

HAVANT BOROUGH COUNCIL

MEMORANDUM

From:	Environmental Health	To:	Head of Development Control and Technical Services
Our Ref:	EH / MM / 141201	FAO:	Mrs D. Haywood
		Your Ref:	App/14/01213
Ext. No:	446666	Date:	01 / 12 / 2014

Site Address: 7 Park Parade, Havant, PO9 5AA

Proposed Development: Change of use from A1 retail to A5 take-away, replacement shop front with new illuminated sign. New dropped kerb to rear of site in Tidworth Road

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I object to the proposals for the following reasons:-

The development could lead to a detrimental loss of amenity if not nuisance, to nearby residential properties due to odour, noise and general disturbance. I would draw your attention to the document "Consultations on Planning Applications for Hot Food Premises: Guidelines for Odour and Environmental Control" produced by the Hampshire and Isle of Wight Branch of the Chartered Institute of Environmental Health.

There is residential accommodation within a distance of 25 metres, so, from an Environmental Health perspective, I have to object to the use of this site for any use within Use Class A5, even though, there are similar businesses in close proximity. In any event, I understand that the outcome of past planning appeals would indicate that we could not prevent a subsequent change to a different style of cuisine within Use Class A5.

There is limited detail concerning a proposed extraction system and odour reduction or filtration, and none concerning anti-vibration measures, noise reduction or predictions of noise impact.

Clearly, however, this site is in a town centre location where residents could not reasonably expect the same freedom from the effects of nearby commercial premises that might be expected in a mostly residential area.

Therefore, if the Committee were of a mind to approve this application I would ask that the following conditions be applied to any consent granted:-

Condition 1 Equipment shall be installed to suppress and disperse fumes and/or smell 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 2 The extraction equipment installed in pursuance to Condition (No.1) 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 3 A scheme shall be agreed in writing with the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the extraction system. The agreed measures shall be put in place, before the development hereby permitted commences.

Reason: To protect the amenities of occupiers of adjoining properties.

Condition 4 If any equipment is to be installed such as refrigeration and / or air conditioning units, schemes shall be agreed in writing with the Local Planning Authority and approved in writing by the District Planning Authority prior to any development taking place.

Reason: To protect the occupants of nearby residential properties from noise and vibration nuisance.

Condition 5 Mention is made in the Design & Access statement of an illuminated shop front sign. In this regard no floodlighting or other form of external lighting scheme shall be installed unless it has been approved by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties from light disturbance.

In terms of Condition 3 & 4 above, details, including acoustic performance and proposed acoustic attenuation, of all types of fixed plant, machinery and equipment associated with air moving plant, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the Borough Planning Authority before installation.

N.B. All plant machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the background noise levels as measured according to British Standard 4142: 1997 at any adjoining or nearby residential property.

BS4142 Requirement

Noise resulting from the use of any/all plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1997.

I would also point out that the requirement to keep documentary evidence regarding maintenance of the extraction system in Condition 2 above, rather than merely adding it as a suggestion in a note, is included as a result of the outcome of Planning Appeal Ref: T/APP/X1735/A/99/1024801/P4 in respect of 341 Milton Road, Cowplain.

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

Mark Moss
Senior Environmental Health Officer