

# APPENDIX D

## TOWN AND COUNTRY PLANNING ACTS



Portsmouth  
CITY COUNCIL

Reference No: 17/00347/FUL

Chocablock Limited  
The Chocolate Lounge  
323 Copnor Road  
Portsmouth  
Hampshire  
PO3 5EG

On behalf of: Chocablock Limited FAO Mr Michael Collins

### **LOCATION:**

17 Clarendon Road Southsea PO5 2ED

### **DESCRIPTION OF DEVELOPMENT:**

Change of use to restaurant/cafe (Class A3)

In pursuance of powers under the above mentioned Acts the City Council, as Local Planning Authority, **GRANT PLANNING PERMISSION** for the development indicated above in accordance with the application, drawings and other particulars valid on 16 March 2017 **and subject also to compliance with the following conditions:-**

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2) Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Location Plan (1:1250), Site Plan (1:500) Floorplans.

3) The restaurant/cafe (Class A3) hereby permitted shall be closed to and vacated of customers between 23:00 and 08:00 Sunday to Friday and 23:00 to 09:00 Saturday to Sunday.

4)

(a) No cooking processes other than the preparation of hot beverages, chocolate baking, crepes or waffles; toasting of bread; or the heating of food in a microwave oven, or domestic cooking device shall be undertaken within Class A3 premises hereby permitted (unless a suitable kitchen extract ventilation system has been installed in accordance with a scheme submitted to and approved by the Local Planning Authority through a formal planning application); and,

**THIS IS AN IMPORTANT LEGAL DOCUMENT - READ ATTACHED NOTES CAREFULLY**

(b) Prior to the commencement of any other cooking operation than those described in condition 4a) (as limited to preparation of hot beverages, chocolate baking, toasting of bread or heating of food in a microwave oven, domestic oven or domestic cooking device) details of the proposed external flue and kitchen extraction system to suppress and disperse odour and fumes emitted from cooking operations arising from this use shall be submitted to and approved in writing by the local planning authority; and such approved equipment shall thereafter be operated for as long as the Class A3 continues.

The reasons for the conditions are:-

- 1) To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) To ensure the development is implemented in accordance with the permission granted.
- 3) In the interests of protecting residential amenity from excessive noise and disturbance in accordance with policy PCS23 of the Portsmouth Plan.
- 4) In the interests of visual amenity and to protect residential properties from excessive nuisance from cooking fumes/odour and noise disturbance in accordance with policy PCS23 of the Portsmouth Plan.

#### PRO-ACTIVITY STATEMENT

Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework, in this instance the proposal was considered acceptable and did not therefore require any further engagement with the applicant.

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18 May 2017

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TOWN AND COUNTRY PLANNING ACT 1990

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**IT DOES NOT CONSTITUTE AN APPROVAL UNDER THE BUILDING REGULATIONS**

You should also be advised that you may have obligations under the Party Wall Act 1996

THE APPLICANT IS RECOMMENDED TO KEEP THIS DOCUMENT WITH THE TITLE DEEDS OF THE PROPERTY