
Site Address:	11 Southwood Road, Hayling Island, PO11 9PS		
Proposal:	Change of use from A1 retail to A5 takeaway.		
Application No:	APP/14/00461	Expiry Date:	25/06/2014
Applicant:	Mr B Lally	Team:	Team 1
Agent:		Case Officer:	Stephen Andrews
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

Southwood Road is located in the south of Hayling Island. No 11 Southwood Road is located within the Rails Lane Local Centre. The unit is currently vacant, previously being used as an unauthorised take away pizza shop. The area in front of the shop appears to be used as informal parking although there is some on street parking and public car parks in close proximity to the site.

The area has a mix of uses including retail, commercial and residential, much of which is associated with a seaside location.

2 Planning History

9-11 Southwood Road

APP/10/00080 - Change of use from a vacant A1 shop to a restaurant (A3) attached to the existing takeaway at No.13 including alterations to the shop front. Approved - 24/06/2010.

3 Proposal

Planning permission is sought to regularise the A5 takeaway use of the site; lawful use A1.

4 Policy Considerations

National Policies

National Planning Policy Framework, 2012

Core Strategies 2011 forming part of the HBLDF

CS16	(High Quality Design)
CS4	()
DM10	(Pollution)
DM2	(Protection of Existing Community Facilities and Shops)
DM5	(Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - No response received
Environmental Health Manager, Community Group - No objection subject to conditions to control noise making equipment (refrigeration units, ventilation, extraction system etc)
Crime Prevention -Minor Apps - No response received
Regeneration & Development - 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: 20

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 on character and appearance of the area
- (iii) Impact on neighbour amenity

(i) Principle of development

The application site is located within the settlement area of Hayling Island and the Rails Lane Local Centre, where the principle of development for town centre/community uses (such as takeaways) is acceptable subject to other material considerations, as detailed below.

In respect of the change of use from A1 to A5 Policy DM5 of the Havant Borough Core Strategy 2011 provides 7 criteria that must be met in order for the change to be considered acceptable. The criteria seeks to ensure that neighbour amenity and the character of the area are protected, suitable refuse provision is provided, it would not result in unacceptable harm to existing highway users and pedestrians, it would not result in unacceptable noise disturbance and any marketing requirements are met.

It is considered that the location of the site for a takeaway, close to an existing cluster of take away uses and within a Local Centre and tourist area is acceptable. Further, there is provision for limited on site parking, with public parking areas and limited on street parking available. Therefore subject to detailed consideration in respect of noise disturbance and impact on neighbour amenity (discussed below) the development would broadly comply with the requirements of policy DM5.

(ii) Impact on character and appearance of the area

As mentioned above the site is located within a small cluster of commercial premises which include other takeaway uses. It is also noted that the site has been in operation as a takeaway, albeit unauthorised.

Consideration has been given to the proliferation of takeaway uses in the same area, however given that the immediate area has a strong tourist economy the use would be acceptable and appropriately located in this instance.

There are no significant visual changes to the existing building. It is therefore considered that the proposed use would be acceptable and in keeping with the existing character and appearance of the area. Further the takeaway use would be preferable to the existing vacant premises and would contribute to the vitality of the local area.

The development would therefore accord with the principles of policy CS16 of the Havant Borough Core Strategy 2011.

(iii) Impact on neighbour amenity

It is noted that the takeaway use is in relative close proximity to residential uses. The Council's Environmental Health team has therefore raised concern regarding potential noise disturbance attributed to the associated equipment of the takeaway use. However, following additional information provided by the applicant in respect of the ventilation and extraction equipment the Environmental Health Department has confirmed that with appropriate conditions in place noise can be maintained within acceptable standards.

Having regard to the nature of the area and other uses nearby it is not considered that the development would result in unacceptable harm in other respects, including highway safety, overlooking and loss of privacy.

Therefore subject to the proposed noise mitigation conditions and details of noise generating equipment it is considered that the development will not result in unacceptable harm to neighbour amenity.

8 Conclusion

Having regard to the above information it is considered that the change of use from A1 to A5 would contribute to the vitality of the local area and would not result in unacceptable harm to the character and appearance of the area or highway safety. Subject to appropriate conditions the development would also not result in unacceptable harm to neighbour amenity.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00461 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 Prior to the commencement of development full details, including noise levels and location, of all noise making equipment (i.e. refrigeration units, air conditioning, extract ventilation equipment) shall be submitted to and approved in writing by the local planning authority. In order to comply with this condition noise resulting from noise making 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.

Reason: To protect the occupants or nearby residential properties from noise, vibration and/or odour nuisance, and having due regard to policies CS16, DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

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

Plan showing location plan (1:1250), Site Plan (1:500) and Floor Plan (1:50) date stamped 30 April 2014.

Reason: - To ensure provision of a satisfactory development.