

STATUTORY DECLARATION

of

RICHARD RUSSELL ANDREW

CONCERNING

**Unit A1
Hamilton Business Park
Botley Road
Hedge End
Hampshire
SO30 2JR**

I **Richard Russell Andrew of Rustington House, Worthing Road, Rustington, West Sussex BN16 3PS**, Chartered Surveyor and Company Director do SOLEMNLY and SINCERELY DECLARE as follows:-

1. I am a fellow of the Royal Institution of Chartered Surveyors. I am Chairman of Hargreaves Developments Limited (Company Registration 1036206), whose registered office address is Kingston Manor, Kingston Gorse, East Preston, Littlehampton, West Sussex, United Kingdom, BN16 1RR, and have been since before 1997, when Hargreaves acquired land at Hamilton Business, Botley Road, Hedge End, Hampshire.
2. On an application submitted by Hargreaves, Eastleigh Borough Council granted outline planning permission for the development of two buildings on land at Hamilton Business Park (Application No 14894/046). The decision notice dated 8 April 2003 issued by the Council in respect of that permission is attached to this declaration and marked Document A.
3. Approval of matters reserved by the outline permission was given by the Council on 2 September 2003 (Application No 14894/047). That decision notice is attached to this declaration and marked Document B. The 2 buildings constructed by Hargreaves in accordance with the details approved by the Council are Units A1 and A2 Hamilton Business Park. The plan approved by the Council in respect of Unit A1 is attached to this declaration and marked Document C.
4. The permitted development, including Unit A1, was constructed by Hargreaves. A lease, dated 29 July 2004 was completed between Hargreaves and TILEFLAIR LIMITED in respect of Unit A1. Tileflair (Company Registration 1051487), has its Registered Office Address at Highwood Lane, Cribbs Causeway, Bristol BS34 5TQ. A further lease dated 29 March 2019 extended the period of Tileflair's occupation to 25 March 2029. Tileflair have been in occupation of Unit A1 continuously from July 2004 to the present day, a period of more than 18 years.
5. Prior to the commencement of Tileflair's lease and occupation, discussions were held between Tileflair and Hargreaves regarding the internal fitting out of Unit A1. A fax dated 23 January 2004 from Matthew Johnson of Tileflair to Neville Andrew of Hargreaves made clear Tileflair's intention that Unit A1 was to be fitted out as a showroom with tile displays. An internal partition was also to be erected to define a separate storage/warehouse area at the rear. The drawing attached to that fax is attached to this declaration as Document D. The internal partition was erected prior to the opening of the Tileflair tile showroom at Unit A1 in July 2004 and has been retained continuously ever since.

6. Document E attached to this declaration is an annotated version of the plan approved by the Council in respect of Unit A1. The annotations on that plan show the component parts of the space within the Unit at present. This arrangement has remained unchanged ever since Tileflair's initial occupation in 2004.
7. The photographs attached to this declaration as Document F show general views internally within Unit A1. These illustrate that the larger part of the interior of the unit is laid out as a showroom for the purposes of displaying the tiles and related items offered for sale there.
8. The 600 square metres of floorspace overall within Unit A1 is laid out as 5 distinct components. An entrance lobby, office and toilets together account for some 48 square metres of floorspace within the southwestern part of the Unit. These areas are shown shaded pink, green and purple respectively on the annotated drawing at Document E. A warehouse storage area, shaded blue on Document E, occupies an area of 200 square metres in the northern part of the Unit, beyond the internal partition referred to in paragraph 5 above. The remainder of the floorspace, extending to some 350 square metres, comprises a retail showroom. This occupies the majority of the floorspace within Unit A1 and has done so from the opening of the Tileflair store in July 2004.
9. Condition 14 attached to planning permission 14894/046 (Document A) states:

"Any trade/retail showroom to be provided within the units hereby permitted shall at all times remain ancillary to the principal use of the units and shall not exceed 25% of the gross ground floor area of any unit."

