

Planning Policy Comments

Application No	APP/20/00316
Address	Imperial Palace, 37 Belmont Grove, Havant, PO9 3PT
Development	Change of use Class A3 (restaurant) to Class A1 (foodstore) with single storey side extensions and alteration to access
Case Officer	Lesley Wells
Comments By	Emma Chisnall
Date of Comments	29th June 2020

Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The [Pre-submission Havant Borough Local Plan 2036](#) (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies in the adopted Local Plan are of particular relevance:

- DM5 - Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses
- DM10- Pollution
- DM14 – Car and Cycle Parking on Development (excluding residential)
- DM19- Small Shops outside Town, District and Local Centres

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

- C8 - Food, Drink and Entertainment uses
- C6 – Local centre, local shops and services
- E22 - Amenity and pollution

Principle of Development

The application site lies outside of any town or local centre as defined by Policies CS4 and AL3 in the Adopted Local Plan, and Policy C6 in the Pre-Submission Local Plan.

The unit has been currently occupied for A3 purposes which in itself is a town centre use. The proposed increase in floorspace would result in a net sales area of 235 sq m including the proposed extension. In such cases, it is noted that Policy DM19 is of relevance which indicates that a sequential test is required where the net sales area is more than 150 square metres. Paragraph 9.07 of the supporting text indicates that the floorspace limit accords with the permitted development rights set by the government in 2013.

It is noted that Policy C6 in the emerging Local Plan also sets a floorspace limit for main town centre uses outside of designated town centres, but notes that proposals for A1 retail shops where the net sales area is less than 280 sq. m will be exempt from the sequential test requirement. Whilst the emerging Local Plan can only be afforded limited weight at this stage, it is noted that the floorspace limit has been established in accordance with the Sunday Trading Act 1994 (as amended). It is also noted that this is more up-to-date than the position set out by the Adopted Local Plan.

Furthermore, it is noted that the proposed A1 use could be implemented here under permitted development rights.

Parking

Parking Standards are set on the Council Parking SPD for food and drink establishments and for A1 uses. The standard is lower for A1 retail than for food and drink uses so it is considered that, it is likely to be sufficient for the A1 use.

However, it is noted that the proposed works include an extension to the site increasing the floorspace by approx. 99sqm, and there may be an increased parking requirement. Highways will be able to provide further advice on this matter.

Noise and Odours

With the alteration of the use from A3 to A1 the impacts to noise and odours is likely to be reduced but will be need to be assessed in relation to the A1 use. Policies

- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses (Core Strategy),
- DM10 Pollution (Core Strategy) and
- C8 Food, Drink and Entertainment Uses (HBLP 2036)

include provisions regarding the management of noise and odour from food and drink uses, which will have to be met. It is noted that Environmental Health have advised the imposition of conditions accordingly.

Shopfront and Signage

It is noted that the applicant proposes changes to the external elevation but it is intended that this is the subject of a separate planning application. The following policies will be of relevance:

- CS16 High Quality Design (Core Strategy)
- DM21 Shopfronts, Signs, Security Shutters and Advertisements (Site Allocations)
- E1 High Quality Design (HBLP2036)

Conclusion

As the proposal would result in a net sales area of 235 square metres, it is noted that Policy DM19 is of relevance. It is noted the policy indicates a floorspace limit of 150 square metres without the need to undertake a sequential test. However, it is also noted that emerging Policy C6 sets a higher floorspace limit of 280 sq. m, below which proposals are not considered to have an impact on the viability and viability of the Borough's designated centres. Furthermore, it is noted that the proposed change of use could be carried out under permitted development rights.