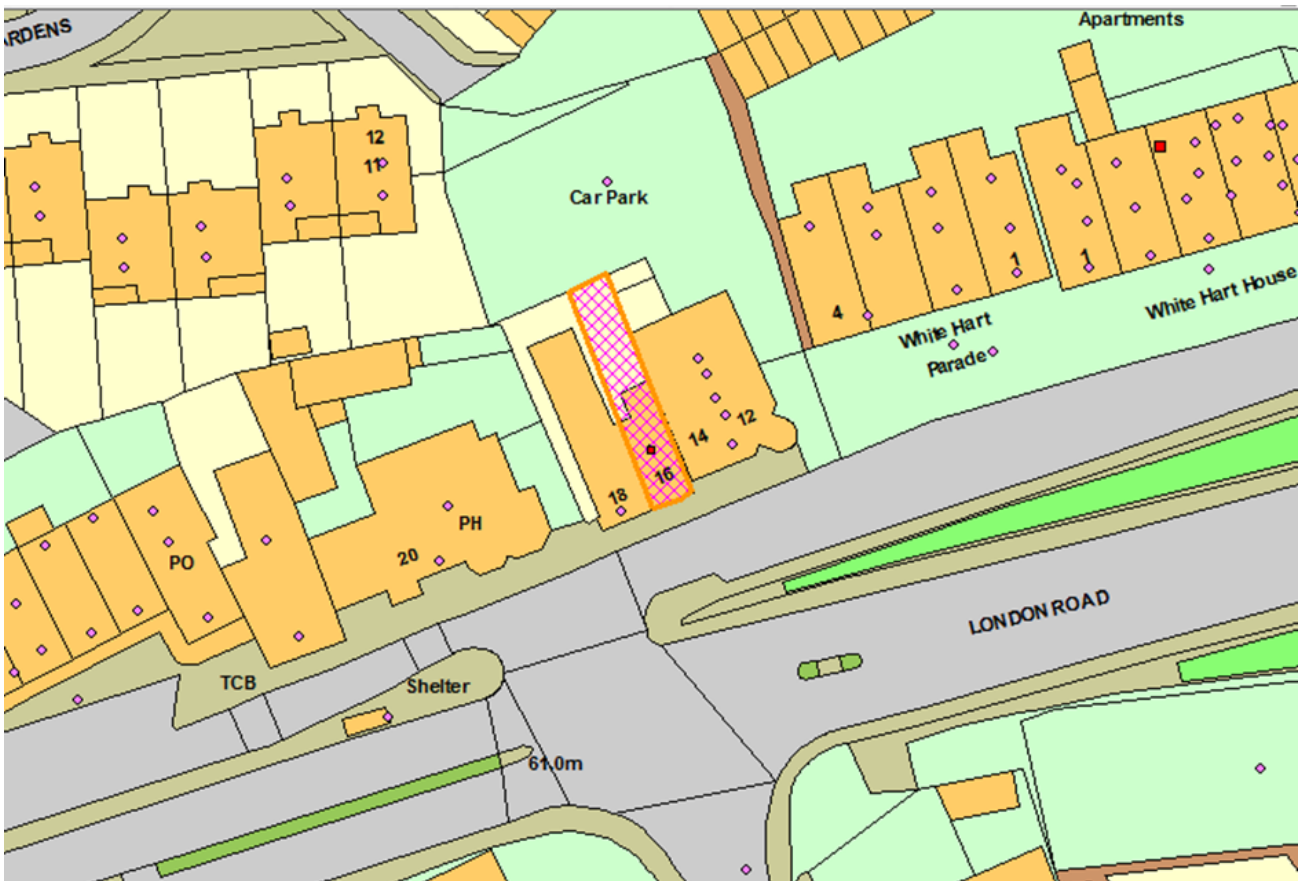


## COMMITTEE REPORT

APPLICATION NO.	22/00022/FUL
LOCATION	<b>16 London Road Blackwater Camberley</b>
PROPOSAL	Change of Use to take away food use and erection of a single storey rear extension forming staff rest area/ storage, installation of kitchen extraction ducting to the rear and alterations to ground floor shopfront.
APPLICANT	Mr Alaa El-Hajj
CONSULTATIONS EXPIRY	16 November 2022
APPLICATION EXPIRY	3 May 2022
WARD	Blackwater And Hawley
RECOMMENDATION	<b>Grant, subject to conditions</b>



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## **BACKGROUND**

This application has been referred to Planning Committee as per requirements of the Council's Constitution due to the fact that the agent acting for this application is also an elected Ward Councillor.

