

Planning Committee



Application Address	167a Lower Blandford Road, Broadstone, BH18 8DH
Proposal	Proposed change of Use from a shop (Use Class E) to a Hot Food Takeaway (Sui Generis), installation of extraction equipment and external alterations.
Application Number	APP/22/01479/F
Applicant	Hala Limited
Agent	Pegasus Planning Group Ltd
Ward and Ward Member(s)	Broadstone Councillor Michael Brooke Councillor Vikki Slade
Status	Public Report
Meeting Date	16 th March 2023
Summary of Recommendation	Grant with Conditions
Reason for Referral to Planning Committee	<p>This application is brought before committee at the request of Councillor Michael Brooke for the following reasons:</p> <p>Contrary to Poole Local Plan PP22 part 2(c) it does not enhance vitality, viability and diversity of the central retail area; PP22 part 3 (a) will result in or exacerbate the overconcentration of units in the non-retail use class, and PP23 part 3(a) would individually or cumulatively harm the character of the area creating an overconcentration of food and drink uses.</p> <p>In addition, there is the likelihood of considerable illegal parking arising from both take-away deliveries and customers - there are already parking and safety issues arising from existing take-away businesses.</p>

Case Officer	Shelley Edwards
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Description of Proposed Development

1. Planning consent is sought for the change of use from a ground floor shop (Use Class E) to a Hot Food Takeaway (Sui Generis), installation of extraction equipment and external alterations.

Description of Site and Surroundings

2. The site comprises the ground floor of 167a Lower Blandford Road and is situated towards the southern end of the Broadstone shopping area. The premises are currently in retail use as a newsagent to the ground floor. A self-contained flat is provided on the first floor, which is ancillary to the use of the ground floor as access to the flat is through the downstairs shop.
3. The shopping area provides a mix of uses, with a wide range of shops, services and food and drink uses represented on both sides of the road.
4. Access to the rear of 167a Lower Blandford Road is provided via a parking area off Grange Road. It is of note that the red line denoting the application site simply identifies the building. The side access and rear parking area do not form part of the application site but the agent has confirmed that the applicants have the right of way across them.

Relevant Planning History

5. 189 Lower Blandford Road
February 2023 – Allowed at Appeal Ref: APP/V1260/W/22/3307534

May 2022 – Planning permission was refused by Planning Committee for Proposed change of use from Class E Retail to Sui Generis Hot Food Takeaway with new shop front and associated plant and extraction equipment. Ref: APP/21/01273/F
6. 179 – 181 Lower Blandford Road
August 2022 – Planning permission was granted for Retrospective change of use of no.181 from restaurant to take away – Ref: APP/22/00642/F

Constraints

7. Within the Poole Local Plan the application site is located within the Primary Shopping Area of the Broadstone District Centre. The site is located within the Primary Retail Frontage.

8. The application site is also located in the area covered by the policies of the Broadstone Neighbourhood Plan.

Public Sector Equalities Duty

9. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
 - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other Relevant Duties

10. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
11. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Consultations

12. BCP Environmental Services (Waste Management): Large existing bin is suitable and an additional recycling container is encouraged. A condition is required for a Commercial Refuse Management Plan to ensure that there are sufficient bins/bin types to ensure that they do not become a nuisance; whether odorous or attracting pests.
13. BCP Highway Authority: Notes that there is a rear service area which will assist in loading and unloading. No specific car parking is required under the Council's Parking Standards SPD and there are public car parking spaces close to the site. There are also on-street cycle stands in close proximity to the site. Transport Policy supports the proposal as it is unlikely to have significantly greater impact on the highway than the existing use.
14. BCP Environmental Health: Recommends a condition to ensure the extract/ventilation systems are implemented in accordance with the approved

plans and all attenuation measures identified in the submitted Noise Impact Assessment are implemented and thereafter maintained.

