

Case Officer: Eleanor Casper  
Telephone No: 01246 345785  
Committee Date: 19.02.2018

File No: CHE/17/00758/COU  
Plot No: 2/3167

## **ITEM 1**

### **PROPOSED CHANGE OF USE OF PART OF PREMISES TO FAST FOOD TAKEAWAY TO RUN ALONGSIDE EXISTING SHOP AT 2A SPRINGFIELD AVENUE, CHESTERFIELD, DERBYSHIRE, S40 1DB FOR MR ISHMAIL ALI**

Local Plan: Unallocated  
Ward: Holmebrook

Date: 06.02.2018

#### **1.0 CONSULTATIONS**

DCC Highways	No objection – see report
Ward Members	No representations received
Neighbours and Site Notice	No representations received
Forward/Policy Planning	Comments received – see report
Environmental Health	Comments received – see report
Design Services Drainage	Comments received – see report
Economic Development	No comments received
DCC Public Health	No comments received

#### **2.0 THE SITE**

2.1 The application site is located on the southern side of Southfield Avenue. The site is formed of two linked buildings, the largest is faced in brick with a dual pitched slate roof, the adjoining building is formed of sheet metal and also has a dual pitched roof. The premises is being operated as a convenience retail store. The principle (north) elevation of the building is orientated towards Springfield Avenue public highway and consists of a large glazed shop window with customer entrance.

2.2

The surrounding streetscene is predominately formed of residential dwellings, Brampton Primary School is situated on opposite side of Springfield Avenue to the north of the application site. The application site is bound by the rear garden of No 58 School Board Lane and the rear gardens of No's 41 and 43 Sydney Street.



Photo taken facing south towards the principle elevation of the application site



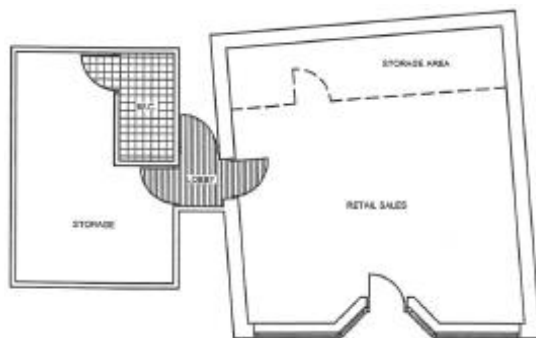
Photo taken facing north west towards the application site

### 3.0

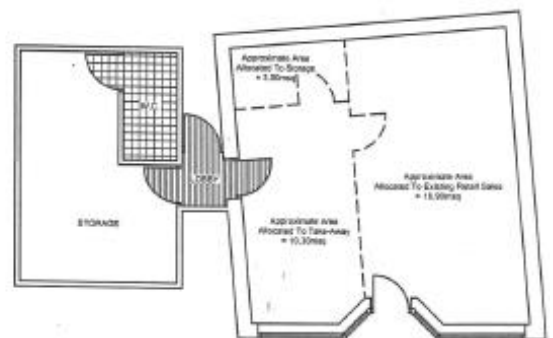
## THE PROPOSAL

### 3.1

The proposal seeks to change the use of part of the existing convenience shop (A1) to a hot food takeaway (A5), creating a mixed use premises. The block plan details the proposed floorspace arrangements dividing the largest building to create 18.9m<sup>2</sup> of retail shop space, 10.3m<sup>2</sup> of floorspace for the proposed hot food takeaway and 3m<sup>2</sup> of storage space. The floorspace of the smaller linked building will be retained as existing.



EXISTING FLOOR LAYOUT



PROPOSED FLOOR LAYOUT

3.2 It is understood that the proposed takeaway is to be an Indian takeaway with food being prepared on the premises. The application form states that the hours of operation will be in line with those of the existing convenience store and are as follows, 8:30 to 22:00 Monday to Friday and 8:30 to 22:30 Saturday to Sunday and including Bank Holidays.

