

P/13/0187/VC

FAREHAM NORTH

JAMES KENDALL

AGENT: JAMES KENDALL

VARIATION OF CONDITION 5 OF P/12/0138/VC TO PERMIT COOKING AT THE PREMISES FOR A FURTHER TEMPORARY PERIOD OF 6 MONTHS

260 WEST STREET FAREHAM HAMPSHIRE PO16 0HY

Report By

Richard Wright x2356

Site Description

This application relates to a small ground floor shop unit which occupies the north-eastern corner of Delme Court, a four storey mixed use block located on the southern side of West Street, Fareham.

Description of Proposal

Permission is sought to vary condition 5 of P/12/0138/VC to allow cooking at the premises for a further six month period.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Fareham Borough Local Plan Review

S12 - Hot Food Shops

Relevant Planning History

The following planning history is relevant:

P/12/0138/VC VARIATION OF CONDITION 4 OF P/11/0766/CU TO ALLOW COOKING AT THE PREMISES USING AN ELECTRIC PIZZA OVEN.

APPROVE 26/04/2012

P/11/0766/CU CHANGE OF USE FROM (A1) RETAIL TO (A5) HOT FOOD TAKEAWAY

APPROVE 16/01/2012

Representations

One letter has been received objecting to the application on the following grounds:

- Cooking smells not good for residential living
- Increased fire hazard

Consultations

Director of Regulatory & Democratic Services (Environmental Health) -

The extension of the temporary period for a further 6 months is supported as this will allow officers to determine more accurately whether the cooking activity does in fact give rise to

nuisance complaints.

The extension will cover the warmer summer months when residents are more likely to have their windows open and are therefore potentially more likely to be affected by smells and/ or noise from the application site.

The applicants have stated that the equipment they are using to carry out the cooking of pizzas etc does not give rise to significant smells that might be the cause of complaints. However officers are not entirely satisfied that smells will not be generated and a temporary permission will allow monitoring of the situation and the level of complaints, if indeed any are received.

Planning Considerations - Key Issues

Members of the planning committee resolved to grant permission for the change of use of this unit from A1 retail use to A5 hot food takeaway use in January 2012 with subsequent permission being granted in April last year for the use of specific electric pizza ovens. Members considered it pertinent to allow cooking with the ovens at the premises to be carried out for a temporary period of 12 months during which the effect of cooking odour on the occupants of neighbouring residential flats could be monitored. The temporary period of consent is due to expire on 26th April this year.

Officers understand that the premises were opened to customers as a pizza shop for the first time in late December 2012. The business has therefore been operating from the premises for only a relatively short space of time which is not considered sufficient enough for the Council to be able to satisfactorily conclude that the effect of cooking odour on the living conditions of neighbours is not unacceptable. Officers consider that a further period of temporary consent would be necessary in order for the business to establish itself so it is running at its typical capacity and also so that seasonal conditions, particularly in the summer months when windows to neighbouring properties are more likely to be open, can be taken into account. It is recommended that a further six month period until the end of September 2012 is granted after which a satisfactory amount of time will have elapsed in order for Officers to be able to consider any subsequent application for permanent consent to cook food at the premises.

A separate application has been received in relation to the discharge of a condition imposed on planning permission P/12/0138/VC which required details to be submitted of a suitable ventilation system for the comfort of staff. The application is yet to be determined therefore Officers recommend that until such time this condition should be reimposed on any forthcoming permission to extend the temporary period of consent.

Reasons For Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The extension of the temporary period of consent for a further six months is considered appropriate taking into account those material considerations set out above. The potential for cooking odour to adversely affect the living conditions of neighbours is not considered to have sufficient weight to justify a refusal of the application for such a temporary period, and as such applicable conditions have been applied in order to satisfy these matters and in order to ensure that in light of this the usage can be reviewed after a further six months. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

PERMISSION: temporary permission until 30th September 2013; ventilation system (details within two weeks, implementation within two weeks following approval of details); reimpose other relevant conditions from P/12/0138/VC (opening hours, pizza oven specification).

