
Site Address:	2 Market Parade, Havant, PO9 1QE		
Proposal:	Change of use from A2 , to Hot Food Takeaway (Sui Generis).		
Application No:	APP/20/01003	Expiry Date:	11/01/2021
Applicant:	Mr Altunatmaz		
Agent:	Mr Clarke	Case Officer:	Selina Donophy
	PDK Architecture and		
	Surveying		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 This application site is a ground floor retail unit forming a corner plot location where Market Parade meets Elm Lane. It is sited on the eastern side of Market Parade opposite Havant Park. To the north of the site is Havant railway station , to the south is the Meridian Centre and to the south west is Havant bus station.

This unit previously was in use as a foreign exchange , although now remains vacant. At first and second floor level above there are residential units.

Market Parade comprises a variety of uses, including retail and hot food takeaway, although it is noted that there are also vacant units included in the shopping frontage. Market Parade is a one way system with parking restrictions in place.

2 Planning History

06/71896/000 - Change of use from A1 (Travel Agents) to A2 (Estate Agents). , PERM,13/02/2007

07/71896/001 - Display of externally illuminated fascia lettering and internally projecting sign fronting Market Parade and Elm Lane. f, PERM,21/09/2007

07/71896/002 - Installation of cash point machine into existing shop front. , PERM,11/10/2007

APP/15/00651 - Prior notification for change of use of first and second floors from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination. , PAYA,20/10/2015

3 Proposal

Change of use from A2, to Hot Food Takeaway (Sui Generis).

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS4 (
DM10 (Pollution)
DM5 (Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses)

Havant Borough Local Plan (Allocations) July 2014

DM21 (Shopfronts, Signs, Security Shutters and Advertisements)
AL3 (Town, District and Local Centres)

Havant Borough Pre Submission Local Plan 2036

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor D Guest - St Faith's
No comment

Councillor J Branson - St Faiths
No comment

Councillor T Pike - St Faith's
No comment

Environmental Health Manager, Community Group

Observations / Comments:

I refer to the above application under the Town & Country Planning Acts passed to this Service for comment.

I have perused the plans & documentation provided by the applicant and have no objection in principle to this application.

There are neighbouring residential properties adjacent and opposite this site and as such I believe there is potential for noise nuisance especially from any extract units, cold room compressors / condensers, air conditioning units and / or similar such plant. As no noise survey / assessment has been submitted at this time, we have no knowledge of existing background noise levels, and what if any mitigation measures may be required, especially at night.

Furthermore there is the potential for odour nuisance, and as such I also would need to know what measures are intended to be incorporated into the extraction system to mitigate any such nuisance.

On the planning application form it is stated that times of operation are proposed as 11:00 to 01:00 Monday to Sunday inclusive, whereas on the Planning statement, times are given as being similar to other hot food establishments in the vicinity i.e. Monday to Thursday 11:00 to midnight & Friday to Sunday inclusive will be 11:00 to 01:00. This will need to be clarified.

There is also no mention of whether a delivery service to customers will be operated. If this is to take place, clarity will be required as to where the delivery drivers will operate from and until what time will they operate. This aspect may need conditioning.

If the Committee were of a mind to approve this application I would ask that the following conditions and informatives be applied to any consent granted :-

Case officer comment : Please see informatives and conditions - please note opening times have now been changed (please see report below)

Planning Policy, PPUD

Changes to the Use Classes Order

According to the 2020 Use Classes Order, any “relevant planning application” will be determined by reference to the new Use Classes from 1 September 2020 which revokes Use Classes A4 and A5 which would now fall under ‘Sui Generis’.

Principle of Development:

Adopted Local Plan

The site is located within the secondary frontage of the Havant Town Centre as defined by policies CS4 and AL3. Policy AL3 indicates that at least 25% of the units in an unbroken run of secondary frontage (as defined on the Policies Map) should be retained in retail use (A1).

In this particular case, the site lies within a parade of shops to the north of Elm Lane and west of North Street which have a mixed use. The application site itself is an existing A2 existing and therefore the alteration and change of use to an A5 use would not disrupt a run or result in the loss of an A1 use within the town Centre. Indeed, it is noted that Use class sui generis would provide the flexibility for the unit to be occupied as a retail use.

Emerging Local Plan

The site falls within the Market Parade area (see Figure 4) as defined by emerging Policy KP1 (Havant Town Centre). The Market Parade area is identified for leisure uses and high-quality, high-density residential redevelopment. Planning permission within this area will be granted for development that provides main town centre uses with active ground floor frontages an enhance the evening economy.

Significantly, however, Policy C8 of the Pre-Submission Local Plan is of relevance. This policy seeks to restrict A5 uses across the borough to below the current levels in order to support public health objectives. Therefore, it is noted that the change of use to a hot food takeaway would not be supported under emerging policy. However, it is also noted that the policy only be attributed limited weight, but does indicate the direction of travel with the emerging Local Plan.

