



To:
Mr Gratton
Lidl UK GmbH
1st Floor Property Office
33 London Road
Cowplain Hants
PO8 8DF

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

Application Number: APP/11/00108

Site Address: 35 London Road, Cowplain, Waterloooville, PO8 8DF

Proposal: Change of use from A2 to A3 and A5. Alterations to shopfront incorporating full length glazing.

Further to your application received on 02 February 2011, which was valid from 11 February 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 your application, as supplemented by additional information on 7 March 2011 and 17 March 2011; and
- (ii) The following conditions:

Conditions:

- 1 The change of use 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 Upon the first commencement of either the A3 or A5 use hereby approved, any subsequent change of use, (other than changes allowed under the Town and Country Planning (General Permitted Development) Order 1995 as amended, or any Order revoking or re-enacting that Order), shall only take place if the prior written approval of the Local Planning Authority has been given on an application made on that basis.

Reason: In the interests of clarity and to ensure that matters such as the need for ventilation and extraction equipment and impacts on the amenities of the area can be given further consideration, in accordance with Policies CS16 and DM5 of Havant Borough Core Strategy 2011, which forms part of the Local Development Framework, and Planning Policy Statement 1.

- 3 If at any time a cooking process, other than the preparation of hot beverages or the heating of food in a microwave oven, is undertaken on the premises, an extraction and ventilation system shall be installed and maintained in full working order including suitable and sufficient grease filters and odour neutralising plant. The details of the equipment, including its acoustic performance, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of such cooking processes and shall be operated maintained as part of any such cooking activity.
Reason: To protect the amenities of occupiers in adjoining properties from undue fumes and smells and having due regard to policy DM10 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework.
- 4 The extraction equipment installed in pursuance to 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, and cooking shall not recommence until the extraction equipment is repaired and brought back into use to the satisfaction of the Local Planning Authority.
Reason: To ensure that the use does not result in excessive cooking odours outside the premises 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.
- 5 The premises if used for the Class A3 or Class A5 purposes to which this permission refers shall not open to the public before 07.00 hours or remain so open after 23.30 hours on Mondays to Saturdays, shall not open to the public before 09.00 hours or remain so open after 22.30 hours on Sundays and on any recognised Public Holidays.
Reason: In the interests of the amenities of occupiers of residential properties in the area and the amenities of the area 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.
- 6 The operation of a delivery service from the site to customers shall only take place if details including the means by which these deliveries are to be made, such as by the use of vehicles, and including the hours during which this service would operate, have been submitted to and approved in writing by the Local Planning Authority. Any such delivery service shall only operate in accordance with the details approved pursuant to this condition.
Reason: In the interests of the amenities of occupiers of residential properties in the area and the amenities of the area 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.
- 7 Deliveries to the premises shall not take place before 07.00 hours or after 18.00 hours on Mondays to Saturdays or before 09.00 hours or after 17.00 hours on Sundays and on any recognised Public Holidays.
Reason: In the interests of the amenities of occupiers of residential properties in the area and the amenities of the area 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.
- 8 The external materials to be used shall match in type, colour and texture those on the existing building.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and Planning Policy Statement 1.

- 9 The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be 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 form part of the Local Development Framework.

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
CS4	Town, District and Local Centres
DM10	Pollution
DM5	Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses

National Policies

PPS 1	(Delivering Sustainable Development)
PPS 4	(Planning for Sustainable Economic Growth)

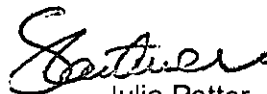
The Council considers, having regard to the objectives of these policies, that the principle of the development is acceptable in this case, and also that the impact of the development is acceptable in terms of the effect on the streetscene and the effect on nearby and residential amenities. Having taken 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.

(1) Informative:

The applicant is reminded that changes of use from Classes A2, A3 or A5 to Class A1 of the Town And Country Planning (Use Classes) Order 2005, are permitted developments, for which express planning permission is not required, by virtue of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

For the sake of clarity, the applicant is advised that Condition 6 only relates to a situation in which hot food or other products are dispatched FROM the site to customers, e.g the operation of a home delivery service. By contrast, condition 7 requires that all deliveries TO the site are limited to certain specified hours only, and this applies whether or not a home delivery service is operated.

A handwritten signature in black ink, appearing to read 'Julia Potter', is positioned above the printed name.

Julia Potter
Executive Head of Planning and Built
Environment

08 April 2011