Background Papers

P/13/0187/VC; P/12/0138/VC; P/11/0766/CU

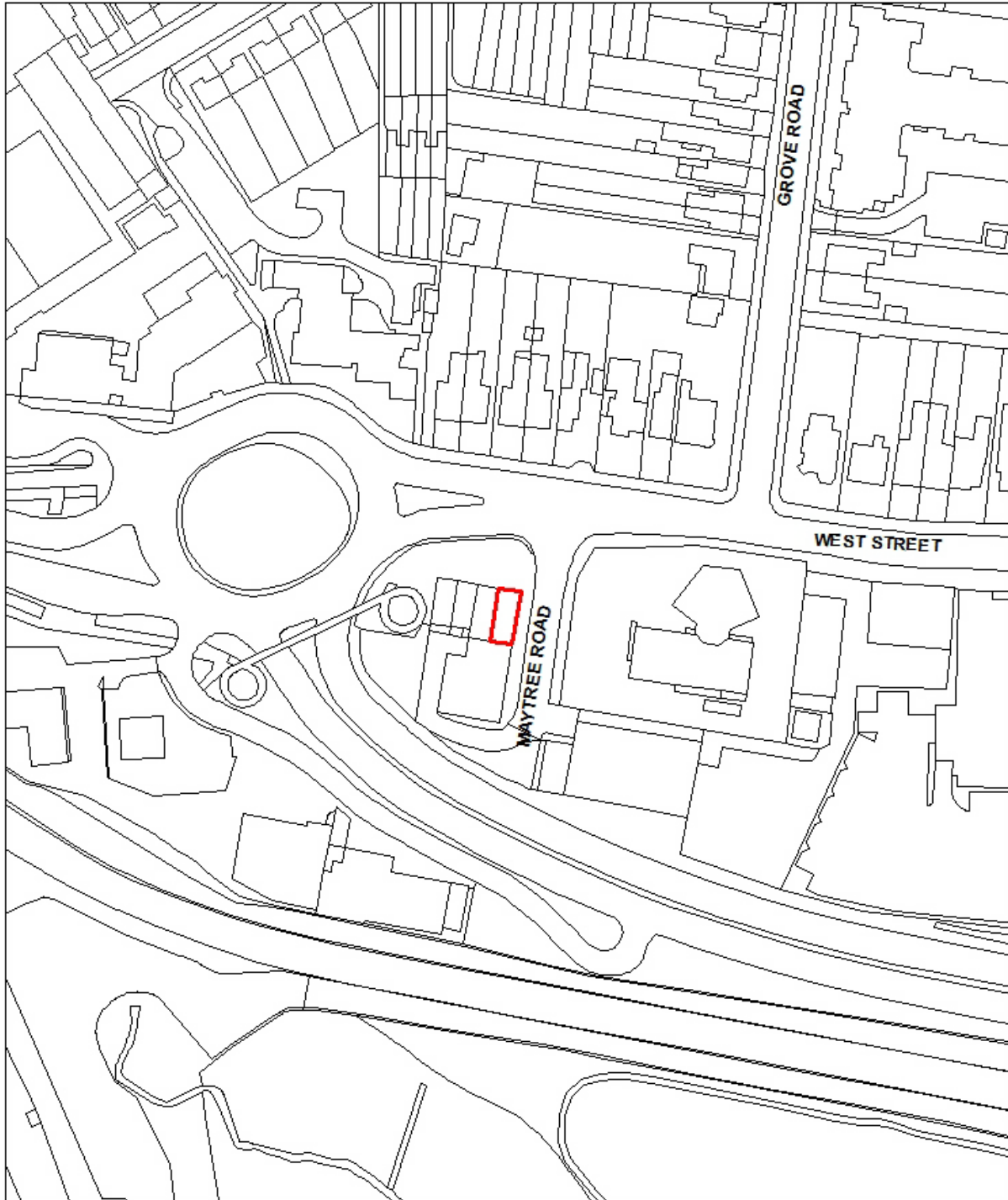
Updates

Three further letters have been received in the public consultation period objecting to the application on the following grounds:

- Additional noise and odour nuisance from business since it opened
- Increase in vandalism and litter since unit opened
- Parking problems since unit opened
- Highway safety issues from vehicles parked on double yellow lines
- Any extension should be for a full year (until December 2013)
- Financial implications on value of residential units in Delme Court

FAREHAM

BOROUGH COUNCIL



260 West Street
Scale 1:1250

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