

Recommendation: **GRANT PERMISSION**

Havant Borough Pre Submission Local Plan 2036

C8* (Food, drink and entertainment uses)

Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

No Comment.

Councillor M Wilson - Hayling West Ward

No Comment.

Councillor R Raines - Hayling East

No Comment.

Environmental Health Manager, Community Group

Final Comment:

All objections are now removed

Original Comment

Having reviewed the submission I'm sorry to say that the information regarding the proposed equipment and noise is still insufficient. The information simply says that the fan runs at 60dB(A) but it doesn't whether it is an Leq and at what distance and where it has been measured.

For example, Is this noise level measured at the outlet of the system once installed or at a 1 m distance from one of the fans in operation in testing in a factory, or is it a predicted sound power level (I'm assuming not as it's A weighted). It is too vague to be helpful. We would like to see some frequency analysis of the fans and advice from a specialist acoustician/manufacture / installer to determine whether there is any tonal element to the noise, whether is a need for a silencer within the system and whether it will have any impact on neighbours once in operation.

What would be the typical operating hours of the system - would it match the opening hours or be working when the shop is not open to allow for food prep/cleaning etc? So in essence I am still minded to refuse the application due to lack of information.

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
I understand it's going to be a jacket potato shop which I have no problem with but my concern is if it gets the change of use on the premises and the jacket potato shop does not work out. It then has hot food licence and then could effect mine and other businesses on Hayling Island and in my opinion we have enough take aways on the island.	The application has been re-advertised as Change of use from Class E (a) Retail to mixed use incorporating Retail and Hot Food Takeaway (Sui Generis). Therefore, it is not solely from a Takeaway business. Competition with other hot food establishments is not a material planning consideration.

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) Impact upon residential amenity

(i) Principle of development

7.2 The site falls within the urban area and within the defined Hayling Island Primary shopping frontage, where there is a presumption in favour of development.

7.3 The proposal is for a mixed use incorporating retail and hot food, with the majority of the use to remain retail ie 73%. Policy CS4 "encourage high quality, mixed-use development in designated centres that retain active ground floor frontages" The unit would retain an active ground floor frontage, which is currently vacant. The Local Planning Authority (LPA) is aware of the ongoing challenges facing the high street, with retailing particularly suffering. This has been exacerbated by the current pandemic. Therefore the LPA is keen to ensure that units within shopping frontage are occupied which provide a service to the local community, as well as visitors to the area. The intention is to source from local supplies, businesses and local charities for retail stock and produce and for hot food sales. The mixed use of the unit would be a benefit to the local community. Policy DM2 normally requires marketing information to support the loss of retail and/or community use when applying for a change of use application. As there would only be a partial loss of retail, it is considered on balance, that a marketing report is not necessary in this particular case. A condition regarding the use of the unit has been recommended to the permission.

7.4 The unit is located on a primary shopping frontage, with currently does not benefit from any specific car parking. That said, there is on street parking to the front of the unit and public car parks nearby servicing the District Centre.

7.5 Within the emerging Havant Local Plan 2036 Policy C8 restricts planning permission for a new, expansion of existing, or change of use of premises to hot food takeaways will only be granted if it is in the designated town, district, or local centre and does not result in more than 0.74 takeaway units per 1,000 population in the borough. As the emerging Local Plan has not been adopted yet it still currently has limited weight.

(iv) Impact upon residential amenity

- 7.6 There is residential accommodation above this unit and the unit block. 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. As to how the hot food would be prepared, there would be no gas appliance or even supply to the building so there is no necessity for a flue. The hob and oven is electric as is the cooker hood which is a recirculating system, so no extract is necessary. The cooker hood will be the same as used in a domestic property. Environmental Health has been consulted in this regard and following additional information now raise no objection. Therefore, the proposal would not adversely impact on residential amenity having regard to Policy DM5 of the Local Plan Core Strategy (2011).
- 7.7 The operation hours for the unit would match other food outlets within the immediate area ie 31 Elm Grove, which would be the subject of a condition. This would accord with Policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

8 Conclusion

- 8.1 It is considered that the use of the site for a mixed use incorporating retail and hot food takeaway (Sui Generis) would not result in unacceptable harm to the character and appearance of the area or residential amenity and would accord with adopted Local Plan policy and conditional planning permission is recommended.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00930

- 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:

Location Plan
Block Plan
Existing and Proposed Floor Plans
Statement
Rear Elevation Photo 1
Rear Elevation Photo 2

Reason: - To ensure provision of a satisfactory development.

- 3 The ground floor unit shall only be open for trade or business to the public between the hours of 08:00 and 23:00 on Mondays to Saturdays and between

09:00 and 22:30 on Sundays and Bank Holidays.

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

- 4 The proposed change of use must accord with the percentages and details set out in the email dated 10/03/2021 unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development continues to provide a retail ground floor frontage along an area identified as a primary shopping frontage, according with policy CS4 of the Havant Borough Core Strategy (2011).