#### 4.0 **SITE HISTORY**

4.1 CHE/09/00379/FUL - Single storey extension to convenience store at 2A Springfield Avenue, Chesterfield for Mr Ali – **CONDITIONAL PERMISSION (04.08.2009)**

4.2 CHE/15/00329/FUL - Application for hot food takeaway to run alongside existing retail shop at 2A Springfield Avenue, Chesterfield for Mr Ali – **REFUSED (19.08.2015) with subsequent APPEAL DISMISSED**

##### 4.2.1 Reasons for Refusal

1. *The application site is positioned within an edge of centre location, where a sequential test approach should be applied. No details have been submitted in this regard and accordingly the application fails to meet the requirements of policy CS16 of the Chesterfield Borough Local Plan: Core Strategy 2011-2031, Chapter 3 of the National Planning Policy Framework and paragraph 011 Reference ID:2b-011-20140306 of the National Planning Practice Guidance.*
2. *Insufficient information has been submitted in respect of noise and odour control to enable the local planning authority to adequately assess the impact of the proposed development on the character, form and setting of the site and surrounding area; or the impact of the development on the amenity of users and neighbours. Contrary to contrary to Local Plan: Core Strategy policies CS8 and CS18; and Chapter 7 of the National Planning Policy Framework.*

4.2.2 **The applicant submitted an appeal to the Planning Inspectorate (Appeal Reference: APP/A1015/W/15/3136652). The Appeal was dismissed by the Planning Inspectorate (see paragraphs 3.2.3 to 3.2.16 for extracts from the Appeal Decision below)**

#### 4.2.3 Main Issues

1. *The effect of the proposal on the vitality and viability of the Chatsworth Road District Centre.*
2. *The effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and odour.*
3. *The effect of the proposal on the character and appearance of the area.*

#### Vitality and Viability

4.2.4 *Annex 2 of The National Planning Policy Framework (the Framework) identifies recreation uses as main town centre uses, citing restaurants and drive-through restaurants as examples. Whilst there is no explicit reference to hot food takeaways within the Framework, it does not suggest the examples given are definitive. Policy CS15 of the Chesterfield Core Strategy<sup>1</sup> (CS) identifies a hierarchy of centres for retail and other town centre uses. It reflects the wording of the Framework, identifying recreation uses (including restaurants and drive through restaurants) as main town centre uses. It goes on to state that a range of uses including food and drink will be encouraged within centres. Consequently, I am satisfied that the proposal would constitute a main town centre use having regard to Policy CS15 and the Framework.*

4.2.5 *Policy CS16 of the CS states that a sequential approach will be used to assess sites for retail and other town centre uses. The aim of the sequential approach is to focus such development on district centres in line with paragraph 23 of the Framework which indicates that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and viability. Policy CS16 goes on to state that individual shops (less than 200sqm) designed to serve local day to day needs will be permitted outside of centres. The policy does not allow A52 uses less than 200sqm outside of centres, however.*

4.2.6 *The Framework in Annex 2 states that an edge of centre site is located within 300m of a town centre boundary and when determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances. The Council considers given the proximity to the Chatsworth Road*

*District Centre, that the appeal site can be considered as an edge of centre location. On the basis of the evidence before me, I agree and have no reason to come to an alternative view.*

- 4.2.7 *Paragraph 27 of the Framework states that main town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan should be subject to a sequential test which requires such uses to be within town centres, then edge of centre locations and only if suitable sites are not available then out of centre locations. It goes on to state that if a proposal fails to satisfy the sequential test, it should be refused.*
- 4.2.8 *As the proposal would constitute a main town centre use, a sequential test is necessary and the proposals should only be permitted if suitable sites are not available within the Chatsworth Road District Centre. No such test has been carried out. I have had regard to the need for flexibility on issues such as format and scale as referred to in the Framework and I note that the appellant indicates that no appropriate properties were vacant at the time of the application. However, I have no evidence to suggest no such sites exist within the district centre. Consequently, I can not be satisfied that the requirements of the Framework have been met.*
- 4.2.9 *As a result, I find that the proposal fails to satisfy the sequential test and would therefore have an adverse effect on the vitality and viability of the Chatsworth Road District Centre, contrary to Policy CS16 of the CS and paragraph 27 of the Framework.*