## **THE SITE**

The application site contains a terraced two storey property situated in the Blackwater Town Centre. The building accommodates commercial uses (hairdressers at ground floor and offices at first floor).

It is located in the slip road that leads to the car park of Blackwater train station. The site benefits from a rear access, as there is a car park to the rear which serves the Blackwater Community Centre adjoining the application site.

## **PROPOSAL**

Planning permission is sought for a change of use of the ground floor from retail to take away food (both Land Use Class E(c)iii), construction of a single storey rear extension forming staff rest area and storage and installation of kitchen extraction ducting to the rear and alterations to the shopping frontage.

The rear extension proposed would measure 3.2m wide by 5.3m deep. It would have a flat roof at a maximum height of 2.60m.

The extraction systems would be fixed to the side wall of a rear projection of the property featuring a mono pitch roof. The termination point of the ducting would be 1m above the main eaves of the property.

Note: It is worth noting that the change of use proposed on its own would not require planning permission as existing and proposed use would fall within the same land use class.

## **RELEVANT PLANNING HISTORY**

77/03577/HD – Change of use from residential and shop to offices. Granted, 10.08.1977.

64/05506/H – Conversion of ground floor to form shop. Granted, 16.11.1964

## **RELEVANT PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant Development Plan for the Hart district includes the Hart Local Plan (Strategy & Sites) 2032 (HLP32) and the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06).

All of these adopted and saved policies are consistent with the National Planning Policy Framework 2021 (NPPF). The relevant policies are:

Hart Local Plan (Strategy & Sites) 2032 (HLP32):

Policy SD1 - Sustainable Development  
Policy SS1 - Spatial Strategy and Distribution of Growth  
Policy ED4 - Town, District and Local Centres  
Policy ED6 - District and Local Centres  
Policy NBE9 - Design  
Policy NBE11 - Pollution  
Policy INF3 - Transport

Hart District Local Plan (Replacement) 1996-2006 'saved' policies (HLP06):

Policy GEN1 - General Policy for Development  
Policy GEN 2 - General Policy for Changes of Use  
Policy GEN 6 - Policy for noisy/un-neighbourly developments

Other relevant planning policy documents:

National Planning Policy Framework 2021 (NPPF)  
Planning Practice Guidance (PPG)  
Planning Technical Advice Note: Cycle and Car Parking in New Development  
Hart's Equality Objectives for 2021 – 2023

## **CONSULTEES RESPONSES**

### **Blackwater And Hawley Town Council**

No objection, provided an appropriate/safe location is identified for waste bins.

### **Streetcare Officer (Internal)**

No objection as this application relates to commercial premises.

### **Hampshire County Council (Highways)**

No objection.

### **Environmental Health (Internal)**

No objection.

- The layout and elevation drawings have been revised. Kitchen extract termination is 1m above roof eaves and further away from nearest noise sensitive receptors.

## **NEIGHBOUR COMMENTS**

The 21-day public consultation expired on 06.04.2022. There were no representations received at the time.

A second 14-day consultation exercise was undertaken as a result of changes proposed to address concerns initially raised by Environmental Health Officers. There were no representations received either.

## **CONSIDERATIONS**

### Principle of development

The application site is located within the urban settlement boundary of Blackwater as defined

by the HLP32. Policy SD1 is a general policy that states that when considering planning applications, the Council will apply the presumption in favour of sustainable development; this policy mirrors the requirements of the NPPF.

Policy ED4 of the HLP32 states that the vitality and viability of the district's centres, as defined on the Policies Map, will be maintained and improved. Within the defined centres, developments for town centre uses will be encouraged where they are appropriate to the scale, function and character of the centre.

The lawful use of the premises is retail (Land Use Class A1) and is currently operating as a hairdressing salon. The subject commercial unit is located among other commercial premises along the northern side of London Road that offer a wide variety of services and goods. The site also adjoins an existing take away and there are others found in the approach to the train station car park entrance.

Despite the proposal involving an additional a food take away business in the locality, the Blackwater town centre is well served by retail development catering for local residents and town centre users living in the surrounding locality. As such the retail and local service function the town centre facilities to provide for local day to day needs would not be affected by the proposal, in compliance with Policy ED4 of the HLP32.