Representations

15. In addition to letters to neighbouring properties sent on 14th November 2022, a site notice was posted outside the site on 23rd November 2022 with an expiry date for consultation of 17th December 2022.
16. 3 representations have been received in objection to the proposed development. A separate letter of objection has also been received on behalf of the Broadstone Neighbourhood Forum. The issues raised comprise the following:
 - Why would Broadstone benefit from another hot food takeaway chain. Broadstone is already served by a number of hot food take aways including several pizza takeaways.
 - The use will result in the parking of delivery scooters, cars and bikes, congesting the area.
 - The area for parking would be lost for local residents.
 - A major key player is not suitable for a drive through shopping village.
 - The implementation of the ventilation system would result in significant noise issues for the residential family properties in the vicinity.
 - Noise disruption from the delivery cars and motorbikes at unsociable hours within a quiet residential area.
 - Loss of newsagents and variety of goods not available in other shops.
 - Newsagents adds diversity to the shops available in Broadstone and contributes to footfall.
 - Contrary to PP22 as it does not enhance vitality, viability and diversity.
 - Overconcentration of takeaways in the village
 - Contrary to PP22 part 3(a) “will result in or exacerbate the overconcentration of units in the non-A1 Use Class”.
 - Parking concerns for delivery companies parking quickly for convenience along the front of the premises.
 - Currently limited parking at the front
 - Could lead to dangerous and inconsiderate parking.

Key Issues

17. The main considerations involved with this application are:
 - Principle of development and its impact on Broadstone District Shopping area
 - Impact on the character and appearance of the area
 - Impact on the amenity of nearby residents
 - Impact on highway safety

18. These points will be discussed as well as other material considerations in the paragraphs below.

Policy Context

19. **Poole Local Plan** (Adopted 2018)

- PP01 Presumption in favour of sustainable development
- PP02 Amount and broad location of development
- PP22 Retail and main town centre uses
- PP27 Design
- PP34 Transport Strategy
- PP35 A safe, connected and accessible transport network
- PP37 Building sustainable homes and businesses

20. **Broadstone Neighbourhood Plan:**

- BP07 Development Principles for the Central Shopping Area
- BP09 Encouraging Employment Opportunities in Central Shop Area

21. **Supplementary Planning Documents**

BCP Parking Standards SPD (adopted January 2021)

22. **National Planning Policy Framework** (“NPPF” / “Framework”) (July 2021)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development.

.....

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

Paragraph 86: Ensuring the vitality of town centres.

Paragraph 111: Impact on Highway Safety.

Planning Assessment

Key Issues

23. The application seeks planning permission for a change of use of the ground floor premises from Class E(A) (former class A1 retail) to a sui generis use as a hot food takeaway (former Class A5). The application also proposes the installation of a replacement shopfront and the installation of plant and extraction equipment to the rear elevation. In this regard, the plans show an extract duct, an air conditioning unit, cold store condenser and fresh air intake on the rear elevation.

Principle of development and its impact on Broadstone District Centre

24. The application site is located within the Primary Shopping Area of the Broadstone District Centre, and within the defined Primary Retail Frontage.
25. Policy PP22 of the Poole Local Plan identifies a retail hierarchy which in line with the NPPF adopts a retail strategy that endorses the ‘town centre first’ approach with new retail development and other main town centre uses being directed to the town centre, district centres, local centres and neighbourhood parades first, before consideration of out of centre locations.
26. With specific regard to the loss of retail uses, Policy PP22 (2) states that proposals, including a change of use in district centres from retail and other main town centre uses will be permitted where they:
 - (a) are commensurate with the scale and function of Poole’s retail hierarchy;
 - (b) are an appropriate use for the shopping frontage/area;
 - (c) provide an active frontage at ground floor/street level;
 - (d) enhance vitality, viability and diversity of the centre/parade.
27. Whilst not part of the actual policy in PP22, Paragraphs 7.48 – 7.50 provide guidance on its interpretation, setting out as follows:

“7.48 The clustering of similar businesses such as shops, services and facilities, cafés, restaurants, leisure and entertainment and other civic uses in primary and secondary shopping frontages makes town centres more attractive and sociable. In turn, this increases the footfall which helps support businesses and creates an identity and a sense of place for the community. This enhances vitality and vibrancy making the area more attractive to residents, visitors and employees.

7.49 Due to the increase in on-line shopping and home shopping, town centres may no longer need to be retail-focused but instead provide a social and leisure environment where people meet and visit. In response to these trends, the Council is making shopping frontages more flexible and adaptable to changes in the economy and shopping habits. This includes introducing more active uses such as cafés/restaurants, civic and social uses.

