

Recommendation: **GRANT PERMISSION**

APP/19/00235 - Application for non-material change to Planning Permission
APP/18/00812 relating to relocation of 2no. fire doors and small increase in roof
height., PERM,27/03/2019

APP/21/01189 - Display of new signage to include 1No. internally illuminated projecting sign, 1No. non-illuminated wall stamp to glazing, 3No. internally-illuminated fascia signs., DEL,

3 Proposal

The proposed extraction equipment to rear of unit, shopfront alterations, and variation of Condition 1 of Planning Permission 06/59412/008 to allow premises to open to the public from 11:00 to 23:00 each day of the week. The lawful use of both units was Class A1 retail use which has now been replaced by the new E Use Class. Unit 1A was formerly occupied by Carphone Warehouse and Unit 1B was occupied by a dry cleaning company, Solent Cleaners. It is proposed to amalgamate both units into a single commercial unit in the same use class as permitted by Section 55 (2) of the Town and Country Planning Act 1990. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 come into effect on 1st September 2020.

The new regulations revoke Parts A and D of the Schedule to the Use Classes Order 1987 and introduce a new Class E. Commercial, Business and Service Use Class which allows an unrestricted permitted development right for use, or part use. As such, planning permission in this case for change of use from the former Class A1 retail use to restaurant use is no longer required. Planning permission is however required for external alterations to the shopfront and siting of extraction equipment to the rear and advertisement consent for new signage (advert considered under APP/21/01189). The new restaurant will open from 11:00 to 23:00 each day of the week and we also seek to formally regularise the hours of use within this application.

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

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
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: Black Dog

5 Statutory and Non Statutory Consultations

Conservation Officer, Development Control

This site is adjacent to the Black Dog Conservation Area and is contained within a purpose built commercial retail park.

No objections are raised on heritage grounds.

Councillor Imogen Payter

No response

Councillor J Branson - St Faiths

No response

Councillor T Pike - St Faith's

No response

Environmental Health Manager, Community Group

No objection subject to relevant conditions to control the impact on the amenity of neighbouring properties

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: 45

Number of site notices: Not applicable.

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

- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The lawful use of both units was Class A1 retail use which has now been replaced by the new E Use Class. Unit 1A was formerly occupied by Carphone Warehouse and Unit 1B was occupied by a dry cleaning company, Solent Cleaners. It is proposed to amalgamate

both units into a single commercial unit in the same use class as permitted by Section 55 (2) of the Town and Country Planning Act 1990. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 come into effect on 1st September 2020. The new regulations revoke Parts A and D of the Schedule to the Use Classes Order 1987 and introduce a new Class E. Commercial, Business and Service Use Class which allows an unrestricted permitted development right for use, or part use. As such, planning permission in this case for change of use from the former Class A1 retail use to restaurant use is no longer required.

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

The proposed development external alterations comprise to the shop front and siting of extraction equipment to the rear. With regards to the changes to the shop front these are considered acceptable and would not be out of keeping with the wider retail park. In terms of the extraction equipment located on the rear elevation, this will largely be screened from public vantage points, by mature boundary treatment, existing boundary fencing or the building itself. As such the development is considered to conserve the character and setting of the adjacent Conservation Area, and would not have a significant adverse impact on the wider character and appearance of the area.

(iii) Impact upon residential amenity

The development has been considered in detail by the Environmental Health Officer, they have requested a pre-commencement condition to assess the impact of the extraction equipment in terms of noise from plant and equipment. Further details have been submitted in terms of odour. In terms of the opening hours the increase in hours, given the context of the site, adjacent to a KFC is not considered to have a significant adverse impact on amenities of neighbouring properties. As such it is considered that the development would not have a significant adverse impact on the amenities of neighbouring properties, subject to conditions to justify a reason for refusal.

8 **Conclusion**

The proposed development is considered acceptable as it would not have a significant adverse impact on the character and appearance of the area or on neighbouring amenity.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01188

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 development hereby permitted shall be carried out in accordance with the

following approved plans:

Site plan

Site location plan

Proposed elevations GDK-hav-677-E.02

Proposed floor plans GDK-hav-677-P.02 Rev: B

PROPOSED GROUND FLOOR & ELEVATION LAYOUT PLAN GDK-HAV-00
Rev:A

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until an acoustic assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the existing background levels, has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant / engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with policy CS16 and DM10 of the Havant Borough Local Plan Core Strategy 2011.

- 4 The development hereby permitted shall be carried out in accordance with the following submitted information in order to suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. The approved details are:
Odour Control system, GDK UNIT 1A & 1B, CENTRAL RETAIL PARK, HAVANT by APL Mechanical Services
Odour risk assessment

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 in accordance with policy CS16 and DM10 of the Havant Borough Local Plan Core Strategy 2011.

- 5 The extraction equipment installed in pursuance to Condition 4 (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: In order to safeguard the amenities of adjoining residential occupiers in accordance with policy CS16 and DM10 of the Havant Borough Local Plan Core Strategy 2011.

- 6 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: In order to safeguard the amenities of adjoining residential occupiers in accordance with policy CS16 and DM10 of the Havant Borough Local Plan Core Strategy 2011.
- 7 The premises hereby permitted shall not open to the public before 0800 hours or remain so open after 2300 hours on Monday - Sunday.
Reason: In order to safeguard the amenities of adjoining residential occupiers in accordance with policy CS16 and DM10 of the Havant Borough Local Plan Core Strategy 2011.