Furthermore, Policy ED6 requires that changes of use comply with the following criteria:

- a) the proposal is appropriate to the centre's location in the retail hierarchy;
- b) the proposal would maintain or enhance the centre's vitality or viability;
- c) the proposal is for a main town centre use, which retains an active frontage. Residential use may be appropriate above retail or commercial units providing the active frontage is not compromised and that satisfactory residential amenity can be achieved;
- d) the proposal has no unacceptable impact upon local amenity and the historic environment.

The takeaway business proposed is appropriate to its town centre location, it would maintain the town centre's vitality/viability and would maintain an active frontage to London Road. There are no heritage assets in the immediate locality and local amenity is part of the main considerations discussed below.

As a result, subject to other planning considerations being acceptable, the principle of the change of use proposed in the premises would be acceptable on planning grounds and fully compliant with Policy ED6 of the HLP32.

In terms of extensions and alterations to the building, Policy SS1 of the HLP32 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land. The application site complies with these requirements, as such the principle of development to extend the premises is also acceptable subject to other planning objectives being met.

#### Design and appearance of development and locality

Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06 seek to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area.

The proposed plans show the ground floor shopfront would be altered to install a slightly larger glazing shopfront that would have the access door at the eastern end of the frontage instead. Such elevational alterations are consistent with other commercial premises in the town centre and do not raise concern.

To the rear, the single-storey extension proposed is basic in design, but it would not be visible from London Road. The rear of the site is adjoining a car parking area which itself adjoins a pedestrian walkway leading to the housing estate north of the application site. As such there would be visibility from the extension and the kitchen extraction system proposed from this walkway.

It is noted however the adjoining terrace property also features a similar single storey rear extension and kitchen extraction system as the ones proposed in this application. The extensions and extraction system are proposed in similar fashion to these adjacent examples, which are appropriate in this town centre environment.

The proposed rear extension and extraction system location and appearance comply with the objectives of Policy NBE9 of the HLP32 and saved policy GEN1 of the HLP06. The proposal is also compliant with the NPPF 2021 in this respect.

### Neighbouring amenity

Policy NBE11 of the HLP32 supports development that does not give rise to, or would be subject to, unacceptable levels of pollution. Saved policy GEN1 of the HLP06 supports development that, amongst other requirements, causes no material loss of amenity to adjacent properties.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and also do not undermine quality of life for communities.

The sole residential unit in proximity to the application site and proposed use is the first floor flat in the adjacent terraced property, at no. 18 London Road. The ground floor of these premises currently accommodates a food take away.

The single-storey rear extension would not cause any material impact to these residential premises. The kitchen extraction ducting proposed would be located adjacent to the external staircase to access the first-floor premises of the subject property and this adjoining residential unit. However, the ducting would not represent any obstruction and since there are no windows in proximity to the location of the extraction system, no impacts on loss of light or outlook are caused.

As stated, no windows in proximity to the ducting are affected, its termination is 1m above the eaves of the building and the odour and noise assessment reports submitted were assessed by the Council's Environmental Health Officer and deemed acceptable. No adverse impacts are anticipated in terms of odour/noise on neighbouring amenity.

Other residential properties are located at a short distance from the subject site, however neither the extension nor the extraction system proposed, as assessed by the Environmental Health Officer, would result in material impacts on residential amenity to these properties.

Adjacent commercial premises would not be materially affected by the change of use proposed and in any event market competition between food operators is not a material planning consideration.

There would be no material harm caused to the amenity of neighbouring properties and the proposal complies with the development plan policies in this respect.

### Highways

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Saved policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The introduction of a take-away business to the subject premises has the potential to attract additional vehicle movements. However, the site and the business proposed are small in scale and intensity. There is no car parking available on site, however there are public car parks in the town centre that could be used by potential customers.

The shopping parade is mainly serving the locality and town centre users. The take-away use proposed would not have such an impact as to cause car parking problems in the locality or problems in the operation of the local highway network.

It is noted that Hampshire County Council, as the Local Highway Authority has raised no objection to the proposal. Any increase in traffic or demands on parking on the local highways would likely be negligible. The proposal is considered to be acceptable in line with Policies INF3 of the HLP32, GEN1 of the HLP06 and in accordance with the aims of the NPPF 2021.

