

Planning Policy Comments

Application No	APP/19/00371
Address	14 Market Parade, Havant Town Centre
Development	Change of use from A1 to A3/A5 (retrospective)
Case Officer	EC
Comments By	JB
Date of Comments	3 May 2019

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:

- CS4 and AL3 - Town, District and Local Centres
- DM5 - Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses

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

- KP1 – Havant Town Centre
- C8 - Food, Drink and Entertainment uses

Town Centre Policies

Adopted Local Plan:

This site falls within Havant Town Centre as defined by Policies CS4 and AL3. These policies seek to promote main town centre uses, in particular A1 retail shops, in order to protect and enhance the vitality and viability of the borough's town centres.

The application site lies within the secondary frontage of the town centre. The proposed change of use is from an A1 shop to an A3/A5 café/restaurant. Therefore, criterion 4 of Policy AL3 is of particular relevance, as it seeks to retain at least 25% of the units in an unbroken run of secondary frontage in A1 retail use. A site visit would be needed to establish whether this criterion is met.

Emerging Local Plan (HBLP2036):

The Pre-Submission Havant Borough Local Plan 2036 is a material consideration in the determination of the application. Under the emerging Local Plan, the site remains within the Havant Town Centre as defined by policy KP1. That policy introduces greater flexibility regarding the loss of A1 units in Market Parade, with main town centre uses (which include A3/A5 uses), which enhance the evening economy and have active frontage supported. I consider that the proposed use is such a use, and therefore in compliance with emerging policy.

However, policy C8 of the Pre-Submission Local Plan 2036 would also apply, which seeks to restrict A5 uses across the borough to below the current levels in order to meet public health objectives. The A5 element would therefore not be supported under emerging policy.

Emerging policy can only be given limited weight at this time.

It may also be considered relevant that this use was permitted and implemented in 2015, before the emergence of this policy, and that the reason for the invalid earlier permission is related to detailed extraction equipment, rather than the principle of this use.

Noise and Odours

I note the application includes provision of an extraction duct. Policies

- DM5 Control of Class A3, A4 and A5 Food, Drink and Entertainment Uses (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. Design policies (see below) will also be relevant to the consideration of any such equipment.

Shopfront and Signage

I can see no information in the application indicating changes to the shopfront or signage, but if these are proposed, policies

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

will be relevant considerations.

Conclusion

Usually, in policy terms, the key consideration in change of use applications is whether the proposal supports and enhances the vitality and viability of Havant Town Centre, providing the types of uses envisaged by town centres policies, and in this case, those governing food and drink uses.

It is acknowledged that this change of use has previously been permitted and implemented, and this is a re-application caused by non-compliance with a condition on the earlier permission. In the meantime, the policy position has changed, with the emerging HBLP2036 now carrying some, if limited, weight. That plan supports a wide variety of town centre uses in Market Parade, but under policy C8, calls into question the earlier support for the A5 use.

That being said, I consider it relevant that the use was accepted through a permission and implemented, albeit in breach of a condition relating the extraction equipment, in advance of the emergence of that policy.