



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 P Blake-Kerry
B K Architectural
Paramount
15 Spring Gardens
Swindon SH1 2SA

For: Mr A B Gul

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

Application Number: APP/14/00269

Site Address: 38 Park Parade, Havant, PO9 5AD

Proposal: Change of use from retail (use class A1) to kebab takeaway (use class A5).

Further to your application received on 11 March 2014, which was valid from 07 April 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 The takeaway premises hereby permitted shall not open to the public before 1200 hours or remain so open after 2400 hours.
Reason: To protect the amenities of nearby residential properties and having due regard to policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 No development hereby permitted shall commence until a specification of the provision to be made for the storage and disposal of refuse following the commencement of the use hereby permitted has 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 has been completed in full accordance with such an approved specification.
Reason: To safeguard the amenities of the locality and having due regard to policies DM10 and DM5 of the Local plan (Core Strategy) which forms part of the Havant Borough Local Development Framework.

- 4 The change of use hereby permitted shall not commence until details of bin provision relating to the takeaway facility have been submitted to and approved in writing by the Local Planning Authority. The development should not be brought into use until a bin has been provided in accordance with the approved details.
Reason: To safeguard the amenities of the locality and having due regard to policies DM10 and DM5 of the Local Plan (Core Strategy) which forms part of the Havant Borough Local Development Framework.
- 5 No delivery vehicles (including moped's and motorbikes) are to be used in conjunction with the hereby permitted A5 use.
Reason: To safeguard the amenities of the locality and having due regard to policies DM10 and DM5 of the Local Plan (Core Strategy) which forms part of the Havant Borough Local Development Framework.
- 6 Prior to the development being brought into use, equipment shall be installed for the filtration and extraction fumes and smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. The extraction vent shall be located above first floor level. Details of the equipment shall be submitted to and approved in writing 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 of the premises are minimised in the interests of the amenities 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.
- 7 The extraction equipment installed in pursuance of Condition 6 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 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 of 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.
- 8 Any proposal relating to install noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment's) shall be agreed and approved in writing by the Local Planning Authority prior any development takes place.
Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance 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.
- 9 Noise resulting from the use of any/all 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.
Reason: In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character 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.

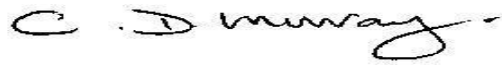
- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and block plan - P1
Existing elevations - P2
Floor plans existing and proposed - P3
Design and Access Statement - received on 10/4/14
Ventilation Statement - received on 10/4/14

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 6573.
- (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) 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:
 - Your application was acceptable as submitted and no further assistance was required.
- (5) The applicant is advised to contact Hampshire Fire and Rescue regarding fire safety and escape arrangements for commercial premises. Contact Hampshire Fire and Rescue Service Headquarters, Leigh Road, Eastleigh, Hampshire SO50 9SJ. Telephone:02392 855180.
- (6) In connection with conditions 6, 7 & 8 of this permission, the applicant is advised that the Local Planning Authority is very unlikely to approve any extraction flue on the front elevations of the building, and care should be taken in the location of any flue or vents, to ensure that nuisance is not caused to neighbouring occupiers, including those of adjoining premises, including any first floor occupier.

A handwritten signature in black ink, appearing to read "C. D. Murray". The signature is fluid and cursive, with a small horizontal line at the end.

Mr Chris Murray
Service Manager (Planning Development)

06 June 2014