



Havant
BOROUGH COUNCIL

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Mr C Flint
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For: Dr Gupta

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

Application Number: APP/15/00829

Site Address: 36-38 North Street, Emsworth, PO10 7DG

Proposal: Demolition of existing building. Construction of two storey detached building to allow restaurant with associated landscaping, refuse area and extraction system.

Further to your application received on 27 July 2015, which was valid from 19 August 2015, 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 Compulsary Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan and Layout Plan drwg.no CFA/FULL/02 received 27 July 2015
Proposed Elevations and Floor Plans drwg.no CFA/FULL/01 rev D received 30 October 2015

Reason: - To ensure provision of a satisfactory development.

- 3 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 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.

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Reason: In the interests of the amenities of the locality and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Notwithstanding the submitted plans and the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to commencement of the use hereby permitted the window in the first floor on the western elevation facing west shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and shall be retained as such thereafter.

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

- 5 Notwithstanding the approved plans, the development hereby permitted shall not be commenced until the following details have been submitted to, and approved in writing by the Local Planning Authority . The details to comprise:-

a) 1:20 elevation and plan; 1:5 section and full size glazing bar detail of the proposed windows. The details to include the position of the window within the opening (depth of reveal), method of fixing the glazing (putty or beading) and finish.

b) 1:20 elevation, 1:5 sections of the proposed shopfront (including fascia) together with finishes.

All work shall be carried out in full accordance with such approval and be retained thereafter.

Reason: To ensure appropriate detailing for this key component of the design which has a strong presence in the local townscape and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the details shown on the approved plans, before the use hereby permitted first takes place, a scheme showing details of the means of extraction and filtration of cooking odours including details of the appearance of any external flue, manufacturer's operating instructions and a programme of equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 A scheme shall be agreed in writing with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the extraction system. The agreed measures shall be put in place before use of the development hereby permitted commences, and shall remain in place at all times thereafter.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 No development shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The

submitted report shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before the building hereby approved is first occupied.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011, and DM17 of the Havant Borough Local Plan (Allocations) 2014; there is a low probability of the presence of contamination at the site that could, if present, pose a significant risk to occupants / employees at the site, or the occupants of immediately adjacent properties.

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 sought and were provided with pre-application advice,
 - You were updated about issues after the initial site visit
- (2) The replacement of the existing building has been supported on the basis of a high quality design for the replacement building. The quality of the materials and shopfront design, on which preliminary guidance has been provided, needs to reflect this. Dependent on the form and nature of the proposed signage, separate advertisement consent may be required.
- (3) You are advised that consent may be required from Southern Water to build in the vicinity of a public sewer and that there is a public foul sewer in the vicinity of the site. If you are in any doubt or need further information about obtaining this consent, you should contact Southern Water on 0330 303 0119.

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager

16 November 2015