

Application No: DC/21/0676/FUL

AGENT

Mr Owen Pike MRTPI - Sanderson Weatherall
LLP
30 Queen Square
Bristol
BS1 4ND

APPLICANT

Papa John's (GB) Ltd
C/o The Agent

Date Registered: 29 March 2021

Date of Decision: 24 June 2021

Town And Country Planning Act 1990 (as Amended)

**Town & Country Planning (Development Management Procedure)
(England) Order 2015**

Proposal: Planning application - a. change of use from financial services (class E(c)) to a hot food takeaway (Sui Generis) b. external extraction and ventilation system to the rear c. redecoration of shop frontage

Location: 36 High Street, Haverhill, CB9 8AR

Permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

Reference number	Plan type	Date received
(-)	Application form	26 March 2021
20119-01 REV B	Location & block plan	26 March 2021
20119-03	Existing elevations	26 March 2021
20119-02	Existing floor plans	26 March 2021
20119-11	Proposed elevations	26 March 2021
20119-10	Proposed floor plans	26 March 2021

- 3 Before the premises hereby approved is open to the public all plant and equipment, including the kitchen ventilation and extracting system, shall be installed in accordance with the 'Supporting Information on the Proposed Extraction System and Plant' submitted on 26 March 2021, and the Proposed Floor Plans and Proposed Elevations, Drawing Nos: 20119-10 and 20119-11 respectively, submitted on 29 March 2021. The installation shall include suitable noise and odour mitigation measures as detailed in the schematic Drawing No. PJES/04 -Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. Thereafter the system shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

Reason: To protect the amenity of occupiers in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The opening hours of the premises shall be restricted to between 11:00 and 23.45 hours Sunday to Thursday, Bank and Public Holidays and between 11:00 and 00:00 hours on Friday and Saturday. All customers shall have vacated the premises by the stated closing times.

Reason: To protect the amenity of occupiers of properties in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Deliveries to the premises shall only take place between 08:00 and 18:00 hours on Mondays to Saturdays. There shall be no deliveries on Sundays, Bank or Public Holidays.

Reason: to protect the amenity of occupiers of properties in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

The Following policies are considered relevant to the current decision:

Development Management Policy DM1 Presumption in Favour of Sustainable Development

Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness

Development Management Policy DM35 Proposals for main town centre uses
Core Strategy Policy CS3 - Design and Local Distinctiveness

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.
- 5 Any works to a watercourse (i.e. main river, ordinary watercourse, ditches, dykes, cuts) require separate permits or consents from the local drainage authority before construction takes place. Please contact the following drainage authority if works affect:-
 - Main river – may require environmental permit from the Environment Agency
 - Non-main river – may require land drainage consent under section 23 of the Land Drainage Act 1991 either from the Lead Local Flood Authority or IDB.

- 6 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the agent was contacted to agree revised opening hours as requested by Public Health and Housing.

Rachel Almond

Rachel Almond
Service Manager - Planning & Regulatory Services

Date: 24 June 2021

West Suffolk Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78
Town and Country Planning Act 1990

Listed Building Applications: Section 20
Planning (Listed Buildings and
Conservation Areas) Act 1990

Advertisement Applications: Section 78
Town and Country Planning Act
1990 Regulation 15
Town and Country Planning
(Control of Advertisements)
Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at
<https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of

a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.
3. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.