

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**PLANNING, DESIGN AND ACCESS STATEMENT SUBMITTED TO
HAVANT BOROUGH COUNCIL**

FOR

**CHANGE OF USE OF EXISTING USE OF GROUND FLOOR PREMISES AS A
LETTING AGENCY (CLASS E) TO HOT FOOD TAKE-AWAY (SUI GENERIS -
HOME DELIVERY SERVICE ALSO TO BE OFFERED) INCLUDING INSERTION
OF KITCHEN PLANT EXTRACT GRILLE INTO EXTERNAL (NORTH-EAST
FACING) ELEVATION**

AT

75b LONDON ROAD, WATERLOOVILLE, HAMPSHIRE, PO7 7EL



1.0 INTRODUCTION

- 1.1 ACHIEVE has been instructed by the applicant to make a planning application for change of use of these ground floor premises to a hot food take-away and the insertion of an extract grille, to be fitted flush to the external wall surface of the side, north-east facing elevation of the premises. As a corporate member of the Royal Town Planning Institute, I have over 34 years' experience as a chartered town planner. I am familiar with the application premises indicated in the photographs above and the character of the surrounding area, which I surveyed on 9 September 2020. I am familiar with the council's policies in the adopted Havant Borough Local Plan and have made some enquiries with both Havant Borough Council and Hampshire County Council (as Highway Authority) before submitting this application.

2.0 THE SITE AND ITS SURROUNDINGS

- 2.1 This is a vacant ground floor premises within a building neighboured by a betting office and oversailed by flats. An estate agents office is the next property to the north, separated from the site by a narrow side way leading to a private parking area. The premises occupy a secondary frontage location within the defined Waterloooville shopping centre on the Proposals map of the Development Plan. This stretch of London Road is also shown as an “*Indicative cross-borough bus rapid transport route*” on the Proposals Map under extant local Plan Policy AL5. More will be said of that later. A survey of uses at ground floor level is reproduced as **Appendix ‘A’** to this statement, carried out on 9 September 2020.
- 2.2 To the rear of the site there is a private car parking area serving the building which the application site forms a part. Occupiers of 75b London Road have use of 2 parking spaces within this area via a rear door, which is accessed via Chapel Lane leading quickly to Swiss Road. Apart from residential use over, uses at ground floor are commercial providing retail goods and services to visiting members of the public as you would expect to see in a shopping centre. On the opposite side of Swiss Road there is a car park which forms part of an Asda supermarket.
- 2.3 The upper part of the building used to be offices but was converted to flats under prior approval reference APP/14/00117. A redundant fire escape, relating to the former office use exists, although its lower part has been removed, as can be seen in the photographs below.



- 2.4 As can be seen above, the rear wall of 75b projects further out than the rear wall of the flats above it.

3.0 **POLICY CONTEXT WHICH HAS INFORMED THE PROPOSALS**

- 3.1 The National Planning Policy Framework (NPPF – February 2019), sets out the Government's clear intention for the planning system to support economic growth to maintain the vitality of town centres (paragraph 85) as the best means of supporting sustainable development (paragraphs 7 and 11, recognising the social benefits this can bring (paragraphs 8 & 80), whilst safeguarding the best of the environment. By the latter, policies have been designed to protect amenity (paragraph 127) and to ensure the safe and efficient operation of the highway network (paragraph 109), coupled with allowing sustainable means of travel, other than the private car (paragraph 110).
- 3.2 The Development Plan for Havant Borough fleshes out this approach and identifies secondary and primary frontages within its defined shopping centres. The application is within a fringe, secondary frontage and currently vacant, making no contribution to the vitality of the shopping centre. The most relevant Policy regarding the principle of the proposed use proving acceptable is AL3 which sets out the following -

“Planning permission will be granted for development proposals that:

