

Recommendation: **GRANT PERMISSION**

AL3 (Town, District and Local Centres)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Economic Development Retail and Town Centres

No objections.

Environmental Health

The addition of an extraction system to serve a hot food take-away, could lead to a detrimental loss of amenity if not nuisance, to nearby residential properties due to odour, noise and vibration. There is residential accommodation directly above this shop and within a distance of 25 metres.

Detail has been provided relating to the proposed method to be utilized for the control of odours from the extraction system. This is suggested to be by an integrated electrostatic precipitator and an odour control unit, which if implemented, should suffice in the control of odours. However, dependent on the cuisine to be prepared, it may still require a high rise flue outlet to the proposed extractor unit, if not being currently planned. However there is very little other detail concerning the proposed extraction system other than detail provided which relates to the proposed type of fan to be used and comparative sound pressure levels of the different models, at 3 metres distance.

The drawing submitted also shows the extractor outlet terminating at the kitchen window; is this the terminal outlet? A ventilation system with silencer is mentioned in the design & access statement, but no silencer is indicated on the submitted drawings. Also there is no clear indication provided as to anti-vibration measures, noise reductions or predictions of noise impact, especially in terms of BS4142:2014 in relation to the nearest residential receptors.

Therefore, request conditions be applied in relation to:

- Smell suppression
- Maintenance
- Noise

Traffic Management, HBC

No adverse comments.

Development Engineer (Highways)

No adverse comments.

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: 5

Number of site notices: 1

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
- (iv) Highways and Parking

(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. In this case the site is located in the Mengham District Centre and the Principal Frontage where policy AL3 applies.

This policy seeks to provide main town centre uses within these areas and retain retail uses. In this case the unit is already in a non-retail use with planning permission granted in May 2016 for the use of the premises as an A3 Cafe. It is understood that the premises had been used as a cafe for some time before this date. The current proposal is for an A5 takeaway use. The premises at the time of the case officers visit was not in use although the tables and chairs from the cafe use were within the unit. The last use the unit was as a non-A1 retail use, therefore, the proposal would not lead to an increase in non-retail uses within this run of the Primary Frontage. The proposal would retain a shop front and would add to the vitality and viability of the District Centre as an appropriate town centre use. The proposal is therefore considered acceptable in principal.

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

The development would result in minor changes to the appearance of the front of the building with revised signage which may require a separate application for advertisement consent.

To the rear there are limited changes proposed with an extractor flue shown positioned within part of the window at ground floor level. The submitted detail in the DAS indicates a flue but there are no other details of the external appearance of the installation. Subject to conditions in relation to the flue the physical changes to the building are considered modest and acceptable.

The A5 takeaway use is a main town centre use representing a leisure use and is considered appropriate within the context of Mengham District Centre.

(iii) Impact upon residential amenity

The proposed A5 takeaway would be located within the District Centre which includes a variety of business uses including cafes and restaurants (including takeaway options). Within such mixed use areas there is a balance to be considered between commercial activity expected in a District Centre and the impact on residents. No.18

has residential flats above and therefore careful consideration needs to be given to the potential impacts of the use. Policy DM5 of the Local Plan sets out criteria in relation to such uses:

The first relates to mitigation measures being incorporated where hot food preparation is proposed and these are addressed by the Councils Environmental Health department. In this case conditions are proposed to address potential impacts from smell and noise.

The second criteria relates to the appearance of extract equipment. Details shown on the elevation drawing suggest little external ducting for the flue, however, in order that this is properly considered in relation to the final design a condition is recommended.

The third criteria relates to measures being suitable for the range and nature of hot food prepared at the premises. Conditions proposed should provide suitable mitigation in relation to the range of foodstuffs that could be prepared in an A5 takeaway use.

The fourth criteria relates to refuse and a condition relating to commercial waste provision is recommended. There are existing waste bins close to the site on either side of Elm Grove.

The fifth issue relates to parking/traffic impacts and is considered under (iv) below.

The sixth relates to unacceptable disturbance to occupiers of nearby residential property at times when activity in the immediate vicinity would otherwise be at a relatively quiet level. The application form indicates intended hours as 11.00 am to midnight every day. Given the nature of the relatively quiet environment in Mengham in the late evening it is however considered appropriate to add a planning condition with more restricted hours in this case which limits the use to 11pm on Monday to Saturday and 10.30pm on Sundays. This has been discussed with and agreed by the planning agent.

The final criteria relates to marketing requirements which are not relevant in this case.

(iv) Highways and Parking

The site is considered to be well served by public car parking with car parks to the rear and on the opposite side of Elm Grove. In addition, there is a layby to the front of the premises. The Development Engineer (Highways) Traffic Management have raised no objections to the proposals.

8 Conclusion

In conclusion, the proposed change of use is considered to be acceptable and subject to conditions would represent an appropriate use whilst ensuring that any environmental impacts for residents are minimised.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00892

(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 Notwithstanding the details shown on the approved plans, before the use hereby permitted first takes place, a scheme showing details of the means of extraction and filtration of cooking odours including details of the appearance of any external flue(s), manufacturers operating instructions and a programme of equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full before the use hereby permitted first takes place and shall remain operational thereafter.
Reason: To safeguard the amenities of the locality and occupiers of neighbouring property to ensure that unsatisfactory cooking odours outside the premises are minimised and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 3 The premises shall only be open for trade or business between the hours of: 11.00 hours and 23.00 hours Monday to Saturday and; 11.00 hours and 22.30 hours on Sundays
Reason: In the interests of the area generally and nearby residential properties in particular and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The use hereby permitted shall not commence unless and until details of commercial waste storage provision in association with the A5 use has been submitted to and approved in writing by the Local Planning Authority. Commercial waste storage shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of the amenities of the area and nearby residents having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The change of use hereby permitted shall not commence unless and until a scheme which specifies the provisions to be made for the control of noise/vibration emanating from the extraction system has been submitted to and agreed in writing with the Local Planning Authority. The agreed measures shall be put in place, before the use hereby permitted commences and maintained thereafter in accordance with the approved details.
Reason: To protect the amenities of occupiers of adjoining properties having due regard to policies CS16 and DM10 of the Havant Borough Local Plan 2011 and the National Planning Policy Framework.
- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plans Filename 18AEGHI dated 15th August 2016
Existing and Proposed Ground Floor Plans and Extract Details Filename
18AEGHI dated 15th August 2016
Existing and Proposed Rear Elevation Filename 18AEGHI dated 15th August
2016
Section and Front Elevation Filename 18AEGHI dated 15th August 2016
Design and Access Statement August 2016
Ventilation-Flaktwoods 56 JM details
Electrostatic Precipitator Technical and Operation Manual
ON 100 Odour Neutraliser Technical and Operation Manual

Reason: - To ensure provision of a satisfactory development.