
Site Address:	68 West Street, Havant, PO9 1LN		
Proposal:	Variation of Condition No. 3 of Planning Permission APP/13/00337 to vary the menu choices.		
Application No:	APP/14/00623	Expiry Date:	12/08/2014
Applicant:	Mrs P Smith	Team:	Team 1
Agent:		Case Officer:	Stephen Andrews
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 West Street lies within the town centre of Havant. The current permitted use of 68 West Street is as A3 tea rooms. The site is located within the Black Dog Conservation Area but it is not specifically identified as a locally listed building. The area is mixed use in character with residential, retail and some light industry beyond the southern side of West Street. Immediately opposite the site is a row of shop units with residential over.
- 1.2 Beyond the rear northern boundary of the site is the Solent Retail park. There is no vehicular access from the north. The adjacent premises to the sides of the site remain in use with ground floor retail/A2 and residential uses above.

2 Planning History

APP/13/00337 - Change of use from health and beauty shop to tea rooms (class A3).
Approved - 03/07/2013.

Attached to this permission was a condition (condition 3) stating:

"The range of food sold at the premises shall be in accordance with the written details received by email on 11 June 2013. There shall be no change in the range of food sold unless appropriate measures to control the emission of odours and noise are undertaken with the prior written approval of the Local Planning Authority.

Reason: *To protect the amenities of occupiers of adjoining properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."*

3 Proposal

To vary the requirements of condition 3 of planning permission APP/13/00337 to allow a wider selection of foods to be sold. Most foods will be microwaved, with only bacon, sausages and noodles cooked on site. Pies and pie fillings will be prepared off site and reheated only on-site.

4 Policy Considerations

National Policies

The National Planning Policy Framework 2012

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

CS4 ()

DM10 (Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Black Dog

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group - None 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: 13

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: 04/07/2014

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) Effect on residential amenity
- (iii) Effect on the character and appearance of area

(i) Principle of development

7.2 The site has a lawful use as A3 tea rooms as such the principle of expanding the menu selection to support the tea room business, within a town centre location would be acceptable.

(ii) Effect on residential amenity

7.3 It is considered that the expansion of the menu selection, with most food microwaved or uncooked, would not give rise to harm to neighbour amenity. The applicant has stated that the only food that would be cooked on-site is bacon, sausages and noodles. It is therefore considered that the noise and odour disturbance associated with the cooking would not be to an unacceptable degree and would not undermine the purposes of including condition 3 which seeks to ensure that should the business expand to a degree where more food is cooked on-site that an appropriate extraction

and ventilation system would need to be fitted.

- 7.4 It is therefore considered that the expansion of the menu and preparation and heating of food, with limited cooking on-site is acceptable. Condition 3 of planning permission APP/13/00337 is still considered to be valid in order to ensure the long term protection of neighbour amenity from unacceptable noise and odour, should the cooking of food on-site expand to a greater degree. Therefore subject to the inclusion of a similar restrictive condition no objection is raised on neighbour amenity grounds.

(vi) Effect on the character and appearance of area

- 7.5 The expansion of the menu selection will not alter the character and appearance of the area or the existing function of the business as a tea room.

8 Conclusion

- 8.1 It is considered that the expansion of the menu, as proposed is acceptable and will not result in unacceptable harm to neighbour amenity or alter the character and appearance of the site or its use. The application is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00623

(A) subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The premises hereby permitted shall not open to the public before 09:00 hours or remain so open after 17.00 hours on Monday to Saturday and before 10:00 hours or remain so open after 16.00 hours on Sunday or any recognised Public Holiday.
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.
- 3 The range of food sold and method of preparation, heating and cooking at the premises shall be in accordance with the written details received with planning application APP/14/00623, hereby approved, stamped 17 June 2014. There shall be no change in the range of food sold unless appropriate measures to control the emission of odours and noise are undertaken with the prior written approval of the Local Planning Authority.
Reason: To protect the amenities of occupiers of adjoining properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Letter and menu received 17 June 2014 specifying range of food to be cooked and sold from the premises

Reason: - To ensure provision of a satisfactory development.