- 1. Provide main town centre uses in the town, district and local centres as defined on the Policies Map, and so contribute to their vitality and viability.*
- 2. Promote and enhance the primary shopping areas of the town and district centres.*
- 3. Retain at least 50% of the units in an unbroken run of primary frontage as defined on the Policies Map in retail (A1) use.*
- 4. Retain at least 25% of the units in an unbroken run of secondary frontage as defined on the Policies Map in retail (A1) use.*
- 5. Generate pedestrian activity within the primary shopping area by being open during the day to visiting members of the public.*
- 6. Provide a shopfront within the primary shopping area with a well designed and appropriate display window.*

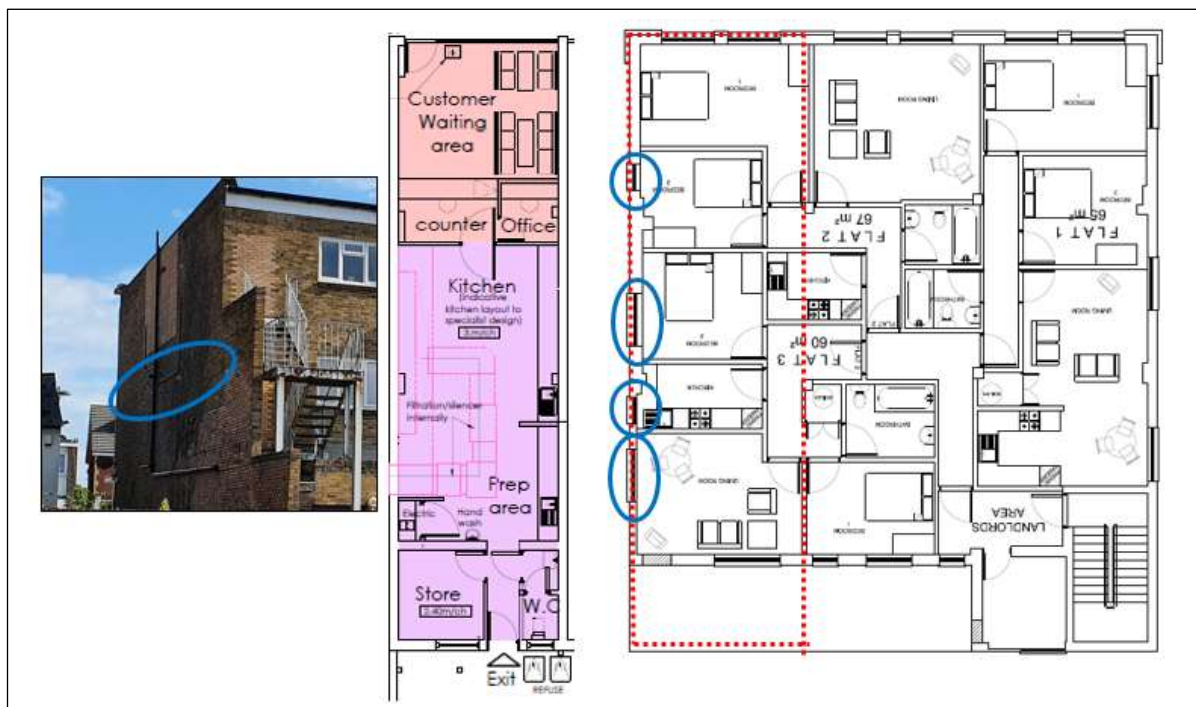
Exceptions to parts (3) and (4) may be made to allow a change of use to non-retail if more than 25% of units in the unbroken run of frontage are vacant at the time of the application.”

- 3.3 Other Policies from the Development Plan considered relevant include –
- CS16 – High quality design;
 - DM5 – Control of Class A3, A4 and A5 food, drink and entertainment uses*;
 - DM10 – Pollution;
 - DM14 – Car and cycle parking on development (non-residential)
 - AL5 (referred to above and discussed later).

* It should be noted that on 1 September 2020, regulations relating to the Town and Country Planning (Use Classes) Order 1987 (as amended) absorbed a number of high street uses, including the former Class A2 into a new Class E, to a second schedule to the Order and deleted those earlier categories from the first schedule.

