
Site Address:	318a London Road, Waterlooville PO7 7DU		
Proposal:	Proposed extraction system (upgrade to existing).		
Application Type:	Full Planning Permission		
Application No:	APP/22/00997	Expiry Date:	20/12/2022
Applicant:	Mr Anil Cirakoglu		
Agent:		Case Officer:	Graham Speller
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is located on the south eastern side of London Road and forms part of the town centre and is currently occupied by 'Stuffed' serving a variety of food, including hot food.
- 1.2 There is currently an extract duct discharging at the front of the building under a canopy.
- 1.3 The character of the area is mixed comprising commercial units and residential flats.

2 Planning History

89/53318/001 – Change of use from A1 retail to A3 – restaurant and take-away facilities with ancillary staff, storage and office facilities. PERM, 29/06/1989

90/53318/010 - Variation of Condition 5 of P.P. 89/53318/1 so as to modify the existing opening hours to 0700-2300 Mon-Sun (previously 1000-2230 Mon-Sat& 1100-2200 (Sun)), PERM,09/08/1990

90/53318/007 - Internally illuminated fascia and projecting signs, PERM,

90/53318/009 - Retrospective application for kitchen extraction flue on roof., PERM,19/07/1990

96/53318/017 - Alterations to rear single storey building to create take-away kiosk, enlarging car park and associated landscaping, WD,30/04/1996

96/53318/018 - Internally illuminated logo sign on rear elevation, REF,08/07/1996

96/53318/019 - 1 no. non-illuminated banner at first floor level to north-west (front) elevation - PERM,23/12/1996

91/53318/011 - Erection of 2 No. flagpoles (3m long) at first floor level to front elevation, REF,

91/53318/012 - Internally illuminated logo on rear elevation of motor room on roof of building, REF,

91/53318/013 - Continuation of existing opening hours 0700-2300 Mon- Sun, given on a temporary basis, for a permanent period, PERM,

93/53318/014 - New shopfront and alteration to rear., PERM,

93/53318/015 - Internally illuminated fascia sign and internally illuminated projecting box sign, PERM,

04/53318/020 - Application to vary the opening hours of the premises as conditioned in Planning Permission 91/53318/013 dated 15 October 1991., PERM,12/01/2005

APP/14/00975 - Conversion of part of ground and all of the first and second floors and erection of third floor to provide 15No. flats, comprising 14No. 2 bed flats and 1No. 1 bed flat; and associated external alterations to the building, parking and landscaping. Erection of bin and cycle store. (Approved 22/12/2014). Request to discharge condition No/s 5 and 6 (21/12/2016). Request to Discharge Condition 8 (20/02/2017)., PERM,22/12/2014

APP/16/00041 - Variation of Condition 3 of Planning Permission APP/14/00975 for changes to the rear car park area and cycle and refuse stores., PERM,10/03/2016

APP/16/01309 - Summaries and Conclusions of the Acoustic Testing Report by Airtight & Noise check Limited. installation of possible noise creating equipment passenger lift., WD,23/12/2016

3 Proposal

- 3.1 Proposed extraction system (upgrade to existing).
- 3.2 The applicant provided additional information of the external alterations for the extraction system. Reconsultation was not considered necessary.

4 Policy Considerations

National Planning Policy Framework 2021
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)
CS2	(Employment)
CS4	()
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL3	(Town, District and Local Centres)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gwen Robinson

No comments received.

Councillor Mike Seal

No comments received.

Councillor Peter Wade

No comments received.

Environmental Health

Observations / Comments:

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

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

I have no objection in principle to this application. However, I do have concerns which I will cover below.

I take it that the hand drawn plan showing the extraction system, is a depiction of what existed previously, when it was a sandwich and jacket potato food business, and that the drawing submitted showing the full layout of filtration, silencers & fans etc is what is being proposed.

I have concerns related to the potential for noise and odour from the proposed hot food take-away, in that there could be an impact on the residential receptors in the flats above the shop, especially since the extraction outlet is to terminate over the pavement at the front of the shop.