The 350 square metres of floorspace laid out as retail showroom within Unit A1 represents 58% of the total floorspace of the unit. This is in conflict with the terms of condition 14. This situation has existed unchanged at Unit A1 since July 2004. No enforcement action has been taken by the Council against the breach of condition 14 of the planning permission.

10. The provisions of condition 14 of the planning permission have been breached for a continuous period well in excess of 10 years, with this breach continuing to the present day. Section 171B(3) of the Town and Country Planning Act 1990 provides that, in such circumstances, no enforcement action can now be taken to require compliance with the condition. Section 191(2)(a) of the 1990 Act provides that a use, including a use in breach of a condition, is lawful if no enforcement action may then be taken in respect of it. It follows from this that continuation of the Tileflair operation at Unit A1, with 58% of the floorspace being in use as a retail showroom, is lawful notwithstanding the terms of condition 14 of the 2003 planning permission.
11. I make this Statutory Declaration as evidence that Unit A1 Hamilton Business Park has been occupied continuously since 29 July 2004 by Tileflair in breach of condition 14 of planning permission 14894/046 dated 8 April 2003.

[REDACTED]

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

DECLARED by

Signature of Declarant

Declared at [GUOCA 112 The] before me, a ~~solicitor~~ / commissioner for oaths

Signature

Name (in block capitals)

Address

Qualification

[REDACTED]

GreenWrightChaltonAnnis
Solicitors

Churchill Court, 112 The Street
Rustington

West Sussex BN16 3DA
DX 55100 Rustington

LICENSING COMMISSIONER
30/9/2022

DOCUMENTA



Collin Peters
Head of Development Control

Development Control Service
Civic Offices Leigh Road Eastle
Hampshire SO50 9YN
Telephone: 023 8068 8000
www.eastleigh.gov.uk
Britdoc: DX122380 Eastleigh 2

Office Hours - Monday to Thursday 8.30am - 5pm - Friday 8.30am - 4.30pm

HARGREAVES MANAGEMENT LTD
Rustington House
Worthing Road
Rustington
West Sussex BN163PS

08/04/2003

RECEIVED

18 APR 2003

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

Application No. 14894/046

In pursuance of their powers under the above Act and in accordance with your application which was made valid on 27 September 2002, with subsequent amendments dated

31/01/2003

the Council, as Local Planning Authority hereby GRANT OUTLINE PERMISSION for the following:

OUTLINE: CONSTRUCTION OF TWO BUILDINGS FOR ALTERNATIVE CAR SHOWROOM/LIGHT INDUSTRIAL (B1)/GENERAL INDUSTRIAL (B2)/ WAREHOUSING WITH ANCILLARY TRADE/RETAIL SALES USES, CAR PARKING AND LANDSCAPING

HAMILTON BUSINESS PARK BOTLEY ROAD, HEDGE END, HANTS

Subject to due compliance with the following conditions:

1. The development hereby permitted must be begun either before the expiry of five years from the date of the grant of this outline permission, or the expiration of two years from the final approval of the reserved matter or, in the case of an approval on different dates, the final approval of the last such matter to be approved. Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
2. In the case of any reserved matter, application for approval must be made not later than three years after the date of the grant of this outline permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990.
3. Plans and particulars showing the detailed proposals for all the following aspects of the development ("the reserved matters") must be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development must then accord with these approved details. Reason: In order that these matters may be considered by the Local Planning Authority.
4. (b) The design of the buildings.

