

Planning Application Response of Planning Policy

Application No:	APP/20/01003
Site Address:	2 Market Parade, Havant
Development:	Change of use of an Estate Agents (Class A2) to a hot food takeaway (Sui Generis)
Case Officer:	Selina Donophy
Comments by:	Emma Chisnall
Date of Comments:	15th December 2020

Policy Status:

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. The [Pre-submission Havant Borough Local Plan](#) (HBLP) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies are of relevance:

- CS4 and AL3 – Town, District and Local Centres
- DM5 – Control of Class A3, A4 & A5 Food, Drink and Entertainment Uses
- CS16 -High Quality Design
- DM10 – Pollution
- DM14 – Car and Cycle Parking on Development (excluding residential)
- DM21 - Shopfronts, Signs, Security Shutters and Advertisements

In the Pre-submission Plan the following policies are of particular relevance:

- KP1 | Havant Town Centre
- C8 | Food, drink and entertainment uses
- E22 | Amenity and pollution
- IN3 | Transport and parking in new development
- E1 High Quality Design

In addition to the above, the Council published changes to the Pre-Submission Plan which were approved at Full Council on 9 September 2020.

These changes to the Pre-Submission Plan are considered to have limited weight in development. This is because they are intended to address the main issues arising from the Regulation 19 consultation at the beginning of 2019 and indicate the direction of travel of the Local Plan.

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.