Havant BOROUGH COUNCIL

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For: Mrs Razzell

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

Application Number: APP/11/01118
Site Address: Unit 2, Fernwood House, 45-47 London Road, Cowplain
Proposal: Change of use from Class A1 (Retail) to mixed use of A1 (Retail) and A5 (Hot Food Takeaways). (Retrospective application.)

Further to your application received on 08 June 2011, which was valid from 04 November 2011, 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 Within 60 (sixty) days from the date of this decision, a detailed scheme for filtration and extraction of fumes generated (by cooking processes) at the premises shall been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not continue until the implementation of such approved filtration and extraction scheme has been completed in full within 60 (sixty) days from the date of that approval, in accordance with all detailed components of such scheme. At all times thereafter, all elements of that scheme shall be maintained in a wholly efficient and effective working order.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011 which form part of the Local Development Framework and Planning Policy Statements 1 and 23, and Planning Policy Guidance 24.

2 All plant machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the background noise levels as measured according to British Standard 4142: 1997 at any adjoining or nearby residential property.

BS4142 Requirement: 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 neighbouring residential amenity in accordance with Policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.

3 No externally visible or audible plant, machinery or structures required for refrigeration, ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality.

4 No use which comes under that falling within Use Class A5 shall take place within the premises outside the hours of 08:00 to 17:00 Monday to Saturday on any day.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 23.

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

Site Plan
Nic/1 - Layout Plan
Nic/D3 - Floor Plan

Reason: - To ensure provision of a satisfactory development.

Other Important Information:

In reaching its decision the Council has had regard to policies of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework: and Planning Policy Statements/Guidance -

Havant Borough District Wide Local Plan 1996-2011
TC7 (Changes of Use Secondary Frontage)

Havant Borough Core Strategy 2011
CS16 High Quality Design
DM10 Pollution

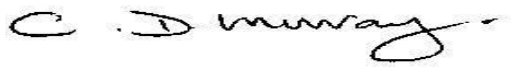
National Policies
PPG24 (Planning and Noise)
PPS 1 (Delivering Sustainable Development)
PPS 6 (Planning for Town Centres)
PPS23 (Planning and Pollution Control)

The Council considers, having regard to the objectives of these policies, that the principle of the development is acceptable in this case, and also that the impact of the development is acceptable in terms of the effect on vitality and viability of the shopping frontage and the impact on amenity. Having taken into account the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and all other material considerations, the Council has determined that planning permission should be granted for the development.

(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 Civic Offices or by telephoning 023 9244 6015.



Mr Chris Murray
Service Manager (Planning Development)

16 December 2011

Our Ref: APP/11/01118