5. (c) The external appearance of the buildings.
6. (e) The landscaping of the site
7. Plans and particulars showing the proposals for all the following aspects of the development must be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development must then accord with these approved details. Reason: In order that these matters may be considered by the Local Planning Authority.
8. (d) The ground floor levels above ordnance datum of all buildings.
9. (g) The layout of foul sewers and surface water drains.
10. (j) The provision to be made for street lighting and/or external lighting.
11. (l) Proposed ground levels and relationship to existing levels both within the site and on immediately adjoining land.
12. The development hereby permitted must not be brought into use until the areas shown on the approved plan for the parking, loading and unloading of vehicles; parking of bicycles and motorcycles; and storage of refuse shall have been made available, surfaced and marked out, and the areas must be retained in a condition to the satisfaction of the Local Planning Authority, and reserved for that purpose at all times. Reason: In the interests of highway safety.
13. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 there shall be no direct means of vehicular or pedestrian access to the development hereby permitted from Botley Road other than the access shown on the approved plans. Reason: In the interests of highway safety.
14. Any trade/retail showroom to be provided in the units hereby permitted shall at all times remain ancillary to the principal use of the units and shall not exceed 25% of the gross ground floor area of any unit. Reason: To control the retail impact of the development and to provide sufficient on-site car parking.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting or amending that Order), the units hereby permitted shall only be occupied by the uses within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 (as amended, or any Order revoking and re-enacting or amending that Order) or for car showroom or ancillary trade/retail sales uses. Reason: To control the retail impact of the development.
16. The ancillary trade/retail uses hereby permitted will be limited to wholesale electrical products; plumbing, heating and related products; building products including kitchens, bathrooms, ceramic products and timber flooring; windows and conservatories; motor goods; tool hire; and wholesale fabrics/upholstery. Reason: To control the retail impact of the development.
17. The gross internal floorspace hereby permitted shall not exceed 1358sq metres. No mezzanine floorspace shall be added to the units hereby permitted, and the units shall not be subdivided into further independent units, without the prior written consent of the Local Planning Authority. Reason: To control the retail impact of the development.

18. Details and samples of all external facing and roofing materials must be submitted to and approved in writing by the Local Planning Authority before development commences. The development must then accord with these approved details. Reason: To ensure that the external appearance of any building is satisfactory.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment.
20. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system. Reason: To prevent pollution of the water environment.
21. Details of external security lighting, lockable gates and all other crime prevention proposals must be submitted to and approved in writing by the Local Planning Authority before development commences. The development must then accord with these approved details. Reason: In the interests of crime prevention.
22. No construction or piling work shall take place except between the hours of 0800 to 1800 Mondays to Fridays or 0800 to 1300 on Saturdays and not at all on Sundays or Bank Holidays. Reason: To protect the amenities of the occupiers of nearby dwellings.
23. Before the development commences, or by such later date as the Local Planning Authority may determine, a landscape scheme comprising planting, details of hard surfacing and means of enclosure must be submitted to, and approved in writing by the Local Planning Authority. Such a scheme must include a planting specification and schedule, and shall indicate the position, size, number, planting density and species of shrubs and trees. A seed or turf specification must be provided for areas to be grassed. The planting scheme must include details of phasing, timing and provision for management and maintenance during the first ten years from the date of planting. Reason: To ensure that the appearance of the development is satisfactory.
24. The landscape scheme must be completed within 12 months from the completion of the last building shell, or by such later date as the Local Planning Authority may determine. Any trees or plants which die, are removed or become seriously damaged or diseased during the first five years must be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. Reason: To ensure that the appearance of the development is satisfactory.
25. Measures to be submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by vehicles leaving the site must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway. Reason: In the interests of highway safety.
26. Note to Applicant: This decision and any condition attached, has been taken in accordance with the development plan policies listed below and with due regard to any other material considerations.