7.50 The Poole Local Plan designates primary and secondary shopping frontages in Poole town centre and the 3 district centres. To protect these frontages the Council considers an overconcentration of uses in shopping frontage as a whole, rather than an individual parade, as approximately:

(i) More than 50% of units not within the A1 Use Class (retail) in a primary shopping frontage; and

(ii) More than 50% of units not within the A Use Class in a secondary shopping frontage.”

28. As noted above, changes to the Town and Country Planning (Use Classes) Order 1987 in September 2020 mean that the A1 Use Class no longer exists. Retail uses now form part of Class E, which also includes the sale of food and drink for consumption (mostly) on the premises, financial and professional services (the former A2 Use Class) and a number of other uses, some of which (e.g. Class E(g)(iii) industrial processes)) would not perhaps be considered to be uses found in a traditional high street or shopping centre. Nevertheless, the introduction of these changes was evidently intended to allow for greater flexibility and they are a material consideration in this application, particularly given that Policy PP22 was drafted prior to the introduction of these changes and reflects a Use Class that no longer exists. Usefully the appeal decision (issued February 2023) referred to at para. 5 addresses the issue of the weight to continue to be attributed to Policy PP22 as follows;

“the relevant policy seeks to support the role that town and local centres play at the heart of local communities to accord with Paragraph 86 of the National Planning Policy Framework (Framework) and it is my view that significant weight can therefore still be afforded to the policy.”

29. In the circumstances it is considered that Policy PP22 provides the correct policy basis to assess the acceptability of the proposed use. In this particular case, the application proposes the change of use of the premises to a hot food takeaway, a use that was formally Class A5 and is now *sui generis*. Firstly, having regard to Policy PP22(2)(b) the proposed use of the premises as a hot food takeaway is, in principle, considered to be an appropriate use for the shopping frontage/area in accordance with the Local Plan. This point was acknowledged by the Inspector;

“Paragraph 7.45 of the Local Plan lists out those uses which the Council considers to be town centre uses and this list includes, amongst other uses, hot food takeaways. I have been provided with no other information to indicate that, in principle, the use would not therefore be an appropriate use within the Broadstone District Centre.”

30. The proposed use is therefore supported by Policy PP22 and is an appropriate use in the Broadstone centre. Indeed it is preferable for such uses to be located within the existing centres identified in the Local Plan such as Broadstone as opposed to more remote and less accessible locations and where such uses can contribute to linked trips to other existing businesses within the district centre. Para. 3.9.2 of the adopted Neighbourhood Plan also states that hot food takeaways support the economy of the district centre.
31. In considering a non-retail use – accepting the limitations of this definition in light of the changes to the Use Classes Order set out in para. 28 above - the policy test in PP22 is that the proposals will be permitted unless they would result in an over-concentration of units in non-A1 use. Paragraph 7.50 of the Local Plan (para. 27 above) sets out a definition of “over-concentration” as where more than 50% of units in the primary shopping frontage are not within retail/A1 Use. It is explained that this calculation takes into account the percentage of non-retail units in the primary shopping frontage as a whole, not each individual parade. It is also noted that the units in the defined primary and secondary shopping frontages are considered separately.
32. An appraisal of the existing primary shopping frontage (PSF) land uses has been undertaken in February 2023 by the applicants. This shows the primary shopping frontage consists of a total of 49 units, 31 of which are in retail use. This equates to 63% of the units in the PSF being in retail use. The proposed change of use would bring this proportion to 61%. There is therefore no breach of Policy PP22 as a result of the proposals and the change of use is supported by the Policy.
33. The evidence from the applicant shows that in terms of units within the current Class E (commercial) uses, 43 of the 49 (88%) of the units in the PSF are currently in Class E use. Within the PSF, two of the 49 units (4%) are currently hot food takeaways. Across the whole of the district centre there are 9 takeaways out of a total of 92 commercial units (10%).
34. Policy PP22 has to be applied on the basis of its wording. In this regards, its clearly expressed intention is to control non-retail uses within the identified centres in the interests of the vitality and viability of these centres. In this respect, there is no part of the policy which seeks to prevent an over concentration of hot food takeaways as a particular use. There is no arbitrary level identified in adopted policy at which such uses are deemed to be harmful. Hot food takeaways are part of the other uses which the Local Plan finds acceptable within the identified centres. There are no policies in the Neighbourhood Plan seeking to restrict hot food takeaways.
35. There are therefore no grounds to resist the scheme on this basis.
36. Paragraph 11 of the Inspectors Report for the allowed appeal at 189 Lower Blandford Road stated;

“I have been provided with no evidence to conclude any material harm to the vitality, viability and diversity of the existing District Centre. Given that the use is identified in the Local Plan as a town centre use, I am satisfied that there would be no conflict with Policies PP22 and PP23 of the Local Plan and the Framework in this regard.”