#### *Living Conditions*

- 4.2.10 *The appeal site is a single storey property which fronts onto Springfield Avenue. The property is located to the rear of 41 and 43 Sydney Street and to the side and rear of 58 School Board Lane. It is not uncommon on proposals for hot food takeaways for details of odour extraction equipment to be required by condition. However, for such a condition to meet the tests set out in Paragraph 206 of the Framework there must be a reasonable prospect that extraction equipment can be accommodated without giving rise to unacceptable levels of noise. Minimal evidence has been provided to suggest that is a reasonable prospect in this instance.*

- 4.2.11 *In this case little detail of how odours would be dealt with has been submitted. The appellant has indicated that a small extractor duct would be provided but no details have been submitted regarding its location on the building or its design or specification. The proposal would be close to neighbouring residential properties. There is therefore the potential for noise and odours to have a detrimental effect on the living conditions of neighbouring occupiers. I am not satisfied that it has been adequately demonstrated that a viable and effective solution to odours and noise would be available. As a result, it would not be reasonable to deal with this matter by condition.*
- 4.2.12 *I find therefore that the proposal would be likely to have a harmful effect on the living conditions of neighbouring residents with particular regard to noise and odour. The proposal would conflict with policies CS8 and CS16 of the CS which seek to protect and enhance environmental quality and ensure acceptable impacts on residential amenity. The proposal would also conflict with the provisions of the Framework to secure a good standard of amenity for existing and future occupants of land and buildings.*

#### Character and Appearance

- 4.2.13 *The appeal site is a small, single storey commercial property surrounded by two-storey dwellings. The area is predominately residential in character and appearance. Two of the appeal site's elevations adjoin rear boundaries of neighbouring residential properties. The principal elevation faces onto Springfield Avenue and Brampton Primary School opposite.*
- 4.2.14 *As set out in preceding paragraphs, little detail of the proposed extract equipment has been provided. In order to require such details by condition, there must be a reasonable prospect that extraction equipment can be accommodated without resulting in harm to the character and appearance of the area. There is no evidence to suggest that there is a reasonable prospect such equipment would not do so.*
- 4.2.15 *Given the small scale of the existing building and its proximity to existing residential properties, there is limited external space on the building for extract equipment to be located. Moreover, I agree with the Council that such equipment located on the principal elevation on Springfield Avenue has the potential to appear as an*

*intrusive and discordant commercial feature within a predominately residential area.*

4.2.16 *In the absence of any detail of extract equipment, I am unable to conclude that such equipment would not have a detrimental effect on the character and appearance of the area. I find therefore, that the proposal would likely have a harmful effect on the character and appearance of the area, in conflict with policy CS18 of the CS which seeks to ensure all development identifies, responds to and integrates with the character of the site and its surroundings. It would also conflict with the high quality design aims of the Framework.*

4.3 CHE/17/00110/FUL - Change of use of part of premises to hot food takeaway to run alongside existing shop at 2A Springfield Avenue, Chesterfield for Mr Ali – **REFUSED (16.05.2017)**

4.3.1 *Reasons for Refusal*

- 1. The application site is positioned within an edge of centre location, where a sequential test approach should be applied. Insufficient details have been submitted in this regard and accordingly the application fails to meet the requirements of policy CS16 of the Core Strategy, paragraphs 24 and 27 of the National Planning Policy Framework and paragraph 011 of the National Planning Practice Guidance.*
- 2. The noise created by the proposed development would have an unacceptable impact on nearby residential properties and the surrounding area. Inadequate evidence has been provided to demonstrate that this would not be the case and no information has been submitted in respect of noise control. As such, this application is contrary to policies CS8 and CS18 of the Core Strategy, Core Principle 4 and Paragraph 61 of the National Planning Policy Framework.*
- 3. The proposed type of extraction/abatement would not be suitable, due to the proximity of neighbouring residential properties, the low level termination point of the ducting and the type of food that is proposed to be cooked. As such, this application is contrary to policies CS8 and CS18 of the Core Strategy, and Core Principle 4 and Paragraph 61 of the National Planning Policy Framework.*

4. *These plans would result in an intensification in the demand for parking, thereby creating an unacceptable impact on parking and highway safety. As such this application is contrary to policy CS18 and the Parking Standards of the Core Strategy*
5. *The plans would exacerbate public health concerns due to the type of business proposed, the high levels of obesity within the borough, the close proximity to Brampton Primary School, and the high number of existing hot food takeaways located in close proximity. As such, this application is contrary to Core Principle 12 of the National Planning Policy Framework, Paragraph 2.48 of the Core Strategy Picture and Paragraphs 3.2 and 3.27 of the Core Strategy Vision.*

## 5.0 **CONSIDERATIONS**

### 5.1 **Planning Policy**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the saved policies of the Replacement Chesterfield Local Plan adopted June 2006 (RCLP) and the adopted Chesterfield Borough Local Plan: Core Strategy (2011-2031).