Eastleigh Borough Local Plan Review
2001-2011 First Deposit 111.E

CD Peters

C.D. PETERS
HEAD OF DEVELOPMENT CONTROL

N.B. SEE ENCLOSED NOTES (POL)

DOCUMENT B



Colin Peters
Head of Development Control

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Rustington House
Worthing Road
Rustington
West Sussex BN16 3PS

02/09/2003

RECEIVED

04 SEP 2003

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

Application No. 14894/047

In pursuance of their powers under the above Act and in accordance with
your application which was made valid on 18 July 2003, with subsequent
amendments dated

24/07/2003

the Council, as Local Planning Authority hereby
APPROVE THE RESERVED MATTERS as follows:

RESERVED MATTERS: RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION REF
14894/046 FOR THE EXTERNAL APPEARANCE, DESIGN AND LANDSCAPING OF UNITS A1 AND
A2

HAMILTON BUSINESS PARK BOTLEY ROAD, HEDGE END, HANTS

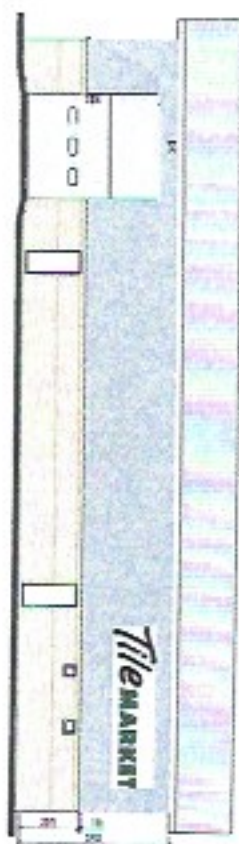
Subject to due compliance with the following conditions:

1. This permission is subject to the conditions imposed upon the outline
permission 14894/46 dated 080403.
2. Details and samples of all external facing and roofing materials must
be submitted to and approved in writing by the Local Planning Authority
before development commences. The development must then accord with these
approved details. Reason: To ensure that the external appearance of any
building is satisfactory.
3. The landscape scheme must be completed within 12 months from the
completion of the last building shell, or by such later date as the Local
Planning Authority may determine. Any trees or plants which die, are
removed or become seriously damaged or diseased during the first five
years must be replaced during the next planting season with others of
similar size and species unless the Local Planning Authority gives
written consent to any variation. Reason: To ensure that the appearance
of the development is satisfactory.

A handwritten signature in dark ink, appearing to read 'C.D. Peters', with a stylized, cursive script.

C.D. PETERS
HEAD OF DEVELOPMENT CONTROL

N.B. SEE ENCLOSED NOTES (ARM)

WEST ELEVATION
SCALE = 1" = 40'

0600ND FLOOR PLAN
SCALE 1/16" = 1'-0"