4.0 HISTORY OF THE PROPERTY AND THE APPLICATION AND INTERPRETATION OF POLICY AL3

- 4.1 Change of use from A1 retail (Self Wire Ltd DIY electrical supplies) to A2 professional and financial services was granted planning permission on 7 September 2011 under Council reference APP/11/01092. Hours of trading have never been restricted at the premises by planning condition. Council records show the premises had been vacant and marketed for over 1 year, with no significant expressions of interest in using the premises as a shop. Since that time, the growth in internet shopping has further lessened interest in secondary trading positions such as this and the Covid 19 pandemic has compounded this problem.
- 4.2 It is uncertain when planning permission for the entire original building was granted, as this is not revealed on the Council on-line records. The building looks as though it may date from the 1950's, possibly earlier.
- 4.3 Prior approval was granted for the conversion of the upper floors of the building to 6 x 2 bed flats on 27 February 2014. The approved first floor plan relative to the proposed ground floor layout in 75b is shown below. A number of windows had been proposed in the flank wall (see blue circles below, but it is clear that these have not been implemented from the photograph below.



5.0 SOME CONCLUSIONS ABOUT THE ACCEPTABILITY OF THE PROPOSED SUI GENERIS HOT FOOD TAKEAWAY USE

- 5.1 In terms of paragraph 7 of the NPPF, the proposals respond to the three strands of sustainable development. It contributes towards the economy and revitalization of this part of the shopping centre, supporting growth, improving customer choice in the community in a highly accessible location and thus sustainable location. Lastly, through good noise insulation measures and careful management the applicant is committed to minimising waste and pollution, thus caring for the environment.
- 5.2 Turning to the interpretation of Policy AL3, the change to national classification of land uses significantly undermines the Policy, because Class A1 no longer exists. However, it is not the applicant's desire to undermine faith in the Council's Development Plan, notwithstanding a lack of any interim Council resolution to adjust the wording of AL3 to instead refer to Class E uses. Rather, it is the applicant's position that the proposed use, which is intended to operate 7 days a week, 11.00 to 23.00 hours (meeting strand 5 of the policy) will make a positive contribution to the vitality and viability of this part of the defined shopping centre. In reality, a non (formerly A1) use already exists at the site, so strand 4 of the policy is not engaged. Notwithstanding that, a survey of uses was undertaken on 9 September 2020 and is reproduced as **Appendix 'A'** to this statement. It shows that on that date, in this run of secondary frontage, 40% were still in retail usage (formerly Class A1, now Class E), exceeding the 25% threshold sought to be retained in such use. Finally a shopfront is being retained and will be clear glazed giving visibility of the customer reception/waiting area. In overall terms therefore, the tests of Policy AL3 would be met if the proposed use were to be permitted.
- 5.3 In terms of amenity, the applicant has commissioned and had designed a visually unobtrusive, acoustically attenuated, efficient kitchen extract system, which is fully detailed in terms of the efficacy of the plant to be used in the submitted particulars. It has been designed to exit the building at just below ceiling level, suspended on anti-vibration mountings, via a grille which will finish flush with the external wall and not project over adjacent land nor obstruct vehicles entering and leaving the small private car park serving Pearson's Estate Agency premises to the north. It is therefore asserted that the relevant tests of Policies CS16, DM5 and DM10 would be met to safeguard amenity for those living over and adjacent to the site.
- 5.4 Two car parking spaces exist to serve use and if required bicycle fixtures could be provided against the back wall of the premises, meeting the requirements of DM14. Convenient public car parking exists close by in Swiss Road.
- 5.5 Lastly, AL5 notionally safeguards a route for bus rapid transport along this part of London Road. Enquiries with the Council, reproduced on the submitted application form indicate that this policy is not being taken forward in the emerging local plan and that no capital budget exists in the Local Transport Plan 3 in relation to its implementation. The proposed use is not considered to prejudice that policy.
- 5.6 In conclusion, the proposed use will positively impact the vitality of the shopping centre and should be supported. If any person reading this statement has any queries or questions, please do not hesitate to contact via the details given below:-

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