37. It is evident the proposal will not result in an over-concentration of non-retail uses in the primary shopping frontage, and will comply with Policy PP22. The predominantly retail character of the primary shopping frontage will be preserved. The proposal is considered to accord with the scale and function of the District Centre, would enhance the diversity of uses that are already present and preserve the vitality and viability of the Broadstone District Centre as a whole, in line with the requirements of Policy PP22. The proposal also includes the provision of a new shopfront, which retains an active frontage at ground floor/street level in accordance with Policy PP22.
38. As such, for the all the reasons set out above, the proposal would comply with the provisions of Policy PP22 of the Poole Local Plan.
39. Turning to consider the Broadstone Neighbourhood Plan, Policy BP9 (Encouraging Employment Opportunities in the Central Shopping Area) sets out that:
*“To improve the vitality and vibrancy of the central shopping area shown in Figure 3.6, proposals for main town centre uses will be supported including retail, leisure and office uses in accordance with the following principles:
(i) Proposals for additional floorspace, that generate additional employment opportunities, will be supported
(ii) Proposals for change of use that will result in the loss of employment generating uses on upper floors will be resisted unless it can be demonstrated that full and proper marketing has been undertaken for a period of 12 months, unless otherwise agreed with the planning authority.”*
40. It is noted that the Broadstone Neighbourhood Plan, like the Poole Local Plan, predates the changes to the Use Classes Order in 2020. However, Policy BP9 supports, in principle, the introduction of further ‘main town centre uses’ into the Central Shopping Area in which the site is situated; and it is considered that a hot food takeaway would fall into this category – as discussed in relation to Policy PP22 of the Poole Local Plan.
41. In this instance, having regard to criterion (i) the proposal would not result in the creation of any additional floor space, as it involves a change of use of an existing building; and, having regard to criterion (ii), relates to the ground floor rather than the upper floor of the building. The proposal would generate employment from a use appropriate to the District Centre. The submitted application form indicates that the use of the premises as a takeaway would generate 10 full-time and 15 part-time jobs. The proposal would maintain the vitality of the Broadstone District

Centre and the central shopping area. Overall, it is considered that the proposed change of use of the application premises is therefore compliant with the provisions of Policy PP22 of the Poole Local Plan and Policy BP9 of the Broadstone Neighbourhood Plan.

Impact on the character and appearance of the area

42. Policy BP7 of the Broadstone Neighbourhood Plan supports proposals for new development in the Central Shopping Area which, inter alia, respect the scale, height, mass and grain of development, and harmonise with the architecture of the existing building where alterations or extensions are proposed; create distinctive, legible and well-designed frontages and features to ensure the vitality of the shopping area.
43. Policy PP27 states that development will be permitted if it reflects or enhances local patterns of development and neighbouring buildings, including its materials and detailing and visual impact. The policy sets out that development should be compatible with surrounding uses, create an accessible, safe environment that minimises crime through the layout of the site and positioning of doors and windows on elevations that face onto public or shared areas; and provides attractive public realm.
44. In this case the proposals include the replacement of the existing glazed shopfront with a newer one constructed of aluminium and glazing, retaining views into the premises from the street. The building itself is within a row of identical buildings, and there are no heritage assets in the immediate vicinity. The proposal replaces one modern shopfront with another, and the proposed alterations would respect the appearance of the building and adjacent units.
45. Overall, the proposal would have an acceptable impact on the character of the area in line with Policy PP27 of the Poole Local Plan and Policy BP7 of the Broadstone Neighbourhood Plan.

Impact on the amenity of nearby residents

46. Policy PP27(c) seeks to ensure that development is compatible with surrounding uses and would not result in a harmful amenity for local residents and future occupiers considering matters including noise and emissions. Representations have been received asserting that the proposed use will result in noise and disturbance, created both by customers and delivery vehicles.
47. As discussed above, the site is situated in a primary shopping frontage where such town centre uses are supported. The PSF contains a mixture of uses, including a number of takeaways and restaurants, some of which offer home delivery. As a busy commercial area, a certain level of noise and activity is to be expected and Local Plan policy seeks to focus such uses in these specific areas.

