
Site Address:	Petrol Filling Station, 97 Park Lane, Bedhampton, Havant, PO9 3HQ		
Proposal:	Part change of use from E(a) (A1) to 'Sui Generis' (A5), hot food take away.		
Application No:	APP/20/01213	Expiry Date:	11/02/2021
Applicant:	Mr Nanthakumar Ironmoor Ltd		
Agent:	Mr Elstone Brian Elstone Surveying Services Ltd	Case Officer:	Joseph Toole
Ward:	Barncroft		

Recommendation: **GRANT PERMISSION**

1 Site Description

The existing petrol station is located south of the Purbrook Way roundabout on the western side of Park Lane. It is located in a predominately residential area with residential dwellings abutting its western and southern boundaries and with a small shopping parade directly opposite the site on the north western corner of the roundabout.

The site consists of a forecourt which includes four pump islands beneath a canopy, a car wash and shop. The existing shop is a flat roofed brick building located in the north-east corner of the site, such that its rear elevation faces to the roundabout where there are a number of significant trees.

Note - Due to Coronavirus a site visit was not possible but the applicant/agent supplied photos of the application site which have been used to inform this decision.

2 Planning History

90/51870/002 - 11 No. illuminated signs and 6 No. non-illuminated signs., ZHIS,15/05/1990
90/51870/003 - Nine illuminated and three non-illuminated signs., ZHIS,25/07/1990
90/51870/004 - Retention of existing double sided internally illuminated pole signs., ZHIS,25/07/1990
90/51870/005 - Partially internally illuminated car wash fascia signs., ZHIS,25/07/1990
90/51870/006 - Retention of one internally illuminated gantry sign and one internally illuminated pole sign., WD,15/01/1991
98/51870/010 - Redevelopment of site to provide new petrol filling station with canopy, sales building, pumps, car wash, plant room & associated parking and landscaping (Revised application)., PERM,08/10/1998
96/51870/009 - Demolition of existing sales building, construction of new sales building, canopy, car wash, plant room and associated parking., REF,27/03/1997
91/51870/007 - Two No. internally illuminated gantry signs (replacements) fronting Purbrook Way and Park Lane respectively., ZHIS,21/02/1991
91/51870/008 - Creation of 7 new parking spaces with new planting scheme., PERM,11/07/1991

APP/10/01032 - Replacement underground fuel tanks and associated works., PERM,10/08/2011

APP/11/00892 - Display of LED lighting strip to canopy on north west and south east elevations. , PERM,03/08/2011

APP/15/00067 - Single storey extensions to north and south elevations; installation of a jet wash bay and additional parking.(27.05.15). Request to Discharge Condition No.6 (19.02.18)., PERM,27/05/2015

APP/15/00400 - Variation of Condition 8 of Planning Permission 98/51870/10 to allow operation of the forecourt and shop 24 hours a day, 7 days a week., WD,03/06/2015

APP/15/00633 - Variation of Condition 8 of Planning Permission 98/51870/10 to allow 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs., TPP,24/07/2015

APP/15/00937 - Application for non-material changes to Planning Permission APP/15/00067 relating to variation of extensions; reduce height of extension to 3.1m and alteration in materials from brick to block and render., PERM,23/09/2015

APP/15/01362 - Display of 1No. internally illuminated fascia sign to main building; 3No. non-illuminated fascia signs; 12No. non-illuminated flat dibond panels; 4No. non-illuminated dibond panels to existing totem BP sign., PERM,28/01/2016

APP/16/00686 - Variation of Condition No.1 of Planning Permission APP/15/00633 to extend temporary permission to allow 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs., TPP,23/08/2016

APP/17/00915 - Removal of Condition 1 of Planning Permission APP/16/00686 to allow permanent 24 hour use, 7 days a week, of the forecourt with payment of petrol and shop goods between 2300hrs and 0600hrs via a proposed new night-hatch on the west elevation; no customer access to the shop between 2300hrs and 0600hrs. , PERM,16/10/2017

APP/18/00210 - Drawing No.11 - Acoustic screen details, UNK,

3 Proposal

Part change of use from E(a) (A1) to 'Sui Generis' (A5), hot food take away.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
DM10	(Pollution)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

Havant Borough Pre Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Pamela Crellin - Barncroft
No Comment.

Councillor Yvonne Weeks - Barncroft
No Comment.

Economic Development
No Comment.

Environmental Health Manager, Community Group
Thank you for consulting Environmental Health

Details required of any kitchen extraction / odour management systems to be submitted to and approved in writing by the Planning Authority addressing the proposed kitchen ventilation/extraction system that will be used on the site, including the required maintenance regime for the system. The details shall be prepared by a competent person for the purpose of assessing potential odour and noise nuisance to surrounding properties. The details should be drawn up with regard to "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" produced by Department of Environment Food and Rural Affairs. The agreed details shall be fully implemented before the use hereby approved is commenced and the equipment shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter, to ensure that the amenity of the area is not detrimentally affected by the use of the site.

Hampshire Highways

It is noted that the site currently occupied by an existing food takeaway store. The change of use class sui generis (hot food servery) will therefore not represent a significant increase in trips above and beyond the current land use.

The Highway Authority therefore raise no objection to the proposed development.

Traffic Management, East Hampshire District Council
The Traffic Team have no adverse comment to make.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highways

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the character and appearance of the area

7.3 The proposed development would involve the part change of use from E(a) (A1) to 'Sui Generis' (A5), hot food take away. Originally the area which wish to change use was used as a Subway which involved an element of hot food takeaway. The proposed change of use relates to Policy DM2 of the Havant Borough Local Plan Core Strategy 2011. As the proposed alteration would replace a similar use as a subway it is not considered to result in a harmful loss of retail space. This is considered not to have a detrimental effect on the retail use thus complying with Policy DM2 and CS16 of the Havant Borough Local Plan Core Strategy 2011.

(iii) Impact upon residential amenity

7.4 Environmental Health commented on the application and requested a condition regarding details kitchen extraction / odour management systems to be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. This has been recommended to the decision notice and agreed by the applicant's agent.

7.5 The other works would involve internal alterations which are not considered to have a negative impact upon residential amenity.

7.6 This is considered to meet the requirements of Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Highways

7.7 Hampshire Highways and the Traffic Team were consulted on the application and raise no objection due to the change of use not considered to materially increase significant numbers of trips.

8 Conclusion

8.1 The development is considered to be acceptable and the application is therefore

recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01213

- 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:

Location and Block Plan - 1413/001

Existing and Proposed Floor Plans - 1413/002

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to commencement details required of the kitchen extraction / odour management systems shall be submitted to and approved in writing by the Planning Authority addressing the proposed kitchen ventilation/extraction system that will be used on the site, including the required maintenance regime for the system. The details shall be prepared by a competent person for the purpose of assessing potential odour and noise nuisance to surrounding properties. The details should be drawn up with regard to "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" produced by Department of Environment Food and Rural Affairs. The agreed details shall be fully implemented before the use hereby approved is commenced and the equipment shall be installed, operated and maintained in accordance with the approved details and shall be retained thereafter, to ensure that the amenity of the area is not detrimentally affected by the use of the site.

Reason: To safeguard the amenities of the locality and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.