
Site Address:	Imperial Palace, 37 Belmont Grove, Havant, PO9 3PT		
Proposal:	Installation of plant equipment associated with proposed foodstore within external enclosure at the rear, northern side of the building.		
Application No:	APP/20/00283	Expiry Date:	12/06/2020
Applicant:	Mr Foster Peacock + Smith		
Agent:	Miss Foster Peacock + Smith	Case Officer:	Lesley Wells
Ward:	Bedhampton		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site to which this application relates is located at 37 Belmont Grove, Havant. It is bound by Bedhampton Road to the south and Belmont Grove to the north. The Imperial Palace restaurant sits within the western portion of the site and its ancillary car park and access to the east. The former use of the property was a public house (Belmont PH), with a use change under permitted development rights, occurring, around 2010

There are trees and a grassed area abutting the pavement to the south-west. There are trees along the north-east boundary.

The site is adjoined to the west and beyond by residential dwellings and sits opposite four retail units to the east. The wider area is predominately residential.

The area of the site is approximately 0.47 hectares.

2 Planning History

90/50093/001 - Retention of satellite dish on south (front) elevation., REF,15/04/1991

01/50093/006 - Single storey flat roofed extension to existing kitchen (South Elevation)- Revised application., PERM,20/11/2001

01/50093/005 - Single storey flat roof extension to existing kitchen (south elevation) and formation of garden furniture compound on west boundary, PERM,15/05/2001

00/50093/004 - Canopy to internal yard area to north/west., PERM,29/01/2001

98/50093/003 - Alterations to existing car park layout (part retrospective), PERM,24/11/1998

95/50093/002 - Refurbishment of trading areas entrance canopy extension, an work to external areas and fencing., INV,02/07/1996

06/50093/007 - Extension to existing restaurant and extension to existing ladies toilet with new disabled access ramp., WD,18/07/2006

06/50093/008 - Single storey extension to bar/restaurant to front (east) and side (north) elevations, new disabled toilet and access ramp to north elevations, revision to car parking layout., REF,17/11/2006

APP/10/00518 - Retention of 1No. externally illuminated fascia sign to east elevation, 1No. externally illuminated and 1No. non-illuminated sign to south elevation and 2No. externally illuminated post signs to south and east boundary., PERM,01/11/2010

APP/20/00316 - Change of use Class A3 (restaurant) to Class A1 (foodstore) with

single storey side extensions and alteration to access., Currently under consideration APP/20/00326 - Display of 2No. internally-illuminated single sided logo signs; 1No. set of non-illuminated "Welcome" letters; 1No. internally-illuminated projecting sign; 1No. internally-illuminated totem sign; 4No. non-illuminated post signs; 6No. wall mounted banner frames; 1No. wall mounted vinyl sign., INV,

3 Proposal

The proposal is for the installation of plant equipment associated with the proposed foodstore, (application APP/20/00316) within an external enclosure at the rear, on the northern side of the building. The plant equipment covers: 1 hubbard refrigeration compressor, 3, air condition units and 1 condenser. The plant equipment would be enclosed in a galvanised mesh fence, with a close boarded fence on the northern boundary. The proposal would be located to the rear of the single storey extension proposed on this elevation under application APP/20/00316. This area is used for recycling, waste and deliveries.

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)
CS17	(Concentration and Distribution of Development within the Urban Areas)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Submission Local Plan

E22	(Amenity and pollution)
E1*	(High quality design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gary Robinson

No comments received.

Councillor Kenneth Smith

No comments received.

Councillor Mark Inkster

No comments received.

Environment Agency

No comments received.

Environmental Health Manager, Community Group - 2nd Comment - No Objection

The rating level of the noise emitted from the plant installed as part of this application shall not exceed the existing background sound levels determined to be 39 dB LA90,1hour during the day time (07:00 – 23:00 hours) and 28 dB LA90,15minutes during the night time (23:00 – 07:00 hours). The noise levels shall be determined at the nearest residential property as identified in the noise report submitted by Noise Solution Ltd (Project Ref: 88660, Rev:01, Date: 29/7/19, Revised: 19/6/2020). The measurements and assessment shall be made according to British Standard 4142:2014+A1:2009.

Environmental Health Manager, Community Group - 1st Comment

Please provide the manufacturer's data for the Hubbard Refrigeration Pack and also the Refrigeration Condenser (Kelvion/GF-SA102F4H-063) showing the octave band noise data for these pieces of plant as this has not been included within the acoustic report.