48. For residential uses in such locations, there will be a reasonable expectation of some noise, disturbance and odours, possibly into the evening, given the mix of uses. Ultimately a balance must be struck, but from a planning perspective, the reasonable living conditions of occupiers living above or close to a shopping parade will reflect the location.
49. The application has been considered by the Council's Environmental Health Officer, including the submitted Noise Impact Assessment. The Officer raises no concerns but recommends a condition requiring the installation of the plant and equipment in accordance with the submitted details and that it be retained in such form thereafter. This is covered by condition 5.
50. Concerns have been raised in representations with regard to noise associated with customers and delivery vehicles. There is no evidence to support that this would be evidently different to any of the other existing commercial uses in the parade. It is considered reasonable to limit the operating hours of the use, and a condition included limiting the hours of operation and deliveries to 11pm each day. This is considered to strike a reasonable balance having regard to the amenities of local residents, and the operating hours of other existing takeaways in the local area.
51. The Inspector made the following comments in paragraph 10 of the recent Appeal decision at 189 Lower Blandford Road;

"I have taken into account the concerns of the local community but there is no detailed evidence to suggest that the proposal would, by itself, or together with other similar uses, harm the character of the District Centre, or residential amenity in terms of noise, light or other emissions or result in a harmful concentration of such uses. Moreover, a number of these issues would be addressed by condition including in terms of opening hours, details of extraction equipment and provision of appropriate waste collection facilities."

52. In line with the comments received by the BCP Waste officer; Condition 6 is proposed to require a Waste Management Plan.
53. In conclusion, it is not considered that the proposed use would give rise to any materially harmful impact on the residential amenities of the occupants of nearby flats and dwellings by reason of noise or smells/emissions and is considered consistent with Policy PP27(c).

Impact on Highway Safety

54. Policy PP34 seeks to delivery a safe transport network, whilst reducing the need to travel by directing new developments to accessible locations – e.g. the town centre, district and local centres and along sustainable transport corridors - that

can be reached on foot, cycle or by public transport. Policy PP34 (d) refers to improving the safety, appearance and convenience of travel.

55. Many of the objections relate to highway issues, asserting that there is insufficient parking for delivery vehicles and customers, that customers' vehicles will block an already busy main road and limited rear parking area and that delivery scooters will park on the pavement affecting pedestrian safety. In this case, the site is considered to be sustainably located, being within a district centre with accessibility via a variety of means.
56. In terms of customers visiting the premises by car, it is noted that existing car parking facilities serving the centre will be available to customers as per the remainder of the commercial uses in the centre.
57. In terms of deliveries to the premises and the home delivery of hot food to customers, it is noted that there is a rear service yard and parking area. The Agent has confirmed that the lease includes the use of two parking spaces within this rear service yard and that they would have a right of way of access. In an existing district centre, visitor parking and deliveries are expected as normal activity and even without access to the rear service yard, the use would still be acceptable in this regard.
58. In addition, the Planning Inspector commented in paragraph 13 of the Allowed Appeal decision at 189 Lower Blandford Road;

"The reason for refusal is not explicit in its concerns but it has not indicated specific concerns in relation to highways, parking and deliveries, which has been raised in a number of objections. However, I see no reason why the proposed use would be any different in its requirements and the effect on highways and pedestrians to other existing users within the Centre".

59. The application has been assessed by the Council's Highways Officer, and no objections raised.
60. No overriding harm has been demonstrated in relation to highway safety. The Council's Highway Officer supports the application and it is considered that the proposal meets the requirements of Policy PP34.

Planning Balance

61. The site lies within a District Centre and within a Primary Shopping Frontage where further hot food takeaways and other non-retail uses are supported by Policy PP22(3)(a).

62. The recent Appeal Decision at 189 Lower Blandford Road, dated 17/02/2023 allowing a change of use to hot food take-away within the same District Centre concluded in paragraph 11;

“Given that the use is identified in the Local Plan as a town centre use, I am satisfied that there would be no conflict with Policies PP22 and PP23 of the Local Plan and the Framework in this regard.”