### 5.2 **Chesterfield Local Plan: Core Strategy 2011 - 2031 ('Core Strategy')**

- CS1 Spatial Strategy
- CS2 Principles for Location of Development
- CS3 Presumption in Favour of Sustainable Development
- CS8 Environmental Quality
- CS15 Vitality and Viability of Centres
- CS16 Retail
- CS18 Design
- CS20 Influencing the Demand for Travel

### 5.3 **Other Relevant Policy and Documents**



- National Planning Policy Framework (NPPF)

#### 5.4 **Key Issues**

- Principle of development;
- Design and Amenity of the proposal;
- Highways safety and parking provision;

#### 5.5 **Principle of Development**

5.5.1 The Forward/Policy Planning team were consulted on the proposal and they provided the following comments;

5.5.2 *The application site is located outside of a defined centre but within 300m of Chatsworth Road District Centre as defined in the Replacement Chesterfield Borough Local Plan (2006). The National Planning Policy Framework (NPPF) considers that for retail purposes an “edge of centre” site is “a location that is well connected and up to 300 metres of the primary shopping area. For other main town centre uses, a location within 300 metres of a town centre boundary. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.” Taking into account such circumstances, the site can be considered ‘edge-of-centre’ in retail terms.*

5.5.3 *Policy CS16 of the adopted Core Strategy allows for individual small shops of up to 200 sqm outside of defined centres. However this relates to small shops serving local day to day needs and does not include hot food take-aways. Given that the proposal is for a town centre use not within a defined centre, sequential tests should be applied as set out in the National Planning Policy Framework (paragraph 24). In applying the sequential test the council must consider whether the applicant has assessed other premises, and the reasons why they were discounted. Although the applicant’s agent has indicated that they have looked at other premises, no evidence has been submitted with the application relating to this. However, it is unlikely that this location would be considered acceptable for the proposed use given the site’s proximity to Chatsworth Road District Centre and the likely availability of more suitable sites. It should be noted that para 24 of the NPPF only requires that ‘out of centre’ locations only need to be ‘considered’, there is no obligation on the planning authority to grant permission for uses in such areas if other more sequentially preferable sites*

- 5.5.4 *are not available. Para 27 of the NPPF makes it clear that where an application fails to meet the sequential test it should be refused. In considering whether this proposal can only be accommodated in this location, reference to Paragraph 011Reference ID: 2b-011-20140306 of the NPPG applies. This states that “use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.” No evidence has been submitted to argue the case for locational preference other than the applicant runs an existing convenience store from the premises.*
- 5.5.5 *Policy CS18 (Design) requires (amongst other criteria), that development will be expected to “have an acceptable impact on the amenity of users and neighbours”. Given the nature of the proposal, there are likely to be increased vehicular activity and issues with noise and odour. Given that the area is primarily residential in nature, the proposal is likely to have an unacceptable impact on the amenity of local residents. I note the consultation response from the EHO as whether the proposal is acceptable in these terms. It is clear that the EHO at this stage, is “not confident that the proposed extraction would be suitable for this proposed location, particularly as the details of the food type are unknown”. Given this the proposals is contrary to policy and therefore recommend that the application be refused.*
- 5.5.6 *Additionally, Derbyshire County Council’s Public Health team has prepared evidence on the links between hot food takeaways and obesity in children in Chesterfield. I understand that they have been consulted and will be providing a response. Taking account of and supporting local strategies to improve health is one of the 12 core principles set out in the NPPF and it sets out (para 69) that planning should facilitate the creation of healthy communities. The proposed site is directly opposite a primary school; in the event that it is decided to grant planning permission, this should be subject to a condition requiring that the hot food takeaway element’s opening hours are limited to outside of school hours for the purposes of facilitating the creation of healthy communities. Given the above, in policy terms this resubmission is still considered contrary to policy*

