



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

Mr Ravi
KKR Planning & Design Ltd
Oasis Business Centres Ltd
468 Church Lane
Kingsbury
NW9 8UA

For: Mr Vijaendrann

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

Application Number: APP/18/00176

Site Address: 10 Rails Lane, Hayling Island, PO11 9LL

Proposal: Change of use from Class A1 to Class A5 and installation of external fume extraction system at rear.

Further to your application received on 08 February 2018 (which was valid from 08 February 2018) 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:

Proposed Floor and Elevation Plan: Drawing No B-02 A
Existing Floor and Elevation Plan. Proposed Section Plan and Photographs: Drawing No B-01 A
Fan Specification Systemair details: Reference MUB 062 560D4-A2 IE2 Received 14.05.2018
Accoustic Report: Received 10.07.2018 via email Reference 18114-002
Design and Access Statement: Received 08.02.2018
Technical Specification for Ducts/Extractor System: Received 08.02.2018
Site Location Plan: Reference OI1201277
Reason: - To ensure provision of a satisfactory development.

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- 3 The premises the subject of this permission, if used for the purposes of a hot food and takeaway (Class A5), shall not open to the public before 11:00 hours or remain so open after 23.00 hours Monday to Saturday. Sunday and Bank Holidays: 11:00am to 22:00
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 2012
- 4 Prior to the development being brought into use, equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby 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 2012.
- 5 The extraction equipment installed in pursuance to Condition (No.4) above 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 2012.
- 6 The change of use hereby permitted shall not commence until details and/or specification of bin provision relating to the takeaway facility and storage for the disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. This must also include a scheme for the dispose of customer refuse and litter. The use hereby permitted shall not commence until the implementation of such provision for refuse and bins has been completed in full accordance with such an approved specification.
Reason: In the interests of the amenities of the area 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 2012.
- 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 2012

- 8 If any equipment is to be installed such as refrigeration and / or air conditioning units, schemes shall be agreed in writing with the Local Planning Authority and approved in writing prior to any development taking place. The approved measures shall be implemented prior to occupation and maintained in accordance with the approved details.
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.
- 9 The works shall be carried out and maintained in accordance with the Accoustic Report received 10.07.2017 Reference 18114-002.
Reason: To protect the occupants of nearby residential properties from noise disturbance and to be in accordance with policy DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework 2012.
- 10 Delivery vehicles (including mopeds and motorbikes) shall only be taken and/or dispatched from the site between the hours of 7:00am- 20:00pm Monday to Friday and 7:00am-19:00 Saturdays and not at all on Sundays and recognised public holidays.
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 2012.
- 11 No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.
Reason: To ensure the residential amenity of the property is not unacceptably impacted upon by light disturbance/ pollution and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
- 12 The development hereby permitted shall be used for hot food takaway A5 use class 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 2012

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.
- (1) In accordance with paragraphs 186 and 187 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,
 - Your application was acceptable as submitted and no further assistance was required.
- (2) 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
- (3) 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.
- (4) You are hereby requested to ensure that no bonfires take place on this site, during any phase of the operation i.e. demolition, excavation, clearance and construction works. If you feel you have a legitimate reason for a bonfire, it is recommended you enquire with the Environmental Health Pollution team, at Havant Borough Council, prior to taking this action. This is in order to protect the occupants of nearby residential properties from smoke pollution.

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

20 July 2018