
Site Address: 40 Snowberry Crescent, Havant, PO9 2FE
Proposal: Variation of Condition 9 of Planning Permission 00/55725/010 to extend opening hours to 0600-2200 Monday to Saturday and 0700-2200 on Sunday.
Application No: APP/15/00656 Expiry Date: 10/08/2015
Applicant: Mr Dance Team: Team 1
 W,J&R Dance Ltd T/A
 Welcome
Agent: Case Officer: Sally Smith
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site is an existing single retail unit with a parking area to the front. There are dwellings abutting the site on the north side and to the rear. There is also permission for a dwelling in the southern element of the building; now severed from the retail unit.

2 Planning History

00/55725/010 - Community store Permit 27/3/2001.

APP/12/00688 - Conversion of retail unit to one 4 bed chalet bungalow. Permit 14/9/12/

APP/ 14/00492 - Variation of condition 9 of 00/55725/010 to extend opening hours to 0600-2200 Monday to Saturday and 0700-2200 on Sunday. Temp permission until 31 July 2015.

3 Proposal

- 3.1 The proposal is to extend the opening hours approved under condition 9 of the approval from between 0700 and 2100 daily, to 0600 and 2200 Monday to Saturday and 0700 to 2200 on Sundays. The argument presented is that they wish to meet the demands of the local shopper and make the store a success. It has operated without problems with the varied hours for the last year.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)

CS4 ()

DM10 (Pollution)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Economic Development, Regeneration & Development

No response received

Environmental Health Manager, Community Group

I have concerns with the earlier opening of the shop, mainly due to the roller shutter noise and the potential for earlier deliveries, which together may have some impact on local residents.

I have little doubt that the noise of opening the shutters has the potential to disturb sleep

although the noise event will not last long, however, once awoken, residents may not be able to

go back to sleep. Further if deliveries start arriving shortly prior or after opening, the noise from

the engine, tailgate, rolling cages will add the disturbance.

I did not see within the application any mitigation measures proposed by the applicant.

I should

be grateful if further information could be provided discussing and addressing the potential noise

impact of the proposal on the nearest noise sensitive receptor.

If you are minded to grant this application, i would like the following condition to be imposed.

1. Noise generated from roller shutter and vehicular activity (deliveries/ rolling cages etc...).

Condition 1: Any proposal relating to noise making activities (as described above) schemes

shall be agreed and approved in writing by the District Planning Authority prior any development

takes place.

Reason: To protect the occupants of nearby residential properties from noise

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BS4142 Requirement

Noise resulting from the proposed activity shall not exceed a level of 0dB(A) of the existing

background noise level (or below) when measured according to British Standard BS4142-2014.

Reason: in the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area.

Crime Prevention -Minor Apps

No response 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: 12

Number of site notices: One

Statutory advertisement: Not applicable.

Number of representations received: One

Summary:

Request unloading is to front

Noise in yard in early morning disturbing

Request deliveries before 10.00 unloaded to front of shop

Concern that cab drivers can see over fence to neighbour and invade privacy which is most invasive at weekends.

Planting requested on original permission not implemented.

As a consequence of last two points request made that deliveries to the rear are kept to weekdays only.

These points are addressed 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 residential amenity

(i) Principle of development

The premises provides a local community shop. It has recently changed operators and the store is looking to provide an operation to benefit the local community. It is the policy of the Authority to support small and independent businesses under policy CS4 and it is encouraging that a new operator has revived and continued with the retail use of the premises. It is therefore considered that unless there are sound reasons to turn the proposal down that the request should be considered favourably.

(ii) Impact upon residential amenity

The revised hours have been operating for a year under the temporary permission. I am not aware of any representations being made to the department about the hours of opening during that period. The current letter of representation does raise concerns over activity in the rear yard and requests that deliveries are kept to the front before 10.00 am. Deliveries to the rear are conditioned under the original planning permission 00/55725/010. Condition 10 requires that there shall be no deliveries of goods between the hours of 0700 and 1600 each day and condition 16 requires the side gate to be locked between the hours of 2115 and 0800 daily in order to prevent vehicular access to the rear of the premises. Those hours of limitation are already in place and are considered reasonable controls on a retail operation. It is understood that the neighbour works late hours and would prefer to have deliveries restricted to a greater degree but the current limitation of preventing access to the rear up until 0800 is considered appropriate to protect standard amenity requirements. It is not thought appropriate to be more restrictive on the retail operation than is already required and

to accommodate a specific resident's working pattern. The current conditions have been in place since 2001. The matter has been raised with the applicant and he has confirmed the shop will operate within the requirements of the existing conditions.

On the matter of activity in the rear yard the applicant has confirmed that there will be no operations in the yard before 0800. An additional condition is proposed to cover this aspect and address the issue of shutter noise raised by both the neighbour and the Env Health officer.

On the matter of the intrusion by cab drivers this is not a matter that is related to the extended opening hours. The planting requirement was included on a 2001 permission and so is outside the 10 year period during which the LPA could enforce the requirement.

8 Conclusion

On the basis of the proposed condition re work in the rear yard and to control the shutters before 0800 it is considered that the proposal is acceptable. With the premises operating in accordance with the existing conditions on the 2001 permission it will ensure that any activity during the early hours is kept to the frontage of the unit where the impact on adjacent residential properties will be less. The proposal will help assist the local economy and serve the local community. It is concluded that the proposal with the additional condition will meet the requirements of CS16 and DM10.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/15/00656

subject to the following conditions

- 1 The premises shall only be open to the public between the hours of 0600 and 2200 Monday to Saturday and between 0700 and 2200 on Sunday.
Reason: In the interests of protecting the amenities of occupiers of nearby residential 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 2012.
- 2 There shall be no operations undertaken within the rear yard, or operation of the roller shutters on the rear of the building, between the hours of 2115 and 0800 daily.
Reason: In the interests of the amenities of occupiers of nearby residential 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 2012.
- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Supporting Statement 12/6/2015

Application form
Email of 4 August 2015 from Mr Dance
1:500 Site Plan

Reason: - To ensure provision of a satisfactory development.