Noise and Odours

Policies

- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses (Core Strategy) and
- C8 Food, Drink and Entertainment Uses (HBLP)

include provisions regarding the management of noise and odour from food, drink and entertainment uses, which will have to be met. A consultation with Environmental Health has been received requiring further information in relation to operation hours and delivery proposals. A number of recommended conditions and informatives are requested as a result.

Design policies (see below) will also be relevant to the consideration of any such equipment.

Shopfront and Signage

With regard to any changes to the shopfront or signage, the following policies will be relevant considerations:

- CS16 High Quality Design (Core Strategy)
- DM21 Shopfronts, Signs, Security Shutters and Advertisements (Site Allocations)
- E1 High Quality Design (HBLP)

Conclusion:

The key consideration is whether the proposal supports and enhances the vitality and viability of Havant Town Centre. It is noted that the proposal would not result in the loss of a retail unit and the proposal would retain an active ground floor frontage within the town centre.

Significantly, however, there is an emerging restriction of hot food takeaways under emerging Policy C8. Whilst this may only be given limited weight at this stage, the Pre-Submission Local Plan represents the Council's direction of travel. As such, a policy objection would arise on this basis.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
I totally object to yet another fast food outlet in Market Parade. We have 8 places to either eat in or take away food in a short space so we definitely do not need another one. There is also the ongoing saga with the grill shack chimney above the back of their shop which belches out grey smoke foul smelling smoke which covers the back area and the flats and also my garden. The problem with the grill shack has been going on for YEARS now with no resolution and the thought of another food outlet with chimney belching out fumes in the same area is not something that as residents we should have to put up with. Also the smell coming from the grill shack makes it impossible to keep windows open and the thought of another food outlet at the opposite end doing the same will make life intolerable and I think the council now needs to take the residents well-being into account we don't need anymore smoke or fumes.	The issue with fumes/odour pollution has been duly noted. Environmental Health have been consulted in regard to this scheme and conditions will be applied to allow for agreement of the extraction equipment by the LPA before use. This will include an acoustic assessment - agreement of the equipment will ensure this correctly disperses cooking odours.

I am against this planning. I live in Market Parade and feel we have more than enough take away shops in market parade and north street to feed the 5000. The delivery drivers cause enough traffic jams let alone they obuse our private car park .Many an argument has been had! I feel that we as residents of the road get a rum deal, as we are still having to put up with the stench and smoke from 14 (grill shack).Also they encourage rats.They have got worse! ! In my 20yrs of living here since the take aways have increased so have the rats.The drains have been blocked and overflowing into our car park. Again the grease and slime that has blocked them is not due to residents, as I have been told by the water company! !! So definitely NO NOT at all should this be put through.	Please see comments above relating to conditions on equipment. This site has an allocated parking space to the rear allowing use of the car park. Conditions will be applied relating to times of delivery use of the car park which excludes use on sundays , with night time restrictions also. The issue of rodents and drain blockages as a result of waste disposal is not directly a planning matter and provided the rubbish generated by the use is appropriately managed (bin store is provided in the plans) then there is no reason for an increase in rodents.
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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Policy considerations
- (iii) Shopfront design and access
- (iv) Impact upon residential amenity

(i) Principle of development

7.2 The site falls within the defined Havant Town Centre area in a defined Secondary shopping frontage where the principle of development proposals that provide main town centre uses such as takeaways is acceptable, subject to considering the concentration of non-retail uses and other standard development control criteria. This proposal comprises change of use from A2 (Financial and professional services) to a hot food takeaway serving pizza (as specified in the planning statement).

(ii) Policy considerations

7.3 Relevant policies relating to alterations to use change include policies AL3 from the Havant Borough Allocations Plan and Policy CS4 and CS6 from the Havant Borough Local Plan (Core Strategy). Policy CS4 states that the council seeks to support developments that "encourage high quality, mixed-use development in designated centres that retain active ground floor frontages" . Policy CS6 directly focuses on Market Parade as an area for regeneration as a gateway into the town centre from the railway station. Policy AL3 states that at least 25% of the units in an unbroken run of

secondary frontage (as defined on the Policies Map) should be retained in retail use (A1). In this instance this unit falls under Class A2 and therefore does not require a marketing exercise.

7.4 The Policy Team have been consulted in regard to this application and have stated the following :

7.5 *In this particular case, the site lies within a parade of shops to the north of Elm Lane and west of North Street which have a mixed use. The application site itself is an existing A2 existing and therefore the alteration and change of use to an A5 use would not disrupt a run or result in the loss of an A1 use within the town Centre. Indeed, it is noted that Use class sui generis would provide the flexibility for the unit to be occupied as a retail use.*

Significantly, however, Policy C8 of the Pre-Submission Local Plan is of relevance. This policy seeks to restrict A5 uses across the borough to below the current levels in order to support public health objectives. Therefore, it is noted that the change of use to a hot food takeaway would not be supported under emerging policy. However, it is also noted that the policy only be attributed limited weight, but does indicate the direction of travel with the emerging Local Plan.

