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For: Mr Simon Finlay
The Cooperative Group

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

Application Number: APP/20/00316

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.

Further to your application received on 20 April 2020, which was valid from 01 May 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:

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

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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

- 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

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, and
- You were updated about issues after the initial site visit.

- (5) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on their 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.

- (6) This permission was granted subject to a planning obligation agreement made under Section 106 of the Town & Country Planning Act 1990 dated 16th November 2021 which requires:
- (a) A Traffic Regulation Order contribution of £5000 to be paid to the Council prior to the occupation of the development; and
 - (b) A Highway Agreement to be entered into prior to the commencement of development in respect of access works; the works being completed prior to the occupation of the development.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

09 December 2021

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