### Waste and recycling

The proposed use/business would have to manage and store its refuse at the rear of the premises as there is space to do so, either internally or externally. Commercial premises have to arrange for private collection, as commercial waste and recycling does not fall under the remit of Local Authorities. The Council's Environmental Health team have not raised any concerns with refuse management at the premises or the parade overall.

The proposal is considered to be acceptable in waste and recycling respects, subject to the imposition of a planning condition requesting details of the private refuse management and storage.

### Sustainability and climate change

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and

j) they incorporate renewable or low carbon energy technologies, where appropriate.

Given the nature and small scale of the proposal, it would be extremely onerous to request the applicant to comply with this policy requirement. The proposal is re-purposing an existing building in a sustainable location, which in itself contributes positively to sustainability objectives. An informative has been included to request that the applicant conduct the change of use works in a sustainable manner and consider the carbon footprint of their materials, construction methods and delivery methods.

### Equality

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'. The application raises no concerns about equality matters.

### **CONCLUSION**

The change of use of the premises to a take away use would be an acceptable use of an existing commercial unit on a parade within a town centre. The technical information concerning the extraction system has been assessed by the Council's Environmental Health team and confirmed as acceptable. Subject to conditions the proposal would not result in any adverse impacts on neighbouring amenity. As such the proposal complies with the objectives of the relevant adopted policies of the HLP32, saved policies of the HLP06 and the aims of the NPPF 2021.

### **RECOMMENDATION – Grant, subject to planning conditions**

#### **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be fully implemented in accordance with the following plans and documents (including any mitigation/recommendation/enhancement contained therein):

Plans:

Existing and Proposed Floorplans and Elevations

Documents:

Proposed Noise Reduction Scheme for Fume Extraction Fan, Noise Impact Assessment produced by Venta Acoustics (August 2022), Statement for Control of Noise & Vibration of Cooking Extraction System, Odour Abatement Statement produced by Lewis Ductwork (February 2022) and Car Parking Statement

REASON: To ensure that the development is carried out in accordance with the approved details and in the interests of proper planning.

- 3 Prior to first occupation of the development hereby approved, a refuse and recycling

management plan (including details of storage and collection points and collection days) shall be submitted to and approved in writing by the Local Planning Authority.

Once approved, the development shall be fully implemented in accordance with the approved details upon commencement of the use of the development and complied with thereafter.

REASON: In the interests of adjacent occupiers and highway users' safety, in accordance with Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032, saved local policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

- 4 The external materials to be used in the construction of the single storey rear extension hereby approved shall match the external finish and appearance of the existing building, as indicated within Section 9 of the application form.

REASON: To ensure a satisfactory integration of the extension with the existing building and the locality in the interests of good design and visual amenity in accordance with Policies NBE9 and INF3 of the Hart Local Plan (Strategy and Sites) 2032, saved local policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

- 5 No part of the roof of the single storey rear extension hereby approved shall be used as or altered to form a balcony, verandah, roof garden, roof terrace or similar elevated amenity area.

REASON: To protect residential amenities of neighbouring occupiers and to satisfy saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

- 6 The takeaway (Use Class E(c)iii) hereby approved shall not operate outside of the hours of 11:00 hours to 00:00 hours on Monday to Thursday, 11:00 hours to 01:00 hours on Friday and Saturday, and 11:00 hours to 23:00 hours on Sundays and Bank Holidays.

REASON: In the interests of neighbouring amenity in accordance with Policy NBE11 of the Hart Local Plan (Strategy & Sites) 2016-2032 and saved policies GEN1 and GEN6 of the Hart District Council Local Plan (Replacement) 1996 – 2006 and the aims of the NPPF 2021.

- 7 No development, demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition, construction work or deliveries of materials shall take place at any time on Sundays or Public Holidays.

REASON: To protect the residential amenities of neighbouring occupiers in accordance with Policy NBE11 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan (Replacement) 1996-2006 and the aims of the NPPF 2021.

## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver



sustainable development in accordance with the NPPF. In this instance, the applicant provided the necessary information needed to process the application and, once received, the application was acceptable and no further engagement with the applicant was required.

- 2 The applicant is advised that changes to the fascia sign currently installed on the premises would require the submission of an Advertisement Consent Application to the Local Planning Authority.
3. Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.