- 5.5.7 It is accepted that the application site is for a town centre use and is located in an 'edge of centre location'. Policy CS16 of the Core Strategy permits individual small shops with a floor area of up to 200m<sup>2</sup> designed to serve local day to day needs, however, this does not encompass A5 uses. It is therefore necessary to consider whether a sequential test should be applied to this proposed town centre use.
- 5.5.8 Consideration of Paragraph 011 Reference ID:2b-011-20140306 of the National Planning Policy Guidance suggests that some town centre uses can have relevant market and locational requirements which mean that they may only be accommodated in specific locations. Paragraph 24 of the NPPF references the necessity for sequential tests, however, it also states '*Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale*'. Paragraph 24 highlights that a degree of flexibility can be applied by the LPA in determining the requirements for a sequential test.
- 5.5.9 Taking account of the location of the site and its proximity to Chatsworth Road District Centre (approximately 80m walking distance from Chatsworth Road) it is anticipated that a sequential test would conclude that there are restricted options for such small scale premises (similar in size to the application site) within this district centre. The proposed hot food takeaway occupies approximately 10.3sqm of floor space within the existing retail unit and the existing convenience store function will be retained, occupying 18.9 sqm of floor space. The applicant states that the proposal will enable the diversification of the existing business, enhancing the overall viability of the premises. In this instance it is considered that the size and scale of the proposal and its situation within an existing commercial unit is acceptable in principle and does not require such rigorous sequential testing. To separate the takeaway from the convenience store would defeat the objective of diversifying the business in the interests of its survival and in this case it is appropriate to apply flexibility in the application of the sequential test requirement. Potential impacts on adjoining residential dwellings will be discussed in section 5.6.
- 5.5.10 The suggested link between hot food takeaways and obesity in children in Chesterfield is understood and this is one of the 12 core principles set out in the NPPF. It is also accepted that the proposed site is directly opposite a primary school. The proposed

use is however and evening use which would operate when the school is closed and in any event children from a primary school would not have access to such a facility during the day. Furthermore no additional retail space is being provided at the site and the existing convenience store provides the opportunity at school closing and opening times to purchase foods that may be considered against the best interests of a healthy diet and which the Council as local planning authority has no control over. It is not considered that this issue can be justifiably used as reason for refusal of the proposal.

## 5.6 **Design and Amenity of the Proposal**

- 5.6.1 Core Strategy Policy CS18 states that *'all development should respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*
- 5.6.2 Core Strategy Policy CS18 states that all development will be expected to *'have an acceptable impact on the amenity of users and neighbours'*
- 5.6.3 The application site is bordered by the rear garden of No 58 School Board Lane to the south and the rear gardens of No's 41 and 43 Spencer Street to the west. Brampton Primary School faces the site to the north, on the opposite side of Springfield Avenue highway.

### Design

- 5.6.4 The application proposes internal alterations to the existing unit to accommodate a hot food takeaway of 10.3 sqm floor space. External alterations to the building are minimal and include extraction facilities to the side (east) elevation serving the kitchen area of the takeaway. The principle elevation of the unit will remain unaltered. Should planning permission be granted any alterations to the façade of the building including advertisements may require separate consent. Additional information is required regarding the design of the proposed extraction/mechanical ventilation which can be covered by condition.

### Amenity

5.6.5 The site is located within a predominantly residential area and is bordered by residential dwellings to the east and west. However taking account of the location of the premises to immediate neighbours it is not anticipated that the additional movements to and from the site generated by the proposed takeaway element would be materially different than existing.

5.6.6 The applicant has provided details of the proposed ventilation equipment within a document produced by Far East Kitchen Solutions (dated 30 January 2017) titled 'Planning consent information mechanical ventilation system'.

