

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/01966	Your Ref:	APP/18/00706
EH Case Officer Extn:	44 6666	Date:	03 October 2018
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/18/00706		
Site Address:	39 West Street, Havant, PO9 1LA		
Proposed Development:	Change of use from a former bank (Class A2) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment and other minor external alterations. I attach a copy of the above application that has been received under the Town and Country Planning Acts. Amended details include: a) Revised opening hours of between 11am and 11pm Sunday to Thursday; and between 11am to midnight on Fridays and Saturdays b) Noise Assessment Report c) Waste and Operational Management Plan d) Confirmation that delivery vehicles would collect from 3 spaces at rear of building and vehicles owned by drivers and therefore taken home at end of shifts Any views you should wish to make should be returned to me no later than 03/10/2018		

Observations / Comments:

I refer to the above application under the Town & Country Planning Acts passed to this Service for further comment.

I have read the additional enclosed documentation provided by the applicant and can comment as follows:

The addition of an extraction system to serve a hot food take-away, could lead to a detrimental loss of amenity if not nuisance, to nearby residential properties due to odour and noise. In this case, it has been advised in the The Planning, Design and Access statement that this hot food take away will in effect be a pizza take- away and the extract / ventilation system will use utilize carbon filters, whilst in the Annex B proposed ventilation system document it is advised carbon filters are not to be utilized. It is now noted in the Pegasus letter dated 18 September 2018 (Ref:FS/P17-2158) that it is stated that carbon filters will be fitted to the extraction system.

I would suggest that if this application is to be viewed positively by the Local Planning Authority, **that it remains that the usage as a pizza take-away only be conditioned to that effect.**

Based on the updated Cole Jarman Environmental noise assessment and the measurements recorded, I am satisfied that if the necessary mitigation measures are implemented as recommended in this report, in relation to equipment such as extract system, fresh air intake, air conditioning unit & the cold room compressor, there should be no adverse impact on nearby residential receptors.

Access to the rear parking area by delivery drivers via the Park Road South entrance / exit, is the expected access point as per the above report, and **should be conditioned as such.**

Therefore, if the Committee were of a mind to approve this application I would ask that the following conditions be applied to any consent granted:-

Condition 1 Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment to be installed, shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties.

Condition 2 The extraction equipment installed in pursuance to Condition (No.1) above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed 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: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected.

Condition 3 A scheme shall be agreed in writing with the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the extraction system and / or cold room and air conditioner compressors. The agreed measures shall be put in place, before the development hereby permitted commences.

Reason: To protect the amenities of occupiers of adjoining properties.

Condition 4 It is recommended that deliveries to this premises / store are only made during the hours of 08:00 to 20:00.

In the same vein, I would recommend that no deliveries of food to customers via motorised vehicle, to leave the premises after 23:00.

Reason: To protect the amenities of occupiers of adjoining properties.

Condition 5 It is recommended that opening and closing times for this take-away store be limited to maximum 23:00 closing and with a maximum one hour cleaning period added on to that.

Reason: The proposed opening times of 09:00 to 01:00 Sunday to Thursday and 09:00 to 02:00 Friday and Saturday, is not I believe in line with the operating times of other nearby take-away facilities. This would then lead to the aggregation of people in and around this particular store with the potential for anti-social behaviour and the generation of loud people noise, impacting on the nearest residential receptors.

To protect the amenities of occupiers of adjoining properties.

I would also ask that the following informatives be added to any positive decision notice:

Regarding Hours of Work:

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: 8.00 – 18.00 and Saturday: 8:00 – 13.00.

This is in order to protect the occupants of nearby residential properties from noise and vibration nuisance

Regarding Dust Control:

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.

Please do not hesitate to contact me if you wish to discuss any of the above matters raised or would like further explanation.

A handwritten signature in dark ink, appearing to be 'Mark Moss', written in a cursive style.

Mr. Mark Moss

Regulatory Officer, Environmental Health