

**Planning and Rights of Way Panel 20th June 2017**  
**Planning Application Report of the Service Lead - Infrastructure, Planning and Development**

<b>Application address:</b> 8 - 9 Premier Parade, Forest Hills Drive, Southampton.			
<b>Proposed development:</b> Application for variation of condition 4 (Extraction equipment) of planning permission 16/00256/FUL to alter the height of the external vertical extract duct to 1.2 metres above roof height (full height).			
<b>Application number</b>	17/00333/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	27/06/2017 (extended via an Extension of Time Agreement)	<b>Ward</b>	Bitterne Park
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr I White Cllr D Fuller Cllr J Inglis

<b>Applicant:</b> Mr Ahmed Hussain Akhmed	<b>Agent:</b> Les Weymes Planning Consultancy Ltd
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations as reported to the Planning and Rights of Way Panel 20<sup>th</sup> June such as noise and odour have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. 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. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7 and SDP16 of the City of Southampton Local Plan Review (Amended 2015) and CS13 and CS19 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendices attached			
1	Development Plan Policies	2	Previous scheme 16/00256/FUL

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

1.1 This application site relates to the ground floor of units 8 and 9 Premier Parade, permission for the change of use to a restaurant / hot food takeaway (Class A3/A5) from a shop (A1) was approved by the Planning Panel on 21<sup>st</sup> June last year. The units are located within a wider terrace of 5 units within Premier Parade, a small, un-designated shopping area positioned between Kingsfold Avenue and Forest Hills Drive. In total, Premier Parade has 11 units which are used for retail and commercial purposes at ground floor level with residential accommodation at first and second floor level. There is no vehicular access to the front of the site however there is a small parking court located to the rear and accessed from Kingsfold Avenue. There is a height difference between the premises and the pavement along Kingsfold Avenue (to the rear) of approximately 1.8 metres.

#### 2.0 Proposal

2.1 Following approval for the change of use last year, the applicant has had discussions with officers to seek amendments to the proposed ventilation system for the property. This application seeks to vary the ventilation condition to allow for a change to the venting system. The original submission for this application was for an internal solution with the only external element being a grille. The proposal would have had carbon filters and noise reduction equipment that would have reduced the potential for odour and noise. This is a common, but expensive, solution found in the City Centre where there are extraction flues.

However, during the current application stage the applicant sought to amend the scheme to provide a full height (1.2 metres above roof level) extraction duct to be 450 mm wide by 300 mm deep with a rectangular shape. It would be painted matt black to prevent glare and to minimise its appearance. The approved scheme for the original change of use showed an external extraction duct that discharged at the top of the first floor level adjacent to the residential units above Premier Parade but this has since been assessed as likely to cause odour problems hence the need for an amendment.

#### 3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4.0 Relevant Planning History**

- 4.1 16/00256/FUL Change of use of ground floor from Retail (Class A1) to a Restaurant/Hot Food Takeaway (Class A3/A5) with external extraction flue. Conditionally Approved 29<sup>th</sup> June 2016.
- 4.2 Earlier this year a non-material amendment (16/02202/NMA) sought to planning permission ref 16/00256/FUL for alterations to the extraction system, serving the approved A3/A5 use was submitted. This proposed to increase the height of the ventilation system to full height of the building. Following discussions with officers this was withdrawn on 15.02.2017 due to concerns that the flue would detract from the character of the area. This scheme is similar to the previous scheme but further discussions have taken place with Planning and Environmental Health (EH) Officers and the flue's design has been improved.

#### **5.0 Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (10.03.2017). At the time of writing the report **9** representations have been received from surrounding residents and the Townhill Park Residents Association (including three further objections from original objectors relating to the amended plan notification). The following is a summary of the points raised:
- 5.1.1 Concerned at the odour from this ventilation system.  
*Response: The EH team have assessed the proposal and advise it is unlikely to cause a statutory odour nuisance if the proposed odour management scheme is maintained as proposed and the flue is extended (as now shown) to finish above the roof line.*
- 5.1.2 Parking is an existing issue within the area with the existing car park full most evenings and parking for Premier Parade spilling out onto the surrounding residential roads. The proposed restaurant / takeaway would exacerbate this, detrimental to residential amenity.  
*Response: This is not relevant to the above application as permission exists for the use.*
- 5.1.3 The proposed scheme would result in additional noise (both from the use itself and the extraction flue), litter and vermin to the detriment of the residential amenities of neighbouring occupiers.  
*Response: The change of use application has been approved. The City Council's Environmental Health Team were consulted on that and this scheme and have confirmed that the proposed use and associated extraction flue would not give rise to excessive noise or statutory odour nuisance detrimental to the residential amenities of adjoining residential occupiers.*
- 5.1.4 Inadequate consultation has been undertaken for this scheme.  
*Response: The Council has exceeded the statutory requirements for consultation for this application. A site notice was posted on the 10th March 2017 with letters also being sent to the following properties:  
7, 7A, 8A, 9A, 10 and 10A Premier Parade, 12, 14, 16 and 20 Kingsfold Avenue and 24 Wilmington Close (Townhill Park Residents Association)  
Adequate consultation has therefore, been undertaken for this scheme and for the re-notification those occupiers who had previously objected were consulted.*

## 5.2 Consultation Responses

### 5.2.1 SCC Environmental Health (Pollution & Safety): No objection

Following a perusal of the associated documents EH officers can confirm that they are supportive of this application as the potential noise/odour issues have been satisfactorily addressed.

