

P/13/0712/VC

FAREHAM NORTH

MANHATTANS PIZZA

AGENT: MANHATTANS PIZZA

REMOVAL OF CONDITION 4 OF PLANNING REFERENCE P/13/0187/VC TO ALLOW COOKING AT THE PREMISES AFTER 30TH SEPTEMBER 2013

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 for the removal of condition 4 of P/13/0187/VC to allow cooking at the premises after 30th September 2013.

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/13/0187/VC **VARIATION OF CONDITION 5 OF P/12/0138/VC TO PERMIT COOKING AT THE PREMISES FOR A FURTHER TEMPORARY PERIOD OF 6 MONTHS**

APPROVE 28/03/2013

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

Consultations

Director of Regulatory & Democratic Services (Environmental Health) -

Further to the above consultation for pollution and suitability of use matters, Environmental Health have received four separate complaints from three residents of Delme Court since March 2013.

Complaints were registered with Environmental Health on 18th March, 24th April, 17th July and 4th September 2013.

The most recent complaint (4th September) is still open but the others have been closed as no monitoring forms have been received from the complainants and Environmental Health have not been called out to witness the alleged problems. Consequently Environmental Health are not in a position to make any adverse comments about this proposal.

If further complaints are received or a nuisance is witnessed before the committee date Environmental Health will update the planning case officer accordingly.

Director of Planning & Environment (Highways) - No objection

Director of Planning & Environment (Strategic Policy) - Overall it is concluded that the development continues to accord with Policy S12, unless Environmental Health Officers are aware of any outstanding issues that have arisen since the unit opened.

Planning Considerations - Key Issues

i) Planning history

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 of that year for cooking at the premises to be carried out using only specific electric pizza ovens. Whilst members were comfortable with the principle of the hot food takeaway use and the potential implications in terms of traffic and parking demand, members considered it pertinent to restrict cooking with ovens at the premises to a temporary period of 12 months (until April 2013) during which the effect of cooking odour on the occupants of neighbouring residential flats could be monitored. The business opened to customers as a pizza shop for the first time in late December 2012. Permission was then granted for an extension to the temporary period in order that the situation may be monitored to satisfactorily conclude that the effect of cooking odour on the living conditions of neighbours would not be unacceptable. The temporary period of consent expires on 30th September 2013.

Condition 4 of planning reference P/13/0187/VC reads:

"The use hereby permitted shall cease on or before 30th September 2013 unless a further planning permission has been granted before the expiry of such period.

REASON: To retain planning control over the development hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed; in order to protect the amenities of occupiers of nearby residential properties; in accordance with Policy S12 of the Fareham Borough Local Plan Review."

The comments provided by the Director of Regulatory & Democratic Services (Environmental Health) report that four separate complaints have been received from three different residents of Delme Court. Officers are however not in a position to be able to

comment on the effect of cooking odour in relation to these complaints since no monitoring forms have been returned and Officers have not been invited out to the site by residents when the odour nuisance is alleged to have been occurring.

In the absence of evidence to demonstrate that the cooking being carried out at 260 West Street is having a detrimental effect on the living conditions of residents living nearby, there are no grounds to resist permitting the applicant relief of the stated condition. The continuation of cooking on the premises beyond the temporary period set out in the condition is not considered to have unacceptable amenity implications and therefore the proposal accords with the relevant test set down in Saved Policy S12(C) of the Fareham Borough Local Plan Review.

Recommendation

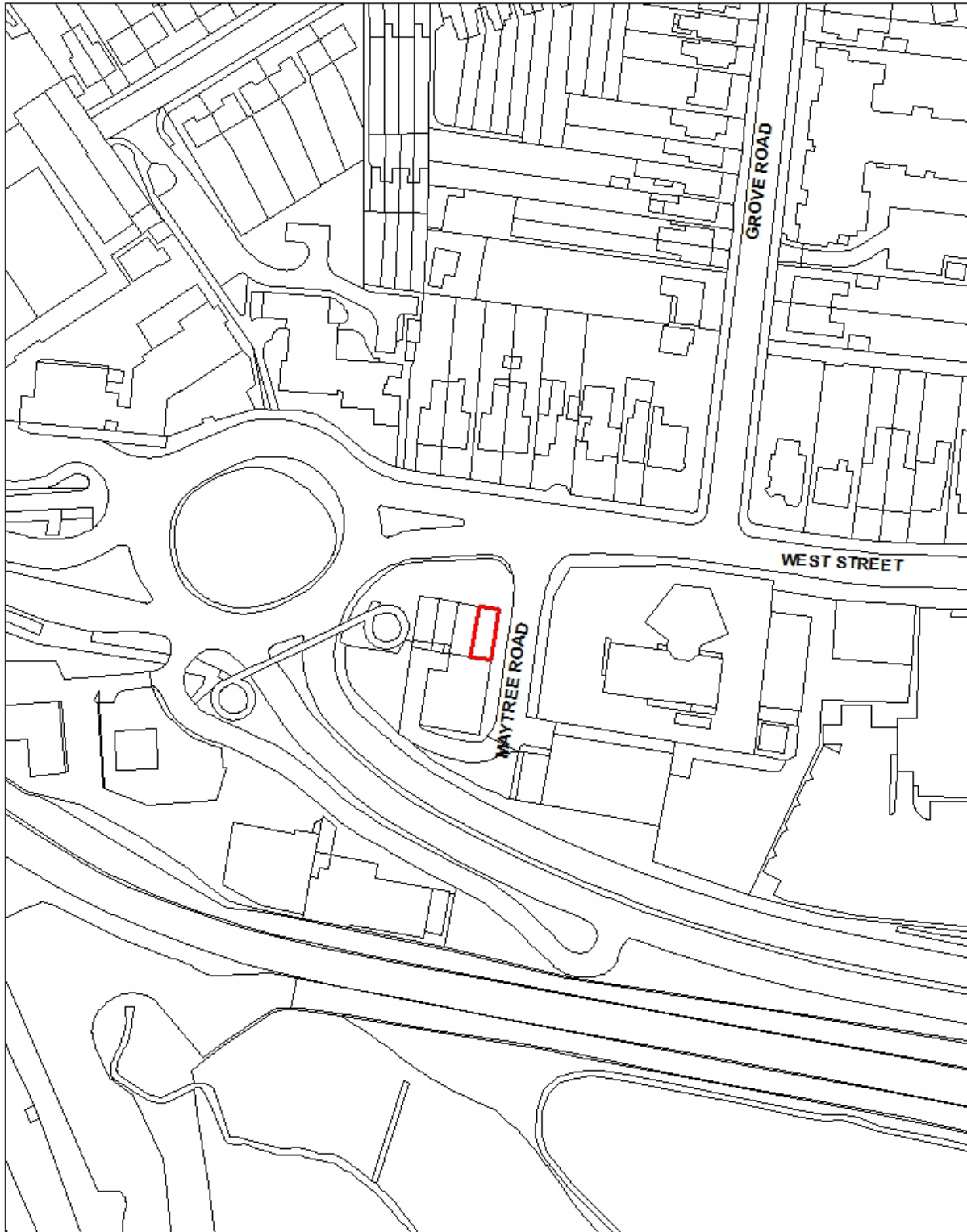
PERMISSION: ventilation system in accordance with previously approved details; opening hours; pizza oven specification

Background Papers

P/13/0712/VC; P/13/0187/VC; P/12/0138/VC; P/11/0766/CU

FAREHAM

BOROUGH COUNCIL



260 West Street
Scale 1:1,250



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