

Recommendation: **GRANT PERMISSION**

## 5 Statutory and Non Statutory Consultations

### **Environmental Health Manager, Community Group**

I have concerns that changing the time on Saturdays and Sundays will affect residents as this noise has not been present those days before hand thus giving some respite and providing a quieter week ends to residents.

Since the traffic, general week day noises wont be present at week ends the sound of extraction/ventilation will be more noticeable and potentially lead to complaints.

If you would like to deal with this case by informative, we will have recourse to the Environmental Protection Act should any complaints arise, however, the applicant may wish to undertake some work to ensure the change in background noise levels on Saturdays and Sundays won't affect residents.

(Case officer note - Informative recommended)

**Development Engineer** The Highway Authority has no adverse comment to this application.

## **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: 10

Number of site notices:one

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 streetscene
- (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.

(ii) Impact upon the streetscene

The proposal relates solely to opening hours and as such the external appearance will be unchanged.

(iii) Impact upon residential amenity

The application site is located in a primarily residential area with dwellings above, to the front and rear and further along St Albans Road. Given this context there is potential for nuisance from odours. No objections have been received in respect to the current application and Environmental Health have no records of complaints in respect to the existing use/hours. The proposal seeks to extend these hours by 2 hours in the evenings on Saturdays and to introduce Sunday opening (9am to 10pm). Whilst the current operator is a fish and chip shop, the current occupier is retiring and planning permission would not be required for other A5 uses such as Indian/Chinese takeaway, which could involve different cooking processes and odours, and hence potential nuisance. However, such operators are likely to require new ventilation equipment and any changes to the external equipment would require planning permission. Additionally nuisance from odour is covered by the Environmental Health legislation. Whilst the HE comments regarding background traffic noise being less for the extended hours are noted, as the property currently opens until 10pm Mondays to Fridays it is not considered that any detriment would be so great as to support refusal. It is therefore considered that the impact on residential amenity would be acceptable.

## 8 **Conclusion**

The proposal relates to an established takeaway which has operated from the site for many years. It adjoins a convenience store which is open from early morning to 10pm. The proposed extension in hours would not exceed that of the convenience store, and are similar to those for other takeaway in the Borough. Subject to a condition controlling external ventilation and extraction equipment, the proposed extension of hours is considered acceptable.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/16/00416

subject to the following conditions

- 1 The premises shall not open to the public before 09.00 hours or remain so open after 22.00 hours Mondays to Sundays.  
**Reason:** To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 2 No additional external and/or ventilation equipment shall be installed on the premises until a scheme showing details of the means of extraction and filtration of cooking odours including details of the appearance of any external flue(s), manufacturer's operating instructions and a programme of equipment servicing/maintenance shall be submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be implemented in full and shall remain operational thereafter.  
**Reason:** To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National

Planning Policy Framework.