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: 13

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 16

Summary of representations

Impact on area/residents

- Application should be refused
- Proposal a supermarket, not a convenience store - will monopolise trade – no need for development in the area - Retail impact assessment required
- Location of plant area too close to houses in Belmont Close - relocated to the front of the building
- Less noise, disturbance & smell over existing use
- Reduce need to drive to other shops - easier to obtain goods - beneficial to the area
- Significant increase in noise, disturbance and pollution to residents
- Excessive hours of opening 6am - 11pm - other shops close at 7pm
- Give rise to anti-social behaviour
- Expansion/evolve into a delivery hub - lead to greater vehicle movement and disturbance
- Increased lorry deliveries - cause of disturbance
- Loss of residential accommodation
- Risk of poorly designed intrusive business illumination/lighting
- Adverse impact on existing shops in locality
- Businesses in area form a cohesive part of the community for the area - closure would

- impact in a negative way
- Potential loss of post office at Park Lane - adverse impact on residents
- Covenant on property would be broken, if nuisance is caused
- Lorry deliveries cause of disturbance
- Houses should be built instead
- Future use of void first floor and basement, lead to intensification of activity on site
- No reference to recycling bins, currently available to residents
- Loss of trees - to be replaced?
- Noise concerns from plant equipment - bedrooms opposite - should go on opposite side of building
- Retain shrubbery for better visual outlook

Highway Issues

- Transport Study inadequate/inaccurate - needs revising
- Existing use of premise a Take Away - not ancillary to restaurant - journey suggested by the Traffic Study erroneous
- Inadequate on-site parking - lead to greater on street parking and congestion - contrary to Havant's car parking SPD
- Inadequate on-site provision for cycles/motorcycles
- Existing parking problems would be exacerbated for residents
- Increased traffic on surrounding roads - highway danger to pedestrian and other road users
- Conflict with lorries reversing into car park and other traffic
- Increased risk to children and visitors to the Church – hold regular community activities - often leads to chaos and parking on pavement/grass verge
- Belmont Grove and surround roads already a rat run - situation will be exacerbated - surrounding roads inadequate to take increase traffic
- No left hand turn from access should be permitted, to prevent estate used as a short cut.
- Highway hazard to vehicles and pedestrians
- Parking restrictions inevitable - restrictions by a TRO would cause significant problem to residents
- Access should be from Bedhampton Road, with access from Belmont Grove prevented.
- Exacerbate existing problems with exiting/turning right out of Belmont Grove - substantially increase danger to pedestrians/highway users
- Exacerbate congestion at Belmont mini roundabout
- Should be viewed in conjunction with extensive development at One Hundred Acres

Other Matters

- No reference to basement in application or residential accommodation at first floor - Band A in a mixed-use property
- No reference to loss of residential accommodation
- Due to inaccuracies in application should be refused
- Transport Study inadequate/inaccurate - needs revising
- Floor area and measurements incorrect and inaccuracies in proposal - cannot be assessed
- No recognised Code of Measuring Practice, for measuring floor areas
- Failures in application have invalidated the consultation process - abuse of process - seek a formal review
- Proposal should be determined by the Development Management Committee

Officer comment: *Many of the representations received and précised above, relate to the associated application for a change of use/extension of the existing building/improvements to access, submitted under application ref: APP/20/00316. Whilst this application would facilitate the retail use of the site, it would not in itself raise highways, parking or traffic implications, nor would its use impact on existing shops in the locality, all of which are covered in the report under the aforementioned application and are not referred to further in this report. The planning considerations relevant to the application are set out below.*

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 proposal is for plant equipment enclosed by galvanised mesh fence, which is associated with a change of use/extension to building/alteration to access application for the site from a restaurant (Class A3) to a shop (Class A1), which is the subject of a separate application under reference APP/20/00316, on which a full report has been drafted.

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

The proposal would be sited on the northern site of the premises, to the rear of a single storey extension, proposed under reference APP/20/00316. It would be enclosed in a galvanised mesh fence. Along this part of the northern boundary a close boarded fence 1.8m high would be erected, which would screen the plant from Belmont Grove as would the single storey extension, if permission is granted for this development. A fence and a wall, which forms part of the dwelling along the westerly boundary, provides screening along this boundary. That said, this part of the site (which has been used for recycling/waste storage and deliveries) may be viewed from the neighbouring property to the west, from two first floor bedroom windows. This overlooking will not change with the proposal.