63. It is evident that in refusing a hot food takeaway at No. 189 on the basis that this did not contribute to the vitality and viability and diversity of the centre, the Council's case was not supported. The reasons for this are clearly expressed in the Inspector's decision and can be summarised as follows;

- Hot food takeaways are a use the Local Plan identifies as appropriate in a district centre (para. 7.45)
- The proposal did not result in more than 50% of units being in non-retail use, therefore the proposal is supported by Policy PP22 (3) (a).
- Policy PP22 and the Local Plan as a whole does not seek to prevent concentrations of hot food takeaways.

64. An assessment of the shopping frontage as a whole in relation to this proposal has established that the proposal will not result in an over-concentration of non-retail uses. The scheme thereby complies with Policy PP22. Hot food takeaways are an appropriate use for the identified centres and overall it is considered that the proposal will enhance the vitality, viability and diversity of the shopping area. The new shopfront would also enhance the appearance of the unit, and the contribution it makes to the character of the area.

65. There are therefore evident parallels with the appeal decision at No.189. The appeal decision is in this case a significant material consideration in the determination of this application. The Planning Inspectorate is the higher authority in the planning system and the Council needs to show it has had due regard to the appeal decision in determining this application.

66. Any noise and activity generated would be consistent with existing activity in the centre and there is no evidence that the use would result in a level of impact that would be harmful. It is also considered that satisfactory parking and servicing arrangements exist. Overall, the impacts of the proposed use cannot be readily distinguished from other takeaways operating in the local area, and no objections have been received from either the Council's Environmental Health or Highway Officers. Planning conditions are proposed to control aspects of the use, including its hours of operation.

66. It is concluded that the proposal accords with the policies of the Poole Local Plan and Broadstone Neighbourhood plan when taken as a whole and would achieve

the economic, environmental and social objectives of sustainable development set out in the NPPF and should therefore be recommended for approval.

Background Documents

75. Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.
76. Appeal Ref: APP/V1260/W/22/3307534 - 189 Lower Blandford Road, Broadstone (appended).

RECOMMENDATION

77. **Grant** subject to the following Conditions:

1. GN150 (Time Expiry 3 Years (Standard))
The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. PL01 (Plans Listing)
The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Location Plan – Drg No. DB477-A05 LP received 10/11/2022
Block Site Plan – Drg No. DB477-A5-BP received 25/10/2022
Proposed GF & FF Layout – Drg No. DB477-A504 Rev A received 26/01/2023
Proposed Front & Rear Elevations – Drg No. DB477-A505 received 25/10/2022
Suono Noise Impact Assessment – Report 27CA.RP.1.0 received 25/10/2022
Jasun Filtration PLC – Type 90 Panel Filter specification received 25/10/2022
Flaktwoods – JM560 Extract Fan specification received 25/10/2022
Air Handling Units specification received 25/10/2022
Baffle Grease Filters specification received 25/10/2022

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

3. The materials to be used for the external faces of the development shall be as specified on the approved plans.

Reason: to ensure a satisfactory visual relationship of the new development and that existing and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

4. The use hereby permitted shall not operate and no deliveries shall be taken at or despatched from the site other than between 08:00 - 23:00 hours on any day of the week.

Reason: In the interest of the amenities of adjoining and nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

5. The extraction equipment and ventilation, heating and air conditioning units hereby approved shall be implemented in full and in accordance with the details provided on the approved plans and supportive information prior to the first use of the premises as a hot food takeaway and shall thereafter be maintained in accordance with the manufacturers instructions for the duration of the approved use of the premises as a hot food takeaway.

Reason: In the interest of the amenities of adjoining and nearby residential properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

6. The development hereby permitted shall not be occupied until a Commercial Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of a commercial waste agreement to collect the type(s) of refuse generated by the business activity.

The development shall only be used and operated in accordance with the approved Commercial Refuse Management Plan.

Reason: To ensure that the business/businesses meet/s its/their duty under Environmental Protection Act 1990 (section 34) to have a suitable commercial waste agreement in place in line with the guidance in waste management in buildings — Code of practice BS 5906:2005, to ensure the safe collection of refuse from the site so as not to impact the efficiency of the local highway network nor the safety of its users and in the interests of preserving visual amenities, meeting the needs of all intended occupiers in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes:

1. IN72 (Working with applicants: Approval)

In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals

focused on solutions. The LPA work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

- in this case the application was acceptable as submitted and no modification or further assistance was required.