7.6 The Policy Team have upheld an objection on the basis that this proposal is contrary to Policy C8 of the Emerging Local Plan. Despite this, the emerging plan currently holds only limited weight in light of outstanding objections to it. Coupled with the compliance of the proposal with Havant Borough Council's adopted change of use policies as set out in the adopted Local Plan, in this instance this is not a matter which justifies the refusal of the application at this stage in the emerging Local Plan's development and it is judged that an active use may be more beneficial than an empty unit which could remain so for some time.

(iii) Shopfront design and Access

7.7 No external changes to the building have been proposed under this application and the supporting information has stated that this would be applied for under a separate application were this change of use application to be granted consent. Any alterations to shop front design must accord with Policy DM21 of the allocations plan which specifically relates to the good design of shop frontages. The proposal would see the current empty shop re-used which is considered to be of benefit to the overall visual appearance and function of the street scene.

7.8 It is noted a ventilation/extraction unit would be located to the rear of the site , no further details of this have been provided in terms of size and appearance , details of this are to be approved via condition and any proposal should accord with Policy CS16.

7.9 As discussed below in more detail, deliveries are proposed to take place to the rear of the property, where there is an allocated parking space and there is time restricted on street free parking along Market Parade to allow for takeaway collections and this is how other takaways in the area allow for takeaway collections.

(iv) Impact upon residential amenity

7.10 Policy DM5 is relevant to this aspect of the proposal in terms of the potential impact on neighbour amenity , referencing potential impacts such as increased noise levels, littering, odours and traffic. Although the area ia located within the town centre area,

where some activity and noise is to be expected, the application site is also within very close proximity to residential properties, with flats located directly above the unit. Environmental Health have been consulted in this regard and have stated that there is potential cause for concern regarding the noise and odour impacts from the extraction units. As minimal information has been provided with this application, conditions have been recommended and shall be applied which mean an acoustic assessment, details of odour mitigation equipment and conditioning of the extraction equipment will all need to be provided to, and agreed by the LPA.

- 7.11 The opening times proposed have been altered from those stipulated on the planning statement due to case officer concerns that 1am closing Friday-Sunday is generally later than the closing time of surrounding takeaways and due to the residential nature of the buildings above and surrounding, this has been altered to midnight closing time every night of the week. This would result in opening hours of Monday-Sunday 1100-2400 hours. A condition on deliveries would be applied as recommended by Environmental Health between 0800 and 2000 to avoid for increased noise late at night and this would also prohibit deliveries on Sundays in order to protect residential amenity and reduce noise from the rear car park. It has been specified that takeaway service collection would be ongoing on site during opening hours and that delivery or staff vehicles would park to the rear of the site within the allocated parking space although this could also be used as a delivery collection point for takeaway delivery. A condition will be applied stating that the rear car park is not to be used for vehicles relating to takeaway delivery service after 2300 hours every night so as to reduce activity and related noise to the rear of the site in closer proximity to residents.

8 **Conclusion**

- 8.1 It is considered that the use of the site for a (pizza) hot food takeaway would not result in unacceptable harm to the character and appearance of the area and would accord with Policies CS4 and AL3 of the adopted Local Plan, which at the present time carry greater weight than emerging Policy C6 of the emerging Local Plan. Subject to appropriate conditions the development would also not result in unacceptable harm to neighbour amenity.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/01003

(A) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Change to hours confirmation email received on the 08.01.2020

Kitchen ventilation statement received on the 18.11.2020
001A Location plan/floor plan/rear elevation plans
Delivery information confirmation received on the 15.12.2020

Reason: - To ensure provision of a satisfactory development.

- 3 No development shall take place until an acoustic assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the existing background levels, has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant / engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
Reason: To protect the amenities of nearby residential properties in terms of noise/vibration and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment to be installed, shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
Reason: To ensure that any unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 5 The extraction equipment installed in pursuance to Condition No.4 above shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority and shall not be resumed until the system has been restored to full working order. Documentary evidence including receipts, invoices and copies of any service contracts in connection with the use and maintenance of the extraction equipment, shall be kept and made available for inspection at the premises by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.
Reason: To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected, having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 6 Deliveries to this premises / store shall only be made during the hours of 08:00 to 20:00 Monday-Saturdays and at no other time .
Reason: : To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 7 The premises shall only be open to the public for trade or business between the hours of 1100 hours to 2400 hours Monday-Sunday. No sale or delivery of

pizzas or other hot food shall take place outside these hours.

Reason: To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 The car park to the rear of the site shall not be used by takeaway delivery drivers after the hours of 2300 on any night.

Reason: : To protect the amenities of nearby residential properties and having due regard to policy DM5 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.