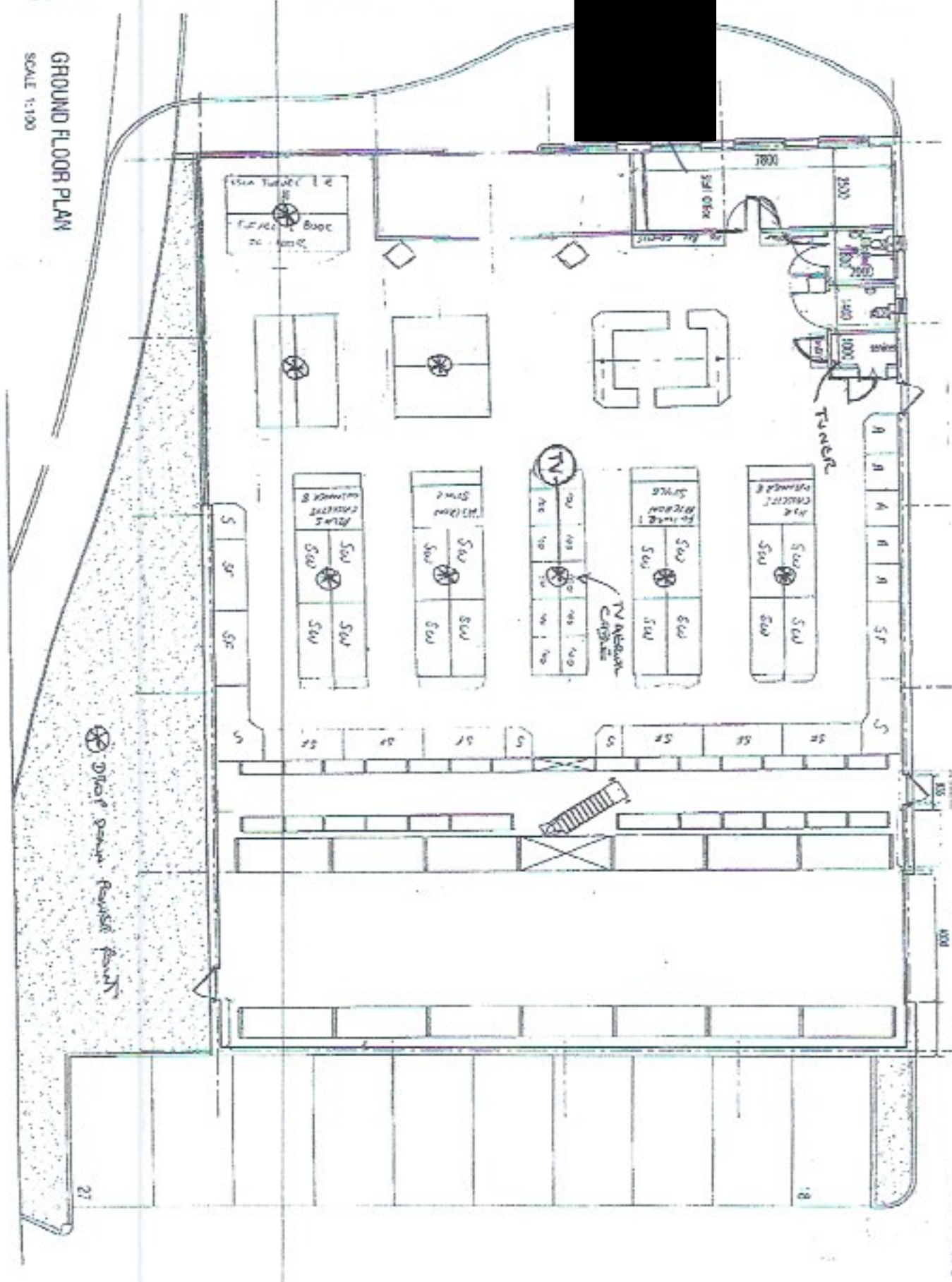
1. *Adaptation* (change in behavior or structure)
 2. *Acclimation* (change in behavior or structure)
 3. *Adaptation* (change in behavior or structure)

Matthew Johnson

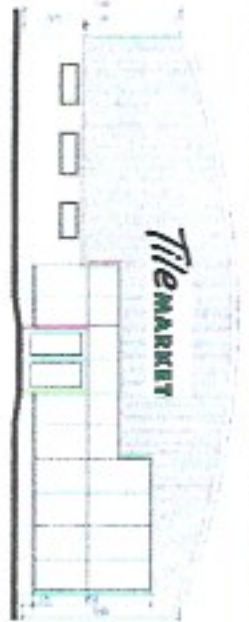
259

p. 4

SCALE 1:100



DOCUMENT E



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

APPROVED PLAN
 ANNOTATED TO SHOW
 COMPONENT ELEMENTS



GROUND FLOOR PLAN

141 101	A101	C
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141 101	A101	C
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SITE A	UNIT A1	HAMILTON BUSINESS PARK	BOTTLEY ROAD HEDGE END
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H Hargreaves

Architectural Drawing and Design Services Ltd
 100-102, The Quadrant, London, E1 1JL
 Tel: 020 7463 1111 Fax: 020 7463 1112

INTERIOR PHOTOGRAPHS



View of front part of showroom towards toilets in SW corner.



View towards the rear of the showroom with sales desk to the left.



View towards the rear of the showroom, showing the opening in the partition wall with the storage area glimpsed beyond.