Due to the proposed location of the plant equipment which would be lower than the proposed screening, the proposal is deemed appropriate in context to the main building and would not materially impact on the character and appearance of the area, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(iii) Impact upon residential amenity

The closest residential property is to the west, with other residential properties in proximity on the northern side of Belmont Grove. As stated above, the plant equipment would be viewed from this neighbouring property, from two first floor bedroom windows, which would be approximately 5m away from the proposal. As part of the application process the agent was encouraged to site the proposal on the

southerly side of the building away from this property, to avoid any potential of noise and disturbance to the occupiers of the property. This suggestion was declined by the applicant's agent, who referred to the Plant Noise Design Guidance Report, submitted in support of the proposal, that "...demonstrated that the plant noise emissions will be at or below the existing background sound level at the nearest noise-sensitive premises." and that the proposal would "...not result in unacceptable harm to the amenity of neighbours nor would it put the health of nearby occupiers and residents at risks."

The Plant Noise Design Guidance Report was fully assessed by Environmental Health (EH), who has worked closely with the Case Officer on this proposal. Following further information from the Noise Consultant on the manufacturer's data for the Hubbard Refrigeration Pack and the Refrigeration Condenser (Kelvion/GF-SA102F4H-063) showing the octave band noise data for these pieces of plant, EH has raised no objection to the proposal, subject to the following condition:

"The rating level of the noise emitted from the plant installed as part of this application shall not exceed the existing background sound levels determined to be 39 dB LA90,1hour during the day time (07:00 – 23:00 hours) and 28 dB LA90,15 minutes during the night time (23:00 – 07:00 hours). The noise levels shall be determined at the nearest residential property as identified in the noise report submitted by Noise Solution Ltd (Project Ref: 88660, Rev:01, Date: 29/7/19, Revised: 19/6/2020). The measurements and assessment shall be made according to British Standard 4142:2014+A1:2009.

Reason In the interest of residential amenity in accordance with Policies DM10 and CS16 of the Havant Borough Local Plan Core Strategy and the National Planning Policy Framework."

Policy DM10 of the HBLPCS sets out the criteria to be met to control developments that may cause pollution through, amongst other matters, noise and vibration. The information provided with this application in the form of the Plant Noise Design Guidance Report has demonstrated that the proposal would not give rise to an unacceptable level of noise and disturbance to the occupiers of the property to the west, the nearest residential property, or the wider area. Therefore, subject to the recommended condition, the proposal would be acceptable and would accord with Policies DM10 and CS16 of the HBLP (Core Strategy).

8 Conclusion

The proposal would not impact on the character and appearance of the area and would not adversely impact on residential amenity. The proposal accords with Policies DM10 and CS16 of the HBLP (Core Strategy) and the National Planning Policy Framework and conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00283 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 No 21

Proposed Mechanical Plant Location Plan - Drawing No 50

Proposed Site Plan Proposed Mechanical Plant Application - Drawing No 51

Proposed Ground Floor Plan Proposed Mechanical Plant Application - Drawing No 52

Proposed Elevations Proposed Mechanical Plant Application - Drawing No 53

Proposed Refrigeration Plant Layout Drawing No CRS, Revision 02

Plant Noise Design Guidance Report submitted by Noise Solution Ltd (Project Ref: 88660, Rev:01, Date: 29/7/19, Revised: 19/6/2020).

Reason: - To ensure provision of a satisfactory development.

- 3 The rating level of the noise emitted from the plant installed as part of this application shall not exceed the existing background sound levels determined to be 39 dB LA90,1hour during the day time (07:00 – 23:00 hours) and 28 dB LA90,15 minutes during the night time (23:00 – 07:00 hours). The noise levels shall be determined at the nearest residential property as identified in the noise report submitted by Noise Solution Ltd (Project Ref: 88660, Rev:01, Date: 29/7/19, Revised: 19/6/2020). The measurements and assessment shall be made according to British Standard 4142:2014+A1:2009.

Reason: In the interest of residential amenity in accordance with Policies DM10 and CS16 of the Havant Borough Local Plan Core Strategy and the National Planning Policy Framework.

- 4 Prior to the use of the plant/equipment hereby approved commencing the close boarded fence shown on drawing number 163094 AP 51 shall be erected and thereafter retained and maintained in the approved position.

Reason: To protect the visual amenity of the area in accordance with Policy CS16 of the Havant Borough Local Plan Core Strategy and the National Planning Policy Framework