



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263
DX 50005 Havant

www.havant.gov.uk

Mr M Critchley
Martin Critchley Consultants Ltd
7 North Street
Havant
PO9 1PW

For: Mr N Ralls

**The Town and Country Planning (Development Management Procedure) (England) Order
2010
Grant of Planning Permission**

Application Number: APP/14/01165

Site Address: 25 South Street, Emsworth, PO10 7EG

Proposal: Change of use from A1 to mixed use A3 and C1. External alterations including new chimney and flue terminal to rear. Demolition of rear store and replacement with single storey rear extension with first floor terrace with screen wall above.

Further to your application received on 05 November 2014 which was valid from 18 November 2014 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 hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order or Use Classes Order, the use hereby permitted shall be restricted to a cafe or restaurant (Class A3) and there shall be no sale of takeaway hot food from the premises without the prior agreement in writing of the Local Planning Authority.
Reason: To enable the Local Planning Authority to consider the acceptability of alternative use and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 The premises the subject of this permission, if used for the purposes of cafe or restaurant (Class A3), shall not open to the public before 08.30 hours or remain so open after 23.00 hours on Mondays to Fridays and on Sundays or after 23.45 hours on Saturdays.
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.

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- 4 i) Unless otherwise approved in writing by the Local Planning Authority, the fixed plant, machinery and equipment associated with air moving, filtering odour neutraliser plant, including the acoustic specifications, shall be installed prior to the commencement of the use hereby approved and maintained in good working order at all times in order to effectively suppress the emission of fumes or smell in accordance with the details submitted with the current application and application APP/14/001009 (which refers to the Soler & Palau industrial fan - Model TCBBx2/4-450 and the Attenuator SIL-CZO (450mm diameter) and Jason Filtration activated carbon filter Model DC 242122/8-7C). Details of any other external plant or compressors to be installed within the site, shall first be submitted to and approved by the Local Planning Authority before installation.

ii) Prior to the construction of the new chimney, details shall be submitted to and approved in writing by the Local Planning Authority relating to the extractor flue within it as follows:

- a) Details of noise attenuation and anti-vibration mountings and,
b) Arrangements and access for maintenance, (such as an access port)

iii) Noise resulting from the use of any plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997 at any adjoining or nearby residential property.

Reason: In the interests of protecting the local residents from unreasonable noise levels or air pollution which would be detrimental to the residential character of the area and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 5 Prior to the installation of any external lighting to the roof terrace hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority. There shall be no external lighting of the roof terrace other than as thereby approved.

Reason: To safeguard the amenities of the locality, the Emsworth Conservation Area having due regard to policies CS16, DM8, CS11 and DM20 of the Havant Borough Local Plan - Core Strategy 2011 and Allocations Plan 2014 and the National Planning Policy Framework 2012.

- 6 Unless otherwise approved in writing by the Local Planning Authority the external materials to be used in the development hereby approved shall be as stated in the current application, including the submitted document: 'Heritage Statement & Schedule of Repair' and the agent's letter of 25th September 2014, (which refers to the colour of external rendering).

Notwithstanding this information, a sample of bricks and tiles to be used for the construction of the chimney, boundary wall and roof shall be submitted to and approved by the Local Planning Authority prior to the commencement of those particular construction works. Thereafter only such approved materials and finishes shall be used in carrying out the development.

Reason: To ensure the appearance of the development is satisfactory and appropriate to the listed building and conservation area having due regard to policies CS11.4 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The rooflights in the barn area hereby approved shall be kept permanently closed.
Reason: In the interests of the amenities of the occupiers of nearby properties, to minimise the risk of noise escape 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 The side wall to the roof terrace shall be fully completed in accordance with the approved plans before the terrace is first used. It shall be permanently maintained in good repair thereafter.
Reason: In the interests of the amenities of the occupiers of nearby properties, to minimise the risk of noise or nuisance and in the appearance of the listed building and conservation area having due regard to policies CS11.4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 9 The works to the sitting room fireplace shall be limited to the removal of the surface finishes and clearly modern (brick) infill only. At least 14 days notice of the intention to carry out this work shall be provided to the Local Planning Authority to provide an opportunity to view it in progress. Following this phase of work a repair specification related to accompanying drawings, informed by what has been revealed, shall be prepared and submitted to the Local Planning Authority for approval. All work shall be carried out in full accordance with such approval.
Reason: To ensure the extent of and form of the work is appropriate and informed by what is revealed. In accordance with policies DM8, CS11 and DM20 of the Havant Borough Local Plan - Core Strategy 2011 and Allocations Plan 2014 and the National Planning Policy Framework 2012.

