

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/02226	Your Ref:	APP/22/00408
EH Case Officer Extn:	6654	Date:	22 August 2022
DC Case Officer:	Mr G Speller		
DC Case Officer Extn:			
Application Number:	APP/22/00408		
Site Address:	26A Elm Grove, Hayling Island, PO119EF		
Proposed Development:	Application for Change of Use from Existing Sui Generis (Taxi Offices) to Sui Generis (Hot food Take-away) establishment. I attach a copy of the above application that has been received under the Town and Country Planning Acts. Any views you should wish to make should be returned to me no later than 24/08/2022.		

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:

As this is an existing mixed use area, I have no objection in principle to this application.

However, this development could potentially lead to a detrimental loss of amenity, to nearby residential properties due to odour, noise and vibration. Furthermore no clarity has been provided as to how this proposed hot food take-away will integrate their extraction equipment into the existing extract system of an adjacent or nearby similar operation. There are no drawings, other than an east & south elevation depicting an extractor flue, to show the layout of the proposed integrated extract system:

"Measures are incorporated to mitigate the effect of hot food preparation on nearby properties by utilising existing extract and ventilation from neighbouring premises"

I would suggest that if this has been agreed with one of the existing take-aways, the LPA would need to understand who will take responsibility for any odour, noise or vibration issues that might arise in the future from such an arrangement, and whether such an arrangement is in fact, feasible.

There is also no detail concerning any other air moving equipment such as compressor / condenser units, the proposed extraction system, any anti-vibration measures, noise reduction measures or predictions of noise impact, and / or odour reduction or filtration.

An additional aspect to also be covered in the aforementioned acoustic report, is that it be

clarified as to whether any additional mitigation measures are required, to ensure that there will be no impact on any residential receptors above the shop, from any structure borne and / or air borne noise that may be generated within the proposed hot food take-away, below.

The hours of opening are given as 12:00 to 23:00 Monday to Sunday on the application form. However in the Planning statement, times of opening are given as 12:00 to 23:00 Mon to Fri & 12:00 to midnight Sat & Sun. Based on the existing times of operation of the existing two hot food businesses, I would recommend that the times of operation for the proposed take-away be restricted to the closing times of 23:00 for each day of opening, to ensure no additional noise impact on nearby residential receptors.

There is no mention of any delivery service to customers. However if such is to operate from this premises, I would also recommend that this concludes by the 23:00 closing time.

Both of the above could be conditioned as such, unless the applicant is prepared to agree to those restrictions in writing.

I would recommend refusal of this application at this time, in order that additional information can be collated and submitted by the applicant / agent, to provide clarity to the actual proposal.

However, if the Committee were of a mind to approve this application at this time, I would ask that the following conditions and informatives also be applied to any consent that may be granted:-

Condition 1: Noise

No commencement of operation shall take place until an acoustic assessment to show that the rating level of any plant & equipment, including extraction systems, condensers, air conditioning plant and so forth, 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.

Such acoustic assessment should also clarify any additional mitigation measures that may be required, to ensure no impact from structure borne and / or air borne noise generated within the proposed hot food take-away

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any potential mitigating measures can be incorporated into the build.

Condition 2: Cooking odours

Equipment shall be installed 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. Details of the equipment 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 3: Cooking odours

The extraction equipment installed in pursuance to Condition (No.2) 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 4: Opening times

Times of opening/ closing and any deliveries to customers, can be agreed by the applicant, or conditioned as such.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

Condition 5: Delivery times

Deliveries of goods to the premises should be restricted to 09:00 to 20:00 Monday to Saturday & nothing on a Sunday. Again this can be conditioned as such or agreed by the applicant.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

Informatives:

Regarding Hours of Work:

You are hereby requested to ensure that no works or ancillary operations associated with any construction / installation 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 during this period.

Regarding Dust Control:

You are hereby requested to ensure that measures are put in place for the control of any dust that might emanate from the development site, during construction / installation.

This is in order to protect the occupants of nearby residential properties from dust nuisance.

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 black ink, appearing to read 'Mark Moss', with a stylized, flowing script.

Mark Moss

Regulatory Officer, Environmental Health