

- 1.6 There are residential dwellings immediately to the north of the site and beyond the car park to the west.

2 Planning History

APP/12/01206 - Demolition of existing timber building. Construction of two storey detached building consisting of 1No. retail unit at ground floor and 1No. 2 bed flat at first floor., WD,07/01/2013

APP/13/00090 - Demolition of existing timber building to redevelop the site with a shop and two bedroom flat over. (Resubmission of APP/12/01206.), PERM,11/03/2013

APP/14/01192 - Demolition of existing timber building and to redevelop the site with a shop and 3No. two bedroom flats over. (Revision to approved scheme APP/13/00090). PERM,23/01/2015

APP/17/01273 - Application for Non-material change to Planning Permission APP/14/01192 relating to increased height of new parapet; and ridge lifted by approx 200mm , PERM,22/12/2017

APP/19/01033 - Change of Use of Ground Floor Retail Shop unit (A1) to allow for flexible use of Financial & Professional Services (A2), or Restaurants and Café (A3) or Hot Food Takeaway (A5) use., PERM,23/12/2019

APP/20/00541 - Change of Use of Ground Floor Retail Shop unit (A1) to allow for flexible use of Financial & Professional Services (A2), or Restaurants and Café (A3) or Hot Food Takeaway (A5), or Assembly & Leisure (D2) (expanded range of uses to those granted planning permission under APP/19/01033)., PERM,09/09/2020

Also current application:

APP/23/01074 - Display of 1No. externally illuminated fascia sign, 1No. externally illuminated projecting sign and 1No. internally located illuminated LCD digital display screen.

3 Proposal

External alterations including retention and alteration of existing shopfronts, new fascia/signage zone, external door, 1 No. cold room and A/C condenser, 1 No. air intake duct and 1 No. air extract duct.

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)
CS4	()
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
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

Environmental Health

Noise Impact Assessment

This application is supported by a noise impact assessment prepared by Philip Acoustics Ltd and focuses on the proposed new items of plant serving the takeaway, including a proposed cold room. I understand the report considers similar scenario to predict potential impact on the nearest residential receptor.

The methodology and calculations are acceptable. However, we are conscious that the assessment is merely predictions, based upon proposed items of plants as set out in the report. Section 7 of the report sets out our combination of noise mitigation measures to ensure desired noise levels are achieved to prevent any impact on the neighbouring residents. The report gave some consideration regarding vibration signal that could impact on the residential flats and proposes proprietary antivibration isolators to minimise structure borne vibration. Whilst we have no issues with the report itself, a further verification statement should be submitted post installation of the plants demonstrating that the noise mitigation measures are effective and that there are no other sources of noise. This statement should confirm the type of anti-vibration isolator deployed, supported with noise data to demonstrate there will be no structure borne vibration signals that could give rise to complaints from flats above the takeaway.

Informative

Hours of Work:

You are hereby advised 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 to protect the occupants of nearby residential properties from noise and vibration nuisance.

Property Services

None received

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: 18

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
the current application states that its an existing hot food takeaway. it is in fact an empty unit. why has this not been highlighted	Form incorrect - site is known to have last been used as a gym and is currently vacant. Previous consents have allowed for the use.

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

(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. This application essentially seeks alterations to the shop front and air intake ducts for the future occupier. That occupier is Domino's Pizzas, but they do not need a change of use planning application to operate from the site as Sui Generis hot food takeaways are permitted by APP/20/00541. As noted above the hours of operation of any hot food takeaway was conditioned by APP/20/00541 to until 23:00 on Mondays to Saturdays and until 22:30 on Sundays and Bank Holidays, and this condition would be engaged and need to be complied with. This can be added as an Informative on this permission as a reminder.

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

7.3 The proposal would close up one of the existing front entrance doors, including it within the adjacent shop display window and make good the stall riser with matching brick. A new fascia display sign would be established above the combined shop front (see other current advert application APP/23/01074). Doors and windows would remain a dark grey. The two side windows would have opaque vinyl applied to the glazing; and an external extract duct would be fitted above and to the right of the bin store door. This would be finished in an grey grille. A cold room A/C unit would be installed inside the bin store and therefore not be visible externally.

