submitted. If permission is forthcoming, both areas would be the subject of a condition, preventing their use in association with the retail store.

The application has been dealt with in accordance with the LPA's normal practice and the determination of this application is in accordance with the Council's adopted constitution to ensure fairness to all.

8 Conclusion

The proposal is in a sustainable location, which would provide social, economic and environmental benefits to the locality, which would not undermine other retail outlets

within the neighbourhood, or the wider area. The development would not be significantly harmful to the area, to residential amenity or trees on the site. The works to the existing vehicular access and to improve pedestrian access to the site are acceptable, as is the level of car parking and cycle provision. The proposal is considered to accord with Policies C4, CS16, DM10, DM11, DM12 of the Havant Borough Local Plan Core Strategy and Policies C6, E2 and E1 of the emerging Havant Borough Local Plan and the National Planning Policy Framework.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00316 subject to:

(A) a Section 106 Agreement to cover a Traffic Regulation Order and works to the highway; and

(B) the following 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:

Planning Design & Access Statement

Technical Note dated August 2020

Transport Statement dated June 2020

Email dated 13/1/21

Location Plan – Drawing No. 16304 AP 20

Arboricultural Impact Assessment dated October 2019

Arboricultural Method Statement dated October 2019

Retail Impact Assessment dated 15 June 2020

Email dated 16 June 2020

Proposed Site Plan - Drawing No. 16304 AP 30C

Proposed Basement Plan - Drawing No. 16304 AP 29

Proposed Ground Floor Plan - Drawing No. 16304 AP 31 B

Proposed First Floor Plan –Drawing No. 16304 AP 32

Proposed Roof Plan Drawing No. 16304 AP 33

Proposed Elevations Sheet 1 of 2 - Drawing No. 16304 AP 34

Proposed Elevations Sheet 2 of 2 - Drawing No. 16304 AP 35

Proposed Elevations Sheet 1 of 2 – Colour - Drawing No. 16304 AP 40

Proposed Elevations Sheet 2 of 2 – Colour - Drawing No. 16304 AP 41

Proposed Amended Kerbline – Drawing No. SK01

Swept Path Analysis of a 12m Rigid Vehicle – Drawing No. SP02

Swept Path Analysis of a 12.6m Articulated Vehicles – Drawing No. SP03

Reason: - To ensure provision of a satisfactory development.

3 Construction Traffic Management Plan

No development shall start on site until a construction method statement has been submitted to and approved in writing by the Planning Authority, which shall include:

- (a) A programme of and phasing of demolition (if any) and construction work;
- (b) The provision of long term facilities for contractor parking;
- (c) The arrangements for deliveries associated with all construction works;
- (d) Methods and phasing of construction works;
- (e) Access and egress for plant and machinery;
- (f) Protection of pedestrian routes during construction;
- (g) Location of temporary site buildings, compounds, construction material, and plant storage areas;

Demolition and construction work shall only take place in accordance with the approved method statement.

Reason - In the interests of residential amenity and having due regard to Policies CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5 The car parking, servicing and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6 The premises shall only be open for trade or business between the hours of 06.00 and 23.00.

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.

7 Notwithstanding the provisions of the Town and Country Planning (Use

Classes) Order 2020, and any Town and Country Planning (General Permitted Development) Order, the premises shall only be used for retail services and for no other purposes within Class E of the above Use Classes Order.

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

- 8 Servicing and deliveries to or from the premises shall only take place (except for daily newspapers/magazines delivery) between the hours of 07:00 to 20:00 Monday to Sunday (including Public or Bank Holidays) and shall be restricted to 3 deliveries a day. Delivery vehicles to the site shall be restricted in length to 10.35m.

Reason: In the interests of the amenities of occupiers 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

- 9 No external lighting/ floodlighting shall be installed on the site until such details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, operated, and maintained in accordance with the approved details.

Note: When submitting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the standards for Environmental Zone (E3) as set out in the "Guidance Notes for the Reduction of Obtrusive Light" (Guidance Note 01/20) issued by the Institute of Lighting Professionals

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 10 The retail unit hereby approved shall not exceed 360 sqm, with a maximum gross retail sales area of 235 sqm (retail sales definition – the retail sales area within the building (i.e. all internal areas accessible to the customer), but excluding checkouts, lobbies and walkways behind the checkouts).

Reason: In the interests of residential amenity and highway safety and having due regard to policies CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 11 The first floor and basement as shown on approved drawing numbers 19 and 32 shall not be used together or in association with the retail use hereby approved, which shall include any ancillary retail uses, except for providing access for essential building maintenance to these areas.

Reason: In the interests of residential amenity, parking and highway safety and having due regard to policies CS16 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 12 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Method Statement and Tree Protection plan by Ground

Control Professional Services.

Reason: To safeguard the health and wellbeing of the trees To safeguard the health and wellbeing and in the In the interests of the amenity of the area having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.