5.6.7 The Environmental Health Officer was consulted on the proposed equipment and provided the following comments;

- *'UV and electrostatic precipitation will only work well if the system is maintained to a high standard. If planning consent is granted, I recommend that that this is added as a conditional requirement to the planning consent.'*
- *The applicant needs to consider how a grease filter. The UV/electrostatic precipitator deals with the odour, but there needs to be a system in place to deal with the grease.*
- *What if the hot food takeaway changes food type? The extraction system may not be suitable. I recommend that this a condition is added to the planning consent to 'future proof' any future businesses.*
- *The applicant needs to consider the height of the extraction flue (in light of the above information). The building is only single storey and the flue height may well exceed the height of the building.*
- *If the system is not maintained adequately this will give rise to odours in a residential area.*
- *The applicant needs to give consideration to controlling noise and vibration from the system and the extraction flue.*

- 5.6.8 On the basis of the comments provided by the Environmental Health Officer it is recommended that a condition can reasonably be attached to the decision, requiring further details of the proposed mechanical ventilation system and including a maintenance schedule. This can secure an appropriate level of protection for the nearest neighbours. The condition is considered necessary in order to protect the amenity of the surrounding residential dwellings and to ensure that measures are put in place to control odour and noise to a satisfactory level.
- 5.6.9 Having consideration for the observations above the proposal is considered to be acceptable with respect to its function and subject to the submission of further details regarding the siting and maintenance of the proposed mechanical ventilation system. In addition no letters of representation have been received. The proposal will therefore accord with the design provisions of policy CS18 of the Core Strategy.

## 5.7 **Highways Safety and Parking Provision**

- 5.7.1 DCC Highways consultation raised no objections and made the following comments; *'I refer you to my letter dated 20 July 2015 in response to similar proposals Application Ref:15/00329/FUL which was subsequently dismissed at Appeal on planning grounds alone. This Authority did not raise objections. The highway comments remain as previously stated.'*
- 5.7.2 DCC Highways comments for application CHE/15/00329/FUL are as follows; *'the existing premises does not benefit from any on-site parking spaces. The site is located close to a local primary school; however, there are no Traffic Regulation Orders restriction parking across the frontage of the site including the school's zig-zag keep clear markings. It is not considered likely that the proposed small scale, ancillary, hot food takeaway would result in any significant increase in on street parking, over and above existing, at this location. As such this Authority would not wish to raise objections'*
- 5.7.3 The comments from the Highways Officer have been noted. On the basis of the comments provided it is not considered that the proposal would adversely impact highway safety with plenty of opportunities for parking on nearby streets available during the opening hours of the takeaway component of the use.

## **6.0 REPRESENTATIONS**

6.1 The application has been publicised by neighbour notification letters were sent to the boundary sharing neighbours on 11.12.2017, deadline for responses 01.01.2018. A site notice displayed on 03.01.2018, deadline for responses 24.01.2018. No representations have been received as a result.

## **7.0 HUMAN RIGHTS ACT 1998**

7.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

## **8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a

presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

- 8.3 The applicant / agent and any objector will be provided with copy of this report informing them of the application considerations and recommendation / conclusion.

## **9.0 CONCLUSION**

- 9.1 Overall the proposal is acceptable in design and appearance terms. It is not considered that that the proposal would result in an unacceptable impact on neighbouring properties. The proposal would not compromise parking arrangements or highway safety. On balance a reasonable and proportionate response to the application would suggest that planning permission can be granted. Therefore, the proposal complies with CS2 and CS18 of the Chesterfield Local Plan: Core Strategy 2011 – 2031 and the wider National Planning Policy Framework.

## **10.0 RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

### **Conditions**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

***Reason - The condition is imposed in accordance with section 51 of the Planning and Compensation Act 2004***



02. All external dimensions and elevational treatments shall be as shown on the approved plan/s drawing no 104/15/Y11-01c with the exception of any approved non material amendment.

***Reason*** - *In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.*

03. Before the use hereby permitted commences, details of a scheme for the mechanical ventilation of the working area and for the filtration of grease and cooking odours, including details of its siting, location, maintenance schedule noise attenuation measures for the ventilation machinery, shall be submitted to and approved in writing by the Local Planning Authority and thereafter so retained in accordance with the approved details unless further written approval from the Local Planning Authority for an alternative scheme is gained.

***Reason*** - *The condition is imposed to preserve the residential and visual amenities of the locality.*

### **Informative Notes**

01. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.