

Miss Butterfield  
WYG  
54 Hagley Road  
3rd Floor  
Edgbaston  
Birmingham B16 8PE

For: Mr Virk  
Papa John's (GB) Ltd

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

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**Application Number:** APP/19/00617

**Site Address:** 260 London Road, Waterlooville, PO7 7HG

**Proposal:** Variation of Conditions 2, 4, 5, 7 and 8 of Planning Permission APP/18/00059 in relation to inclusion of additional information within list of approved plans (Condition 2), extension of delivery vehicle operating hours (Condition 7) and amend Conditions 4 (noise mitigation), 5 (odour) and 8 (bin storage) to compliance conditions.

Further to your application received on 12 June 2019, 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 24 July 2021.  
**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:  
  
Odour Assessment of WYG, June 2019  
Planning Noise Assessment of Cole Jarman Ltd report 18/0657/R1  
Noise Management Plan  
Drawing No. 223147 - Location and block plans  
Drawing No. 01100-03 - Existing elevations  
Drawing No. 01100-11 Rev F – Proposed Rear Elevation Only  
Drawing No. 01100-10 Rev K – Proposed Ground & First Floor  
Drawing No. 01100-17 Rev F – Proposed Ceiling and Electrical

Our Ref: APP/19/00617

**Reason:** - To ensure provision of a satisfactory development.

- 3 The premises the subject of this permission, if used for the purposes of a cafe/restaurant (Class A3/A5), shall not open to the public before 9:00 hours or remain so open after 23.00 hours Monday to Sunday.  
**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 2018
- 4 The equipment shall be installed as per the recommendations set out in the Odour Assessment dated March 2019 by WYG and shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.  
**Reason:** To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 5 The development hereby permitted shall comply with the specified mitigation measures set out in the Noise Assessment dated 15 May 2019 by Cole Jarman. These mitigation measures installed shall be maintained for the life of the development.  
**Reason:** To ensure the residential amenity of the property is not unacceptably impacted upon by any internal or external noise levels, including from commercial premises below having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 6 No deliveries to the A3/A5 use hereby permitted shall take place between the hours of 2200 to 0800 unless otherwise agreed in writing by the Local Planning Authority. No vehicles (including mopeds and motorbikes) delivering food to customers from the A3/A5 use hereby permitted shall be carried out between the hours of 2300 to 0800 unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of the occupiers of the neighbouring properties and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 7 The existing rear access to the site shall be retained hereafter for the servicing of the premises.  
**Reason:** In the interests of highway safety and having due regard to Policies DM5, DM10 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 8 The development hereby permitted shall be used for cafe/restaurant A3/A5 use or shop or retail outlets A1 use class only to the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.  
**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 2018.

### 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](http://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 Development Control 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 were updated about issues after the initial site visit.
- (5) The changes to the front of the building have not been approved under this application as they do not relate to that granted under planning permission reference APP/18/00059 and require planning permission in their own right.
- (6) You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site. This is in order to protect the occupants of nearby residential properties from dust pollution.
- (7) You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00. This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance
- (8) It is noted that works consist of internal alterations & minor exterior only, not entailing

construction groundworks. The property was constructed on brownfield land, so some made ground would be expected at the site, but prior landuse is likely to be residential or commercial (retail); negligible risk with respect to continuing commercial use. Existing buildings were constructed between 1961 & '66, so Asbestos is likely to have been used extensively at original construction, and is likely to still be present within building fabric, particularly in ducting & suspended ceilings, but also potentially in flooring, sanitaryware/plumbing/plasterwork and electrical installations. This is considered to be a H&S issue adequately regulated by the Control of Asbestos & Construction Design & Management regulations, and not material to planning. Asbestos within buildings is not contamination, it is 'potential pollution', harmful to construction staff and neighbours if inadequately identified or improperly handled. It is recommended that the applicant commission a pre-conversion Asbestos survey to identify any Asbestos Containing Materials within the property that might be disturbed during construction works, in order that these may be appropriately managed. In dealing with any complaints about construction related dust, Environmental Health will assume the applicant to be fully aware of the asbestos risk when making any enforcement decisions.

- (9) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 03303030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

**Simon Jenkins**

Simon Jenkins  
Interim Director of Regeneration and Place

05 September 2019