Havant BOROUGH COUNCIL

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To:
Mr Murray
I J Murray Associates
173 Rushdene Havant Road
Hayling Island
Hants
PO11 0LF

For: Mr Pepperell

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

Application Number: APP/11/01205
Site Address: 18 Rails Lane, Hayling Island, PO11 9LL
Proposal: Retrospective application for the change of use from A1 to mixed A1 and A3 to allow use of internal tables, and confirmation of permission for external tables on pavement area to the front of the property (within the curtilage of the site).

Further to your application received on 04 July 2011 which was valid from 19 July 2011 Havant Borough Council, as Local Planning Authority, **Grants Planning Permission Retrospectively** 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.

(ii) The following conditions:

Conditions:

1 The premises hereby permitted shall not open to the public before 09:00 hours or remain so open after 19:00 hours on Monday to Sunday inclusive.
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.

2 The range of food sold at the premises shall be in accordance with the written details on Plan 1 received 4 July 2011 and no hot food shall be sold. There shall be no change in the range of food sold unless appropriate measures are undertaken and agreed in writing by the Local Planning Authority.
Reason: To protect the amenities of occupiers of adjoining properties and having due regard to policy DM10 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework.

3 Within two months of the date of this permission, details of the provision for the disposal and collection of refuse shall be submitted in writing to the Local Planning Authority. The method of disposal and collection shall implemented and maintained in accordance with details agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework.

4 No tables or chairs must encroach the pavement/public highway outside of the red line plan as shown on submitted on Plan 1 A101 received 4 July 2011.
Reason: In the interests of highway safety and the amenities of adjacent (residential) properties and having due regard to policies CS16 and DM5 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Statement 1.

5 No tables or chairs may be left outside the premises after the permitted opening hours and outside these hours tables and chairs shall be moved and stored inside the premises.
Reason: In the interest of the appearance of the site and the visual amenities of the surrounding area and in the interest of crime prevention having due regard to policies CS16 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Statement 23.

6 No externally visible or audible plant, machinery or structures required for 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/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Core Strategy 2011, which forms part of the Local Development Framework and Planning Policy Statement 1, 23 and Planning Policy Guidance 24

7 The use hereby permitted shall be carried out in accordance with the following approved plans:
- Location and Site Plan, Floor Plans and Elevations Plan 1 A101 received on the 4 July 2011

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 Core Strategy 2011

CS16	High Quality Design
DM10	Pollution
DM5	Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses

National Policies

PPG24	(Planning and Noise)
PPS 1	(Delivering Sustainable Development)
PPS23	(Planning and Pollution Control)

The Council considers, having regard to the objectives of these policies and proposals, 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 existing retail units and tourist facilities, the effect on residential amenity, the effect on the character and appearance of the area and adequacy of parking. 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.gvo.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 Development Control Service at the Civic Offices or by telephoning 023 9244 6015.

(4) A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd , Angle St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southwater.co.uk.

Julia Potter
Executive Head of Planning and Built Environment

13 September 2011

Our Ref: APP/11/01205