



Havant
BOROUGH COUNCIL

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For: N/A
Geo & R Carrell Properties Limited

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Grant of Planning Permission**

Application Number: APP/18/01234

Site Address: 39 West Street, Havant, PO9 1LA

Proposal: Change of use from a former bank (Class A2) to a hot food takeaway (Class A5);
installation of extraction/ventilation equipment and other external alterations
(resubmission of application ref: APP/18/00706).

Further to your application received on 26 November 2018 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 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Waste and Operational Management Plan dated January 2019
Highways Technical Note 02 (2472) by Croft Transport Planning & Design, received 11/01/2019
Swept Path Analysis Plan Drawing number: 2472-SP01 Rev A
Planning, Design and Access Statement (Incorporating Flood Risk Assessment) dated November 2018
Environmental Assessment Report 18/0455/R1 by Cole Jarman dated 26th September 2018

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Location Plan Drawing No. DB447 - LP Rev A
Block Plan Drawing No. DB447 - BP
Proposed Elevations Drawing No. DB447 - EL05
Proposed Plan Drawing No. DB447 - GA04 Rev A
Air Handling Unit Information
Supporting Annex B Document for Proposed Ventilation System by DeltaBravo Ltd dated 19.06.18
Baffle Filter information
Extraction Details
Filtration Details

Reason: - To ensure provision of a satisfactory development.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and any Town and Country Planning (General Permitted Development) Order, the premises shall be used as a pizza takeaway only and for no other food types within Class A5 of the above Use Classes Order.

Reason: In the interests of amenity as the proposed extractor equipment may not be adequate for other food types, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The premises shall only be open to the public for trade or business between the hours of 09:00 and 23:00 Sunday to Thursday; and between 09:00 and 24:00 (midnight) on Fridays and Saturdays. No delivery of pizzas shall take place outside these hours.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Servicing and deliveries to or from the premises shall only take place between the hours of 07:00 and 20:00 Monday to Saturdays and at no other time, in accordance with the Waste and Operational Management Plan, dated January 2019.

Reason: In the interests of the amenities of occupiers of nearby residential properties and having due regard to policies DM10, DM11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The hereby approved extraction equipment shall be installed and effectively operated for as long as the use continues, and shall be regularly maintained in accordance with the Annex B Document for Proposed Ventilation System by DeltaBravo Ltd dated 19.06.18. Any failure of the extraction equipment and all cooking processes shall cease 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 the 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 with this condition.

Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 The noise mitigation measures detailed in the Environmental Assessment Report 18/0455/R1 2nd issue by Cole Jarman shall be fully implemented prior the hereby approved use being brought into first use. Thereafter the silencer and anti-vibration mounts and all other measures shall be maintained in full working order to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and to protect against cooking odours outside the premises, and having due regard to Policies DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Other Important Information:

- (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 6571.
- (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 Plaza or by telephoning 023 9244 6015.
- (4) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You were updated about issues after the initial site visit
- (5) Please note that this development will require an Environmental Permit or an exemption from an Environmental Permit from the Environment Agency. Any new construction associated with this development that lies within 8 metres of the Lavant Stream "main river" which flows beneath the adjacent property will require a Flood Risk Activity Permit from the Environment Agency.

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The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506.

- (6) You are hereby requested to ensure that no works or ancillary operations associated with any demolition, excavation, clearance and construction works at the development, which are audible at the site boundary, shall take place on any Sunday or Bank / Public Holiday, nor on any other day except between the following times: Monday to Friday: 08.00 - 18.00 and Saturday: 08:00 - 13.00.
This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance
- (7) You are hereby requested to ensure that the Environmental Health Pollution team, at Havant Borough Council are advised in writing as to what measures are to be put in place for the control of any dust that might emanate from the development site.
This is in order to protect the occupants of nearby residential properties from dust pollution.

Simon Jenkins

Simon Jenkins
Interim Director of Regeneration and Place

28 January 2019