



To:
Mrs T Moody
30 Broad Gardens
Farlington
Hants
PO6 1JG

THE TOWN AND COUNTRY PLANNING ACT 1990
Grant of Planning Permission

Application Number: APP/10/00182
Site Address: 30 East Street, Havant, PO9 1AQ
Proposal: Change of use from A1 (retail) to D2 (fitness centre).

Further to your application received on 21 May 2010 which was valid from 03 June 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, as supplemented by additional plans received on 14 July 2010 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 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.

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.

- 3 The former shop window shall at all times be retained as a clear-glazed display window.
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.
- 4 No alterations shall be undertaken to the shop front until details, including materials and finishes, of all such alterations 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 TC14 of the Havant Borough District Wide Local Plan 1996-2011, which forms part of the Havant Borough Local Development Framework.
- 5 The use hereby permitted shall not open to the public before 09:00 hours or remain so open after 21:30 hours on Monday to Saturday and not open to the public before 10:00 hours or remain so open after 17:00 on Sunday and any recognised Public Holiday.
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.
- 6 The customer refreshment area shall be ancillary to the principal use of the premises for D2 purposes.
Reason: To accord with the terms of the application submitted and to safeguard the amenities of the locality, 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.
- 7 The range of food sold at the premises shall be in accordance with the written details received 11 August 2010 and there shall be no change in the range of food sold unless agreed in writing by the Local Planning Authority.
Reason: To protect the amenities of occupiers of adjoining 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.
- 8 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 shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of such cooking processes.
Reason: To protect the amenities of occupiers in adjoining properties from undue fumes and smells 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.

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)
TC1	(Hierarchy of Centres)
TC14	(Shopfronts)
TC8	(Changes of Use Tertiary Frontages)

National Policies

PPS 4	(Planning for Sustainable Economic Growth)
PPS 6	(Planning for Town Centres)

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 the vitality and viability of the retail area and the effect on the amenities of nearby residents. 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.



Mrs J A Batchelor
Head of Development & Technical
Services

24 August 2010