## 6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application relate to:

- (a) The principle of development.
- (b) The impact in terms of residential amenity.
- (c) The acceptability of the ventilation system in terms of design and visual amenity.

### 6.2 Principle of Development

6.2.1 The principle of development for ventilation equipment was approved at the change of use application stage. The approved scheme sought to provide external ducting to the rear adjacent to the first floor units. All changes of use to restaurants/takeaways require ventilation systems. Ventilation systems are normally secured via condition but in the case of the approved change of use the details were approved at the application stage. Therefore, any amendment to this requires approval. The principle of the ventilation system is acceptable subject to the impact in terms of noise, odour and visual amenity. In essence, there have been three schemes put forward; the approved scheme for a half height flue, internal ventilation with solely an extract grille externally (not viable in this case) and the current scheme for the full height flue.

### 6.3 Residential Amenity

6.3.1 The closest residential properties to the application site are located at first and second floor level of Premier Parade, directly above the application site. The proposed ventilation system will comprise an extraction system routed externally with a vertical extraction flue to the rear of the building fronting Kingsfold Avenue. Officers are satisfied that the proposed extraction flue would be sited appropriately, ensuring it would not cause statutory odour or noise nuisance if the abatement plant is maintained in accordance with the proposed details. None of the neighbours adjacent at Premier Parade have objected to the proposal.

6.3.2 The ventilation scheme put forward is acceptable to both Planning and EH departments. EH officers are satisfied that this will not result in statutory odour or noise nuisance due to the specification of the proposed system. The system will be continually monitored by the EH team and they believe that this is a better option than that approved by the Planning Panel last year. The cowl at the end of the ductwork will ensure good dispersal for the cooking odours. Officers are not saying that there will be no discernible odours but if the plant is well maintained then there should be no statutory odour nuisance. High level (roof height) discharge is and always has been the preferred option of the EH Service. On the noise side then all plant will be installed internally and a silencer is to be installed so there should not be an issue with noise nuisance.

6.3.4 The previously approved ventilation system discharges close to the properties at first floor above the takeaway. The revised scheme moves the discharge location away from the adjoining residential properties. The system will vent out at a higher level and therefore would be an improvement to the neighbouring residential

amenities. This is due to it venting out away from the adjoining neighbours and a distance away from the properties to the rear which are at the nearest 23 metres away. Having regard to the above, the proposed scheme is not considered to have a significant impact in terms of residential amenity and is considered to be an improvement. Provided that the proposed ventilation is operated in accordance with the planning conditions which have been recommended, no loss of amenity is considered likely.

#### 6.4 Ventilation system and Visual Amenity

- 6.4.1 The amended scheme does have a greater impact on the streetscene and an internal ventilation scheme would be better from a design point of view. From an EH standpoint high level venting is preferred. The previously proposed extract grille was a minor change to the building in comparison with the extract ventilation system proposed. The revised scheme will result in a change to the external appearance of the building due to its height to roof level. The flue would be visible but its impact has to be assessed against other similar ventilation systems that have been approved or that are in situ in the vicinity and the previous approval for a smaller extraction flue is also a material consideration as this could still be implemented. In this case two other extraction flues are in situ on neighbouring property and have been for a while. These are located at 2 and 4 Premier Parade. While there is no history of the flue for number 2, the flue at number 4 was approved in 1998.
- 6.4.2 Although, officers are of a view that the flue will alter the character of the area, it is clear that the existing flues have set a precedent and form part of an existing character for this shopping parade. It would be hard to justify a refusal on the basis that the flue would be out of character and would detrimentally harm the street scene due to the existing flues and the recent permission for a smaller flue. With officers' concerns in mind the amended plan shows a flue that is to be painted matt black and rectangular in shape to reduce its overall appearance. Therefore, on balance taking into account EH's preference for a full height flue, and the other flues within the street scene, officers feel the proposal is acceptable. In this case the overriding benefits of the scheme outweigh officers concerns over visual amenity. The design and colour chosen helps to minimise the impact. As such, the proposal is considered to be acceptable in terms of visual amenity.

#### 7.0 Summary

The proposed scheme is policy compliant with issues relating to the principle of development, design, impact on residential amenity and visual amenity being adequately addressed.

#### 8.0 Conclusion

The recommendation is for conditional approval.

**Local Government (Access to Information) Act 1985**  
**Documents used in the preparation of this report Background Papers**

1(a)/(b)/(c)/(d), 2(b)/(d), 4(f), 6(a)/(b).

**ARL for 20/06/17 PROW Panel**

**PLANNING CONDITIONS**

**1. Full Permission Timing Condition (Performance)**

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

**2. Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**3. External flue finish**

The extraction flue hereby approved shall be finished in matt black as shown on drawing 102 -01 and the finish shall be maintained as approved unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties and visual amenity.

**4. Extraction Equipment**

The extraction equipment hereby approved (as shown on drawing 102 – 01) shall be installed and fully operational prior to the commencement of the A3 / A5 use approved under planning permission 16/00256/FUL. The approved measures shall be retained thereafter for the lifetime of the development.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.