It is noted that no acoustic assessment has been provided with this application, that would clarify that the proposed extraction equipment and any relevant mitigation measures, will ensure that there will be no impact on any residential receptors above the shop, from any structure borne and / or air borne noise generated within and outside the proposed hot food take-away. Whilst it is advised that two silencers will be fitted either side of the fan; there is no indication as to what the level of noise drop is that will be achieved by these silencers. There is also no indication as to what anti-vibration mounts will be used to ensure no vibration issues to the flat/s above the shop.

Also the submitted floor plan which depicts the extraction system, indicates the filtration system will consist of 3 x baffle filters, a pro filter + carbon block x 3. There is no odour control report to support the above advising that what is proposed will adequately deal with any odours, particulates and smoke generated from the cooking process. Again I have concerns related to the extract terminal point venting down onto the pedestrianised public area, plus the fact that there are residential properties directly above this shop. Normally with foodstuffs that have a higher fat content, the stack should vent at a higher level; in this case it is venting downwards at a low level.

I would also advise the applicant, that if this application were to be approved, that any future complaints received by this office related to noise or odour issues, and that are deemed to be at statutory nuisance level under current legislation, will require this office to take the necessary action to have the matter/s resolved.

I would further ask that the applicant advise the Local Planning Authority, as to the proposed Hours of Operation and that these be conditioned once agreed.

Therefore, if the Committee were of a mind to approve this application I would ask that conditions and informatives be applied to any consent granted (Note: These relate to odour and noise and system maintenance).

Officer Comment: The application is not for a change of use but for an extraction system only.

Southern Gas Network

No comments 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: 16

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of support - Happy for the independent business to have the following plans

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 management criteria.

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

- 7.3 The only external alteration is where the extraction system discharges outside. This is in the same position as an existing external extract duct, which would be replaced.
- 7.4 The design and appearance of the proposal is deemed appropriate in context to the main building and town centre location and is therefore considered to be acceptable, meeting the requirements of Policy CS16 of the HBLP (Core strategy). It is considered that the scheme would not result in an adverse impact on the visual amenity of the locality.

(iii) Impact upon residential amenity

- 7.5 Prior to the submission of the application, the applicant sought advice with a pre application enquiry. The advice commented, among other things, that the extract system may present a potential amenity impact in terms of smell, noise and odour which would need to be assessed and controlled.
- 7.6 As noted above, Environment Health raise no objection to the proposals subject to pre commencement conditions requiring additional information, which the applicant has agreed to. In addition, Environmental Health request an additional condition ensuring that the extract system is maintained.
- 7.7 The proposed extraction system would discharge in the same position as the existing extract duct, and it is not considered that there would be any adverse impact upon residential amenity as a result of the development meeting the requirements of Policy CS16 of the HBLP (Core Strategy). It is noted one letter of support was received and no letters of objection with respect to the scheme.

8 Conclusion

- 8.1 The scale, siting and design of the proposal would have no adverse impact on the neighbours and the character of the area and is therefore considered to be appropriate and recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00997 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

BLOCK PLAN

2022-10-13/01 - PROPOSED GROUND FLOOR PLAN

2022-10-13/02 - PROPOSED SECTION

2022-10-13/03 - PROPOSED ELEVATIONS

EXTRACTION SPECIFICATIONS (CONTRAFOIL CONTRA-ROTATING AXIAL FLOW FANS

EXTRACTION EXIT EGG CRATE GRILLE

Reason: To ensure provision of a satisfactory development.

- 3 Prior to the installation of the proposed extraction system, details of equipment to be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed in accordance with the approved details, maintained and effectively operated in full working order.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 4 The extraction equipment installed in pursuance to Condition (No.3) 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 and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 5 Prior to the installation of the proposed extraction system, details of provisions to be made for the control of noise and / or vibration, emanating from the extraction system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include methods to ensure that there will be no impact from structure borne and / or air borne noise generated by the extract system on nearest residential receptors. The approved measures shall be put in place prior to the operation of the extraction system and thereafter retained and maintained.

Reason: To protect the amenities of residential 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 2021.