Havant
BOROUGH COUNCIL

Civic Offices
Havant
Hampshire PO9 2AX

Tel (023)9247 4174
Fax(023)9244 6588
DX50005 Havant
www.havant.gov.uk

To:
Mr J Robinson
15 Wordsworth Gardens
Bognor Regis
West Sussex
PO22 6QZ

For: Mr T Cinar

THE TOWN AND COUNTRY PLANNING ACT 1990
Grant of Planning Permission

Application Number: APP/10/00198
Site Address: 26 Market Parade, Havant, PO9 1QF
Proposal: Change of use from Class D1 (physiotherapist) to Class A5 (hot food takeaway). Installation of extraction ducting.

Further to your application received on 26 May 2010, 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 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 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. 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 saved Policies D1, TC9 and PC1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

3 · Prior to the development being brought into use, equipment shall be installed for the filtration and extraction of fumes and smells 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 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 the approved 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 saved Policies D1, PC1 and TC9 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework and Planning Policy Statement 23.

4 The extraction equipment installed in pursuance of Condition 3 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 saved Policies D1, PC1 and TC9 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework and Planning Policy Statement 23.

5 Prior to the development being brought into use, a scheme shall be agreed in writing with the Local Planning Authority which specifies the provision to be made for the control of noise emanating from the premises and its extraction system. The agreed measures shall be put in place before the development hereby permitted commences.
Reason: To protect the amenities of occupiers of adjoining properties and having due regard to saved Policies D1, PC1 and TC9 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

6 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 and having due regard to saved Policies D1 and PC1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Guidance 23.

N.B. 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.

7 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 shall not be brought into use until a bin has been provided in accordance with the approved details.
Reason: In the interests of the amenities of the area and having due regard to saved Policies D1 and TC10 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

8 No delivery vehicles (including moped's and motorbikes) are to be used in conjunction with the hereby permitted A5 use between the hours of 2200 to 1200 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the occupiers of the neighbouring properties and having due regard to saved Policy TC10 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.

9 Notwithstanding the details contained in the submitted application form, the premises shall not open to the public before 12:00 hours or remain so open after 23:00 hours on Monday to Saturday and shall not open before 12:00 hours or remain so open after 22:30 hours on Sundays and Bank Holidays.
Reason: To protect the amenities of nearby residential properties and having due regard to saved Policy PC1 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework., and Planning Policy Guidance 23.

10 The former shop window shall at all times be retained and shall remain clear glazed.
Reason: In the interests of visual amenity and to ensure the continuity of the shopping facade and having due regard to saved Policy TC14 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework, and Planning Policy Statement 6.

Other Important Information:

In reaching its decision the Council has had regard to the saved policies of the Havant Borough District Wide Local Plan 1996-2011, forming part of the Havant Borough Local Development Framework:-

Havant Borough District Wide Local Plan 1996-2011

D1	(High Quality Design)
PC1	(Control of Potentially Polluting Uses)
T7	(Criteria for Access to Development)
TC1	(Hierarchy of Centres)
TC7	(Changes of Use Secondary Frontage)
TC9	(Control of Class A3, A4 and A5 Food and Drink Uses - Town Centres and District Centres)
TC10	(Control of Class A3, A4 and A5 Food and Drink Uses - Local Centres and Other Areas)
TC14	(Shopfronts)

National Policies

PPG13	(Transport)
PPS 1	(Delivering Sustainable Development)
PPS 4	(Planning for Sustainable Economic Growth)
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 the vitality and viability of the retail area, and the effect on the amenities of nearby properties. 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.

for Mrs J A Batchelor
Head of Development & Technical Services

22 July 2010

Our Ref: APP/10/00198