7.4 To the rear the existing left hand service door would be reduced in width and bricked up with matching brickwork, the door replaced with a grey solid door. A grey grille would also cover a new air intake duct above this door.

7.5 Overall these external alterations are considered minor in scale and would have limited impact on the visual appearance of the site or area, which is within the primary frontage of Mengham District Centre where traditional shop fronts and fascia signs are expected. Policy DM21 specifically covers shopfronts and signs and requires them to be appropriate in size and scale to the character of the building and their surroundings.

- 7.6 Whilst the proportions of the proposed fascia sign is slightly deeper and higher than the sign on shop units to the south, it is noted that the first floor windows of the site sit higher than the unit to the south. Proportionally the proposed sign would fit well within the front facade space above the shop display window and is considered to be visually appropriate to the size and scale of the host building and area, in accordance with policy DM21.

(iii) Impact upon residential amenity

- 7.7 Documents submitted address both odours and ventilation with supporting noise assessment. The proposed new plant (equipment) comprises a supply air system fan and oven extract system fan with carbon filters; both with associated external apertures/vents, plus an air conditioning unit and cold room unit to be located within the bin store area. Condition 7 of APP/20/00541 requires the submission of any means of extraction, filtration, or ventilation at the site and the details now provided effectively provide those.
- 7.8 Environmental Health have considered the submitted details and raise no objection in principle, but ask for a verification statement post instalment to ensure the predicted noise mitigation measures are effective. This can be conditioned and the agent is aware of its requirement.
- 7.9 Therefore, whilst the presence of residential dwellings are nearby, including the flats above, it is considered that the means of odour control and noise mitigation proposed should not result in any adverse impacts on the amenity of these neighbouring residents, in accordance with policies DM10 and CS16. Any future concerns about noise or smells can be investigated by Environmental Health under their separate Environmental Protection legislation if necessary.

8 Conclusion

- 8.1 The proposed shop front alterations and associated odour extraction and ventilation details are considered appropriate to both the site the use and are considered compliant with policies CS16, and DM10 of the Havant Borough Core Strategy, 2011, and policy DM21 of the Havant Borough Local Plan, Allocations, 2014, and the application is therefore recommended for permission.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/01019

(A) 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 development hereby permitted shall be carried out in accordance with the

following approved plans:

Location Plan - Drawing Number 13574-AEW-PJ00314-XX-DR-0005 Rev A
Block Plan - Drawing Number 13574-AEW-PJ00314-XX-DR-0006 Rev A
Proposed Ground Floor Plan - Drawing Number
13574-AEW-PJ00314-00-DR-0003 Rev A
Proposed Elevations - Drawing Number - 13547-AEW-PJ00314-XX-DR-0004
Rev A
Ventilation System Information (1 of 2) by I+ew report
13574-AEW-PJ00314-XX-SP-0001-[A] Dated 12/10/2023
Ventilation System Information (2 of 2) by I+ew report - Annex C Document
13574-AEW-PJ00314-XX-SP-0002 dated 17/08/2023
EMAQ Filtration Specification by I+ew dated 17th August 2023
Noise Assessment Report by Philip Acoustics Ltd, Report Ref 23080-002
dated October 2023

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials used for making good the front stall riser and rear doorway reconfiguration, shall match, in type, colour and texture, those of the existing building so far as practicable.
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.
- 4 The extractor and ventilation hereby approved, shall be in accordance with the specification in the Noise Assessment report by Philip Acoustics Ltd ref 23080-002 dated October 2023, and prior to the first use of the extractor and ventilation plant, a verification statement shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the type of anti-vibration isolator deployed, supported with noise data to demonstrate there will be no structure borne vibration signals that could give rise to complaints from flats above the takeaway or from adjacent dwellings. All such measures shall thereafter be retained in full working order whilst the site is in use as a hot food takeaway.
Reason: To safeguard the amenities and health of the occupiers of the flats above and adjacent dwellings, having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.