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

Existing block and location plans - DN: 12A_050 001- Rev D
Existing floor plans - DN: 12A_050 003 - Rev C
Existing elevations - DN: 12A_050 004 - Rev D
Proposed floor plans - DN: 12A_050 005 - Rev E
Proposed elevations - DN: 12A_050 006 - Rev D - Sheet 1 of 2
Proposed elevations - DN: 12A_050 007 - Rev E - Sheet 2 of 2
Key Issues -DN: 12A_050 010 - Rev A
Key Issues -DN: 12A_050 011 - Rev A
Key Issues -DN: 12A_050 012 - Rev A
Design & Access statement (received 15/7/13)
Structural Statement - letter dated 12/7/13

Reason: - To ensure provision of a satisfactory development.

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) The applicant is advised that the business will need to register as a food business with Havant Borough Council's Environmental Health Team and it advised that they also contact them for advice on kitchen design.
- (5) The applicant is reminded of the importance of ensuring that noise levels as limited in condition 4 (iii) above are not exceeded.
- (6) The applicant is advised that for works within the roof advice should be sought from a suitably-qualified ecologist regarding the risk of bats being present, which are a protected species under the Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 (as amended). information is available from Natural England guidance on finding a suitably-qualified ecologist at: <http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/planningdevelopment/spatialplanning/standingadvice/faq.aspx#q13>). The Chartered Institute of Ecology and Environmental Management (IEEM) (www.cieem.net) holds a database of suitably-qualified ecologists. If nesting bat roosts are disturbed it would constitute a breach of the above-mentioned legislation.
- (7) The applicant is advised that in order to comply with Environmental Health legislation and protect the occupants of nearby residential properties from noise disturbance construction, demolition or clearance work of any sort within the area covered by the application should only take place between the hours of 0800-1800 on Monday to Fridays and 0900-1300 on Saturdays and not on Sundays and Bank or Statutory Holidays.
- (8) The applicant should be aware that there is currently no existing right of way granted to the rear of 25 South Street. If the restaurant requires rear access (other than use of the emergency fire exit from the courtyard), then they would need to seek agreement with the Estates Department at Havant Borough Council.

The applicant is also advised that the new brick wall at the rear should follow the existing building line, not encroach onto Havant Borough Council land and any Council land affected should be reinstated to the satisfaction of the Council. If temporary access to Council land is required for the refurbishment (of the building including deliveries of materials) construction works to the wall then Council's would be required prior to access being taken. Again please contact the Estates Department for further information.

- (9) You are hereby strongly advised to ensure that where soil or groundwater that appears to be impacted by contamination* is found to be present during groundworks, no further development be undertaken until an appropriate assessment has been undertaken, and a report detailing how that contamination is to be dealt with has been agreed with the Havant Borough Council Environmental Health Office. The works outlined in the agreed report shall be adhered to. (*e.g. stained or discoloured soils or groundwater – black, blue, green or red/purple in particular, occurrence of unexplained oil sheens within excavations, solvent or oil odours, or the occurrence of skin irritation or other acute symptoms). This is to ensure that future employees & customers are protected from unacceptable exposure to chemical contaminants that could be present as a result of historic landuses both on & adjacent to the application site; to protect the fabric of the building, address the site owners potential environmental liabilities, and protect the commercial value of the property.
- (10) Your attention is drawn to the provision of the Equality Act 2010 and Part M of the Building Regulations relating to access for the disabled. If you require further advice regarding the implications of the above legislation, please contact the Council's Equality Officer on 023 9244 6007 and Building Control Officer 023 9244 6571
- (11) 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.



Julia Potter
Executive Head - Economy and Planning

31 March 2015