

Recommendation: **GRANT PERMISSION**

DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)

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

5 Statutory and Non Statutory Consultations

Development Engineer - Highways

No response received.

Economic Development, Regeneration & Development

No objection.

Environmental Health Manager, Community Group

I have been asked to comment on this application. I have read the information provided, but I am not in a position to comment further as the extract ventilation information provided is too limited. In order for me to pass an adequate comment I would need to be provided with further information about the ventilation system to be used in conjunction to this application.

Information to be provided need to cover in detail;

- Noise abatement to the system (exhaust ventilation, refrigeration unit, air conditioning etc.)
- Anti-vibration abatement, (as per above equipment)
- Smoke abatement
- Smell abatement

The various assessment can (if required) only cover the use for this particular type of food outlet (pizzeria). However, a condition restricting to this particular business (pizzeria) only should be inserted, as the use (A3 and A5) could potentially cover outlets with far more pungent odours which may negatively affect the area.

Should you be minded to grant permission, I would like the following conditions to be inserted within the consent:

Condition 1: Any proposal relating to install noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment) schemes shall be agreed, implemented and approved in writing by the District Planning Authority prior any development and/or operation takes place.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance.

BS4142 Requirement

Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014 (LOEAL).

Reason: in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

2. Noise generated from delivery vehicles and times of delivery.

Condition 2: Deliveries shall only be taken and/or dispatched from the site between the hours of 0700 – 2200 Monday to Friday and 0700 – 1900 Saturdays and not at all on Sundays and recognised public Holidays.

Reason: In the interest of the amenities of occupiers of nearby residential

properties.

3. Lighting scheme.

Condition 3: No floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties from light disturbance.

4. Disposal of waste related to the use of the premises.

Condition 4: A clear waste management policy shall be submitted and approved in writing by Local Planning Authority. The applicant shall provide Havant Borough Council with a clear statement explaining the method of waste management which will be used throughout the applicant activities i.e. Disposal of trade waste, disposal of office waste, etc.

Reason: To prevent contamination to land, water course and smell nuisance.

5. Smell suppression system.

Condition 5: Any proposal relating to install smell suppression equipment (i.e. extract ventilation equipment) schemes shall be agreed and approved in writing by the District Planning Authority prior any development takes place.

Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance.

6. Noise from demolition/construction.

Condition 6: No works or ancillary operations associated with the construction of the development which is audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times
Monday to Friday – 0800 – 1800.

Saturday – 0800 – 1300.

Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of nearby residential properties from noise disturbance.

7. Dust suppression method.

Condition 7: Construction/demolition works. The commencement of the development shall not take place until a programme for the suppression of dust during the construction/demolition of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction/demolition unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

Crime Prevention -Minor Apps

No response received.

Traffic Management, HBC

No adverse comment.

Planning Policy

I can confirm that no further evidence in respect of marketing is required and that there is no policy objection to this proposal.

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: 6

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of support was received from one address.

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 of the change of use on the town centre
- (iii) Impact upon local amenity
- (iv) Highway / parking considerations

(i) Principle of development

7.2 The site is located within an urban area where development is considered to be acceptable in principle subject to other development management considerations. This site is located within a designated town centre boundary and a primary shopping frontage. As such, Policy AL3 (Local, town and district centres) of the adopted Allocations Plan applies. Policy DM2 which protects community facilities and local shops also applies as the proposal would result in the change of use of a shop. Policy DM5 (Control of A3, A4 and A5 uses) also applies.

(ii) Impact of the change of use on the town centre

7.3 Policy DM2 of the Local Plan requires that proposals for the loss of community uses or shops should submit marketing evidence (over a period of 12 months), to justify that the premises is not longer commercially viable or suitable for another community use before planning permission can be considered. The application unit has been vacant since 2012. Information has been provided to corroborate that the marketing of the unit has been carried out. As such, it is considered that the proposal accords with Policy DM2 of the Local Plan.

7.4 Policy AL3 advises that development proposals should contribute to the vitality and viability of the town centre , promote and enhance the shopping areas, retain at least

50% of the units in an unbroken run of primary frontage in retail (A1) use, generate pedestrian activity within the shopping area by being open during the day to visiting members of the public and provide a shopfront within the primary shopping area with a display window. The unit has been vacant since 2012 and the use of the unit for Class A3/A5 will attract footfall and promote vitality and viability of this section of the town centre. Overall it is considered that the proposal would accord with the criteria of Policy AL3.

(iii) Impact upon local amenity _

- 7.5 Policy DM5 advises on the control of Class A3, A4 and A5 food, drink and entertainment uses and this is relevant to this proposal for a mixed A3/A5 use. The policy advises that planning permission will only be granted where the following criteria are met:

1. Measures are incorporated to mitigate the effect of the preparation of hot food on nearby properties
2. The installation of equipment in relation to hot food does not materially detract from the building and the wider locality
3. The measures proposed in respect of 1 above are suitable for the range and nature of the hot food to be prepared on the premises
4. Adequate provision for the disposal, storage and collection of waste are in place
5. There would be no adverse impact on parking and traffic movement that would be likely to create hazards
6. The development would not cause unacceptable disturbance to the occupiers of nearby residential properties
7. Any marketing requirements are met

Environmental Health have been consulted on the application and have suggested a number of conditions to be added should permission be granted. The nature of the food sold does not require any frying and as such, the use should not give rise to any cooking odours. No additional air conditioning or heating plant equipment is proposed.

The proposed hours of operation are considered to be acceptable as there is already an established evening trade with nearby pubs on the pedestrian section of London Road. Furthermore there are no residential properties within close proximity to the application site and therefore any noise disturbance would be minimal.

It is considered the proposed new shopfront would update and enhance the external appearance of the unit.

(iv) Highway / parking considerations _

- 7.6 The proposal does not include any specified parking provision for visitors or staff. However, this is similar to the majority of other businesses within the town centre and is considered to be a sustainable location. There is a public car park to the rear of the site.

8 Conclusion

- 8.1 Overall it is considered that the proposal for a change of use would result in a number of positive factors to the town centre and complies with all the relevant local planning

policies and national planning policy. Therefore the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/01188 subject to the following conditions

- 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 external materials to be used for the new shopfront hereby approved shall be as stated within the planning application unless the Local Planning Authority gives prior written approval for any variation.
Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The premises shall only be open for trade or business between the hours of 0800-2200 (Monday - Friday), 0800-2300 (Saturdays) and 0800-2000 (Sundays and Bank Holidays)
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Any proposal relating to the installation of noise making or smell suppression equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment) schemes shall be agreed, implemented and approved in writing by the District Planning Authority prior to any development and/or operation takes place.
Reason: To protect the occupants of nearby residential properties from noise, vibration and/or odour nuisance and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014 (LOEAL).

Reason: in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential

character of the area and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 Deliveries shall only be taken and/or dispatched from the site between the hours of 0700 – 2200 Monday to Friday and 0700 – 1900 Saturdays and not at all on Sundays and recognised public Holidays.

Reason: In the interest of the amenities of occupiers of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 The range of food sold at the premises shall be in accordance with the written details received 16 November 2016 and there shall be no change in the range of food sold and there shall be no frying of food at any time unless appropriate measures are undertaken and agreed in writing by the Local Planning Authority to the extraction system approved under Condition 2 of this consent.

Reason: To protect the amenities of occupiers of adjoining properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan

Block plan

Proposed ground floor layout indicating position of ducting

Proposed front elevation

Details of cooking and ventilation equipment

Details of extraction ventilation

Written details received on 16 November 2016 advising of the range of food to be sold.

Reason: - To ensure provision of a satisfactory development.